STATE OF NEW HAMPSHIRE, DEPARTMENT OF ADMINISTRATIVE SERVICES

# Request for Proposals (RFP) For Energy Performance Contracting Services

**For: (28) Facilities in Concord, NH RFP#2015-176, Issue Date: June 12, 2015**

The State of New Hampshire, through the Department of Administrative Services, Division of Plant and Property Management seeks proposals, pursuant to RSA 21-I:19 – a-e, from qualified Energy Services Companies (ESCOs) to implement energy and resource conservation measures at (28) state-owned facilities in the city of Concord, NH. The State of New Hampshire intends to select an ESCO to conduct an Investment Grade Audit (IGA) of the Concord, NH-based facilities listed in Appendix A with the option to implement an Energy Performance Contract with a construction phase and post-construction service phase.

Proposers will evaluate a subset of (7) representative buildings specified in this RFP (listed in Attachment A). Based on the evaluation of the 7-building proposals, the State may select an ESCO to perform an IGA of all 28 buildings.

The State of New Hampshire may cancel this RFP, or may reject in whole or in part any and all Proposals if the State determines that cancellation or rejection is in its best interest.

**Projected Schedule of Events:**

| | |
|---|---|
| Notification and Issuance of RFP | June 12, 2015 |
| Pre-Proposal Conference and Site Visit | June 25, 2015 |
| Deadline for Proposer Questions | July 14, 2015 |
| Responses to Proposer's Questions | July 21, 2015 |
| Proposal Deadline | August 26, 2015 at 12:00 NOON |

**Proposals must be received no later than August 26, 2015 at 12:00 NOON submitted to:**

Karen L. Rantamaki
NH Department of Administrative Services
State House Annex, 25 Capitol Street, Room 102
Concord, NH 03301-6312.

The State will return late proposals unopened.

**Pre-Proposal Conference and Site Visit: June 25, 2015 - attendance is optional**.
Please contact Karen L. Rantamaki, 1-603-271-2698 prior to June 24, 2015 to reserve a place at the pre-proposal conference.

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# 1. Definition of Terms

## 1.1. Definitions:

- *Agreement* – The Guaranteed Energy Savings Performance Contract, including all appendices and exhibits, amendments and supplements, and the accepted Investment Grade Audit (IGA).
- *Agreement Price* – The total construction phase cost of Energy Conservation Measures (ECMs) including Bureau of Public Works fees and M&V costs for which bank financing will be secured.
- *Baseline Energy Use* – A calculation of energy use of a building or piece of equipment for the specified period of fiscal year 2014 that is used to project energy use had the project not been implemented. It is calculated by taking the energy consumption for a similar period prior to Project implementation (as agreed in the energy use history) and adjusting it to reflect changes for agreed upon variables, such as degree days, occupancy, and building use.
- *Business Day* – A business day shall mean Monday through Friday, exclusive of state and federal legal holidays.
- *Commissioning Report* – The report provided by the Contractor to the State after installation of an ECM to verify that the specified equipment has been properly installed, is functioning properly, and with proper maintenance and operation has the potential to generate the predicted energy unit savings.
- *Contract Bond* – A Payment and Performance Bond - Insurance to be carried by the Contractor during the entire construction phase. The Contract Bond shall comply with RSA 447:16 and be executed by the Contractor and their Surety or Sureties, guaranteeing complete execution of the contract and all supplemental agreements pertaining thereto including the payment of all legal debts pertaining to the Total Project.
- *Contract Price* – Agreement price + total grants and rebates.
- *Contractor* – The Energy Services Company that is a Proposer to the Request for Proposal.
- *Energy Conservation Measures (ECM)* – Each and all of the new devices or systems; or modifications of existing systems; or revised procedures for facility operation; furnished, installed, and/or implemented by the Contractor for the purpose of reducing energy use and achieving the Guaranteed Energy Savings.
- *Guaranteed Energy Savings Performance Contract (GESPC)* – The Agreement between the Contractor and State to implement Energy Conservation Measures (ECMs). A program of services, including Investment Grade Audits and building maintenance and financing services, primarily intended to reduce the cost of energy and water in operating buildings, which may be paid for, in whole, by cost savings attributable to a reduction in energy and water consumption that result from such services. The GESPC contract may extend for a period not to exceed twenty years. The allowable length of the contract may also reflect the useful life of the cost savings measures.
- *Group ID* – The aggregation of facilities in to groups for internal (to the State) accounting purposes. Payback periods with finance costs included must be 20 years or under at the Group ID level.
- *Guaranteed Energy Savings* – A guaranteed (by the Contractor) measured reduction in the units of fuel, energy, and water based on baseline energy cost assumptions.

- *Investment Grade Audit* – An audit of existing energy systems of a facility for the purpose of proposing ECMs and verifying that the proposed ECMs have the potential to generate energy savings and meet the financial requirements within the specified contract term.
- *Measurement and Verification (M&V)* – The process of monitoring and measuring the energy consumption of a facility or specific equipment or systems, before and after implementation project completion, to determine if guaranteed or predicted energy savings are being realized.
- *Operations and Maintenance (O&M)* – The process of operating and maintaining newly installed energy saving equipment and recently modified existing equipment. The O&M plan should delineate responsibilities of the Contractor versus those handled by the State.
- *Plans* – The graphic and pictorial documents or reproductions which show the location, character, dimensions, and details of the prescribed work.
- *Project* – The energy and cost reduction program contemplated by this Request for Proposal.
- *Project Acceptance* – The written Certificate of Final Completion and Acceptance as issued by the State to the Contractor that it has accepted the Project as complete and installed in accordance with the design, equipment, implementation and commissioning standards as set forth in the performance contract.
- *Project Schedule* – A chart that depicts project duration and major milestones.
- *Request for Proposals (RFP)* – A written document issued by the State of New Hampshire that invites potential responders (Energy Services Companies) to submit proposals outlining their qualifications to perform the Energy Management Services for the State, a cost proposal, and other information as required.
- *Schedule of Values* – Provides the total turnkey price for each ECM and the estimated draw schedule for payments to be made by the State to a contractor during the construction phase of the Energy Performance Contract.
- *Specifications* – Information that consists of written requirements for material, equipment, construction systems, standards and workmanship, and other documents or reports as applicable.
- *Standards of Service and Comfort* – Sets the minimum temperature, humidity, or other heating, cooling and ventilation requirements.
- *State* – The State of New Hampshire.
- *Third Party Financing* – Project financing provided to the State by an independent financial institution.
- *Total Project Cost* – Agreement Price + Estimated Financing + Estimated Grants and Rebates. All costs associated with the development and implementation of an Energy Savings Performance Contract, including, but not limited to: Investment Grade Audit; ECM design, procurement and installation; payment and performance bonds and insurance; interest charges; training of facility staff; NH Bureau of Public Works Design and Construction Project Oversight; Measurement and Verification; maintenance and service; project management; and contractor overhead and profit.

# 2. Overview and Background

## 2.1. Statement of Purpose and Authority

The State of New Hampshire, Department of Administrative Services, Division of Plant & Property Management hereinafter referred to as **The State** seeks proposals, pursuant to RSA 21-I:19 a-e, from qualified Energy Services Companies [**The Contractor, The Proposer**] to conduct an Investment Grade Audit (IGA) of certain Concord New Hampshire - based facilities identified in *Appendix A – Facility Data and Information* and to implement a Guaranteed Energy Savings Performance Contract.

The proposed project is governed under New Hampshire statutes 21-I:19 a-e. As required in New Hampshire RSA 21-I:19-d (f) – "Any energy performance contract should require the contractor to include all energy efficiency improvements in selected buildings that are calculated to recover all costs within 20 years from the date of project implementation at existing energy prices. The contract shall require that the public utility or energy services provider be repaid only to the extent of energy cost savings guaranteed by the contractor to accrue over the term of the contract."

Proposers shall evaluate a subset of 7 facilities, specified herein, that represent the type of measures that will be found in the entire set of 28 buildings. Once a Contractor has been selected, the ensuing Investment Grade Audit will be for the entire set of 28 buildings listed in this RFP. The State is interested in contracting for a full-range of Energy Conservation Measures (ECMs) that first maximize reductions in energy use and cost, but also encourage fossil-fuel reductions over time. The State requires the final IGA to include 10% of the **capacity** (measured in Btus) of new heating plants to be fired with non-fossil fuel sources (for example, if 3 new boilers are proposed: a 500 MMBtu boiler, a 400 MMBtu boiler and a 100 MMBtu boiler – using a 100 MMBtu biomass boiler would meet this requirement). Proposals shall at a minimum include improvements associated with the following energy savings categories:

- Building Automated Control Systems
- Building Envelope
- Domestic Hot Water Systems
- Electric Distribution System and Transformers
- Equipment e.g. Compressors
- Heating, Ventilation and Air Conditioning
- Lighting Systems and Controls, including exterior lighting
- Plug-Load Control
- Premium Efficiency Motors and Variable Frequency Drives
- Renewable Energy
- Water Conservation
- Additional Measures

**All proposals shall include complete fuel switching from Concord Steam to other heating sources.** Further, services are desired that would not reduce consumption *per se* but are aimed at cost savings, such as fuel switching e.g. to natural gas boilers in place of contracted steam and/or to renewable sources, demand reductions, or rate class switching.

### 2.2. Scope of Work

The Guaranteed Energy Savings Performance Contract project has three phases:

*2.2.1. Phase I – Investment Grade Audit*

A contract for an Investment Grade Audit (IGA) will be developed with the selected Contractor and is subject to Governor and Executive Council approval. The IGA will identify all feasible energy conservation, load management, and renewable resource options with benefits exceeding all related costs over the contract term. Options must be able to improve energy performance, in terms of reduced consumption, and comply with applicable ASHRAE standards while maintaining existing equipment performance and reliability.

The Contractor shall furnish a written report of its findings, including a list of proposed Energy Conservation Measures [ECMs]. Each ECM must include the following information:

- Project scope
- Project economics – project cost, savings and cash-flow over the proposed financing term. The Contractor must ensure that ECMs provide a net neutral or positive cash flow and meet the investment criteria set by the State. Measures grouped at the Group ID and Project total levels must meet a 20-year payback.
- Proposed project measurement and verification plan.
- Available rebates, tax credits, and grants that are applicable for the procurement and implementation of energy and resource efficient equipment through utility companies, equipment manufacturers and distributors. These rebates, tax credits and grants should be noted for each ECM in section 4.4.1 as part of the detailed description of an ECM but shall **NOT** be used to reduce individual ECM project costs and shall **NOT** be included in the determination of payback periods since they cannot be guaranteed by the ESCO at this stage.

A payback period of 20-years or less must be achieved for ECMs at the aggregated State "Group" level as shown in Appendix A – Facility Data and Information, as-well-as for the project as a whole. The payback period is calculated by dividing the sum of ECM Costs plus financing costs by the annual net reductions.

*2.2.2. Phase II – Project Contract, Construction, Commissioning, and Financing Phase*

An Energy Savings Performance Contract may be negotiated following the IGA and is subject to Governor and Executive Council approval. The contract establishes the project scope and costs, and provides for construction-related activities such as: design, acquisition, installation, modification, and commissioning as-well-as the follow-up services to be provided during the financing term. A separate financing agreement will be developed.

To support the Project contract development process the Contractor will:

- Provide a final version of Form E-2 which is a Summary of Proposed Energy Conservation Measures and their individual and aggregated costs, proposed dollar and energy net reduction guarantees, and payback periods. Potential rebates and incentives can be noted by ECM but should not be included in the cost or payback period calculations. All

differences between the Form E-2 submitted as part of the proposal and the Form E-2 submitted with the IGA must be explained in writing by the Contractor.

- Provide a detailed construction schedule that identifies the total project duration and the major milestones for the implementation of ECMs.
- Provide schematic drawings, site plans and written specifications as required for the construction of new boiler plants/additions. Note: All engineering plans and specifications of this nature must be approved at their 50% stage by the State Bureau of Publics Works prior to the finalization of the GESPC contract.
- Itemize cost details by ECM for the following cost categories:
  - M&V
  - ECM Development and IGA costs
  - Detailed Engineering
  - Project/Construction Management
  - Commissioning
  - Training
  - Overhead
  - Profit
  - Bonding
  - Other Costs
  - NH Bureau of Public Works Design and Construction Project Oversight (the total dollar amount to include will be provided by the State in discussion with the Contractor)
- Provide a Schedule of Values that itemizes the proposed monthly draws by ECM.
- Provide a summary of the Operation and Maintenance Service (O&M) responsibilities for the State and the Contractor during the service phase of this project.

Once the Project contract is approved by the Governor and Executive Council a pre-construction meeting will be scheduled by the State with the Contractor within 15 Business Days to agree on communications, rules, procedures, schedules, Contractor payments, and all other such matters that pertain to the implementation of the Energy Conservation Measures.

A Commissioning Report is provided by the Contractor to the State after installation of an individual ECM to verify that the specified equipment has been properly installed, is functioning properly, and with proper maintenance and operation has the potential to generate the predicted energy unit savings.

When all Project construction work is complete a written Certificate of Final Completion and Acceptance as issued by the State to the Contractor that it has accepted the Project as complete and installed in accordance with the design, equipment, implementation and commissioning standards as set forth in the performance contract.

*2.2.3. Phase III - Post-Construction M&V and O&M Phases*

After construction, the Contractor will offer a variety of services to ensure savings are met, such as: measurement and verification [a savings guarantee]; operation, maintenance and repair; and, training in the operation, maintenance and repair of existing and new equipment.

Specifically, the Contractor shall:

- Develop and implement a Measurement and Verification (M&V) plan in accordance with concepts and definitions in the International Performance Measurement and Verification Protocol (IPMVP).

  Post-installation energy use will be based, in part, on initial performance verification by the Contractor and the State that the proper equipment/systems were installed, are operating correctly, and have the potential to generate the potential savings. Verification methods may include visual inspections, spot or short-term metering, and engineering calculations.

  The Contractor and the State, at least annually, will verify that the installed equipment/systems have been properly maintained, continue to operate correctly, and continue to generate the guaranteed savings.

- Develop an Operations and Maintenance (O&M) plan. The Contractor will provide operations, maintenance, repairs, and training for contractor-installed equipment, or state-owned equipment that has been modified, for the term of the agreement. At a minimum, training is required at or just prior to acceptance and just prior to the end of the contract term. The Contractor at its sole expense shall be responsible for periodic inspections, tests, adjustments, and measurement and verification required for sustaining and/or restoring energy systems to as-designed performance and performance requirements of the contract. The Contractor shall provide operations and maintenance training and manuals for the State facility staff.

- State maintenance staffs are prepared to be trained to conduct routine maintenance including belt and filter changes, single lamp replacements at standard ceiling height, minor cleaning, minor lubrication, simple program changes to controls, etc. on equipment. The Contractor is responsible for working with the State to finalize a maintenance plan that works for the State and its staff. The plan will be well documented to indicate which party is responsible for each item.

Circumstances arise occasionally during the RFP process and project development, such as new buildings coming on-line, which make it necessary to modify the scope of work for a performance contracting project. Therefore, the State reserves the right to adjust the project's scope of work at any time to provide for a twenty year or less payback and to maximize the energy cost savings of the project. The scope of work may be expanded to accommodate additional buildings and ECMs, or reduced to fewer buildings and other modifications if the State determines it is in the best interest of the State. Additionally, the State may specify a modified scope and duration for Measurement and Verification.

### 2.3. Financing

The State intends to finance projects resulting from the RFP via a Third Party lease agreement. For purposes of considering the State's Third Party lease agreements, use the following financial information:

- Rate: 3%
- Lease Term: Not to exceed 20 years
- Number of Payments to Lender One per year
- Contractor Payments: Monthly in arrears
- Advance Payments to Contractor: None

Projects implemented through contracts resulting from this RFP will be conducted as guaranteed savings energy performance contracts with contractor payments specified in a fixed payment schedule (Schedule of Values). Energy performance must be guaranteed to equal or exceed the costs of implementing the project. No contract shall exceed 20 years in duration. All contracts are subject to annual appropriations.

### 2.4. General Description of Facilities

The State buildings and operations for which Energy Management Services are requested are listed in Appendix A, Facility Data and Information. These (28) facilities total approximately 1,326,868 square feet and had an average annual utility bill (including steam, electricity, natural gas, water and sewer) of $3,468,342 based on fiscal years 2013 and 2014. The seven facilities to be evaluated during the proposal phase total approximately 639,974 square feet and had an average annual utility bill (including steam, electricity, natural gas, water and sewer) of $1,709,263 based on fiscal years 2013 and 2014. **Please use fiscal year 2014 as the baseline for all energy calculations.** Appendix A of this RFP offers pertinent utility data and information that can be used by the proposers to judge the economic viability of the project. Appendix A also includes information on required facility and equipment performance and standards of service.

## 3. Request for Proposal Submission and Selection Process

### 3.1. General Terms of the RFP

#### *3.1.1. Proposal Ownership*

All submittals shall become the property of the State of New Hampshire and will not be returned.

#### *3.1.2. Modification or Withdrawal of Proposals*

Any proposal may be withdrawn or modified by written request of the Contractor, provided such request is received by the State at the above address prior to the due date for proposals.

#### *3.1.3. Late Proposal Submittals*

Late submittals shall not be evaluated.

#### *3.1.4. Proposal Rejections*

The State reserves the right to reject any or all proposals on the basis of being unresponsive to these guidelines or for failure to disclose requested information.

*3.1.5. Proposal Confidentiality*

Marking of the entire proposal or entire sections of the proposal (e.g. pricing) as confidential will neither be accepted nor honored. Refer to section 4.2.2 of this RFP for further details.

*3.1.6. Proposal Submission and Selection Costs*

The State shall not be liable for any costs incurred by respondents in the preparation of submittals and proposals nor in costs related to any element of the selection and contract negotiation process including site visits, presentations, and preliminary engineering analysis.

*3.1.7. Communications Regarding this RFP*

Questions and requests for clarification on this Request for Proposals must be submitted *in writing* (via mail, hand-delivery or email) following the instructions posted in the Notice. No verbal inquiries will be addressed. Communications should be sent to Karen Rantamaki at Karen.rantamaki@nh.gov, or delivered to Karen Rantamaki, State Energy Manager, 25 Capitol Street, Room 113, Concord, NH 03301.

*3.1.8. Modification of the RFP*

The State may modify, or provide clarifications to the RFP prior to the date and time fixed for submission of proposals by issuance of an addendum posted to the Purchase and Property website, http://admin.state.nh.us/purchasing/. Addenda will be clearly marked as such. Failure of any qualified proposer to receive an addendum shall not relieve such proposer from any obligation under this RFP or obligate the State in any way. All addenda so issued shall become part of this RFP. No one is authorized to amend this RFP by oral communication. The Proposer shall include signed copies of all addenda with their proposals.

*3.1.9. Disposition of Proposals*

All proposals shall become the property of the State and will be returned only at the State's option and the proposer's expense. In any event, one copy of each proposal will be retained for the State's official files.

*3.1.10. Right to Reject Proposals*

This RFP does not commit the State to award a contract. The State reserves the right to reject any and all proposals, to waive any informalities in any proposal received in response to this RFP, and to re-solicit proposals in the event that no proposal is acceptable. The State also reserves the right to cancel any RFP before the contract is awarded on behalf of the State.

*3.1.11. Disqualification of Proposers*

Any one or more of the following causes shall be considered as sufficient for the disqualification of a proposer:

- Evidence of collusion among proposers.

- Lack of responsibility, including, but not limited to, amounts due to clients on existing contracts, existing or previous contracts in litigation, or defaults on a previous contract.
- Delivery of proposals after the deadline.
- Failure to follow directions and instruction in the RFP.
- Placing conditions, limitations, or restrictions on the proposal.

### 3.2. Request for Proposal (RFP) Submittal Format and Instructions

*3.2.1. Preparation of Proposals*

The Proposer's offer shall be submitted in the format described in Section 4.1.3 of this RFP. All information required in the proposal shall be completed in accordance with the instructions therein. The State reserves the right to waive minor deficiencies and informalities in the proposals, if, in its sole judgment, the best interests of the State will be served. The State reserves the right to make written requests for additional information from Proposers to assist in understanding or clarifying any proposal. The State may request additional documentation on construction implementation costs, savings guarantees, or calculation assumptions.

*3.2.2. Submitting Proposals*

Proposers shall submit an electronic copy (on a CD), an original hardcopy, and five other hardcopies of their proposal clearly marked as "Original" and "Copy__ of Five Copies". The original must be signed by a person with the authority to commit the proposer and will take precedence over the electronic version and the copies should there be any discrepancies. The outer container for the proposal must be clearly marked **"Performance Contract for the State of New Hampshire as Managed by the Department of Administrative Services, Division of Plant and Property Management for (28) Facilities in Concord NH - RFP #2015-176".**

Proposals received prior to the due date will be held unopened; late proposals will be rejected. Proposals that do not comply with these requirements will not be considered. The official time shall be that recorded at the Bureau of Purchase and Property, NH Department of Administrative Services, 25 Capitol Street, Concord, NH 03301. No proposal will be accepted after the specified time. All these conditions apply regardless of whether a proposal is mailed or hand delivered. Proposals must be submitted in the format required by this RFP.

*3.2.3. Proposal Delivery Instructions*

Deliver proposals to:

**State of New Hampshire**
**Department of Administrative Services**
**State House Annex**
**25 Capitol Street, Room 102, Concord, NH 03301-6312**
**Attn: Ms. Karen L. Rantamaki, Administrator, State Energy Management**
**No later than: August 26, 2015 at 12 NOON**

NOTE: Proposals must be submitted by or before the proposal deadline date and time listed above. Proposals submitted after this deadline will be rejected and returned to their sender unopened.

*3.2.4. Period of Irrevocability*

A proposal submitted to the State in response to this RFP must be irrevocable by the proposer for a period of one hundred eight (180) days from the RFP closing date.

**3.3. RFP Selection Process**

*3.3.1. Pre-Proposal Conference and Site Visit*

An optional pre-proposal conference and escorted site visit of selected facilities will be held prior to the proposal due date. The conference and site visit is optional for all Contractors who will later submit a proposal. The purpose of the pre-proposal conference will be to review the requirements of this RFP and answer questions from ESCOs in attendance. It will provide Proposers with an opportunity for clarification about the overall project, RFP procedures, and State requirements. Attendance at this meeting will be limited to three representatives from each company. Proposers should bring a copy of this RFP to the conference.

| | |
|---|---|
| **Date:** | **June 25, 2015** |
| **Time:** | **9:00 AM** |
| **Location:** | **Hugh Gallen State Office Park**<br>**Philbrook Building**<br>**121 South Fruit Street, Concord, NH 03301** |

Note: Please RSVP for the conference to Karen Rantamaki no later than 4:00 PM on June 24, 2015.

The State will not be liable for any costs incurred by any proposer in connection with preparation for, or attendance at, the pre-proposal conference.

Those attending the conference will be given an opportunity for a brief, escorted tour of select facilities. Follow-up visits for additional access to buildings must be scheduled with the primary building contacts listed in Appendix A.b.iii of this RFP and will be offered to all respondents. If discrepancies exist between site conditions and the information contained in Appendix A, the information in Appendix A will prevail for purpose of contractor selection.

*3.3.2. Evaluation of Written Proposals*

The State, through its designated representatives, will review and evaluate the written responses to this RFP. Proposals must be prepared as described in Section 4. Written proposals will be evaluated in two phases:

- The proposal will first be reviewed to ensure that the proposer meets the minimum criteria outlined in Section 4.1.1 Minimum Criteria to Bid.
- Proposals that meet the minimum criteria referenced above will then be reviewed in accordance with the evaluation criteria identified in Section 5 of the RFP. The State may

select contractors to proceed to the competitive oral interview stage of the procurement process if necessary.

*3.3.3. Interviews, Selection, and Contract Negotiation (at the State's discretion)*

The "short-listed" contractors will participate in a detailed oral interview to discuss how their approach to the project satisfies the evaluation criteria set forth in Section 5. A complete description of the interview format and logistical arrangements will be mailed to the finalists. The Contractor with the highest overall score will be selected to complete the Investment Grade Audit that includes, but is not limited to, the following:

- Conduct a complete and comprehensive technical analysis of the facilities.
- Propose energy improvements.
- Create a timetable for completing engineering and construction work.
- Provide a detailed description of services to be provided.
- Estimate energy savings, as-well-as special conditions offered by the contractor.

The final contract between the State and the Contractor will include a minimum energy reduction guarantee.

Selection may be made without further discussion or review of proposals received; therefore, proposals should be submitted on the most favorable terms that can be submitted in response to this RFP. The State, however, reserves the right to negotiate with the selected Contractor prior to making an award.

**3.4. Examination of Request for Proposals and Contract Forms**

Any interested party who discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP shall notify **Karen Rantamaki at DAS**, in writing (via mail, hand-delivery, or email) on or before **July 14, 2015**. Modifications or clarification will be made without divulging the source of the request.

Proposals are submitted at the Contractor's own risk and if selected by the State, a Contractor will not be entitled to additional compensation or time by reason of an error or its later correction. Proposers have an opportunity to notify the State prior to the due date for proposal submission if they find an error in the RFP.

The Proposer shall examine carefully the RFP and contract forms. By submitting a proposal, the Proposer certifies it understands the conditions to be encountered; the character, quality and quantities of work to be performed; labor, material, and equipment to be furnished; and the overall requirements of the contract. No additional compensation will be granted because of a lack of knowledge or misunderstanding of all the work requirements.

**3.5. Questions Regarding the RFP and the Procurement Process**

Oral statements, representations, clarifications, or modifications concerning this RFP are not binding upon the State. Questions regarding this RFP must be submitted in writing (via mail, hand-delivery, or email). Questions must be received by **July 14, 2015**. Written inquiries must be clearly marked **"Performance Contract for the State of New Hampshire as Managed by the Department of**

**Administrative Services, Division of Plant and Property Management for (28) Facilities in Concord NH - RFP #2015-176"**. All inquiries must refer to the page and applicable RFP section to which the question relates.

Proposers are encouraged to submit their questions regarding this RFP as-soon-as possible. Copies of the written inquiries and their answers will be posted online as an addendum to the RFP. The State reserves the right to decline to answer specific questions. Responses to questions, in either written or oral form, will not be deemed to amend the RFP unless and until the response is included in a formal addendum to the RFP.

# 4. Proposal Format, Requirements, and Instructions

## 4.1. General Instructions and Proposal Format

### *4.1.1. Minimum Criteria to Bid*

In order for the State to consider your proposal, you must have been in business for at least three years and have completed at least five similar GESPC projects (three of which were completed in the last five years). Please provide five references for the projects mentioned above. Projects should cover similar technologies to those that will be recommended for the State. Additionally, proposals will only be considered from proposers that complete the following:

- Register and remain in good standing with the New Hampshire Secretary of State;
- Register as a vendor with the State of New Hampshire; and
- Furnish a Certificate of Insurance as evidence of existence of broad form comprehensive general liability (CGL) in minimum amount of not less than $250,000 per claimant, and $2,000,000 per incident.

Please provide a one-page summary that includes the following information:

- Names of five projects and dates completed;
- Size of projects (square feet of space retrofitted, total cost of property);
- Technologies implemented on these projects;
- References; and
- Any other relevant information.

### *4.1.2. Information Required in Proposals and Packaging Instructions*

Proposals must provide the information described in the following sections. Proposers must address each item in the order in which it appears in the proposal format (Section 4.1.3) and note the appropriate section heading being addressed at the top of the respective page. Tabbed dividers should be used to identify major sections of the proposal. In addition to sections corresponding to the major sections, proposers may attach other exhibits as the final section of the proposal. **All proposal pages shall be printed as double-sided, except tab sheets and section breaks.** If possible, provide the sample Investment Grade Audit and Measurement and Verification Plan as double-sided pages.

All items listed in the proposal outline shall be completed. All pages shall be numbered. The proposer is expected to respond to all items in as much detail as necessary for the State, its representatives, and consultants to make a fair evaluation of the proposer and the proposal for ranking. Proposers should respond directly to the points raised as concisely as possible. If an item does not apply to your firm or submittal, indicate with an "N/A" (not applicable). Failure to provide requested information may be grounds for a proposal to be disqualified from consideration. Attach additional pages as needed (8-1/2" x 11" paper) and clearly indicate to which item number the information corresponds.

Unnecessarily elaborate or bulky proposals are discouraged. The state prefers proposals that are complete and thorough but which are also concise and limited to the relevant material. Any proposal determined to be materially unresponsive as to proposal content or form may be eliminated from further consideration.

*4.1.3. Proposal Format*

All proposals must be written in the following format:

**A. Section A: Proposal Agreement Forms**

1. Proposal Cover Sheet
2. Proposer Acceptance of Sample Agreement
   - Certificate of Independent Price Determination **(Form A-1)**
   - Signed Transmittal Letter, with P-37 attached **(Attachment C)**

**B. Section B: Proposer and Team Identification, Qualifications and References**

1. Proposer Identification and Information **(Form B-1)**
   - General statement of the proposer's energy conservation and management qualifications.
2. Project Team Identification
3. Identification of Key Personnel
   - List of resumes in proposal Appendix B.
4. Financial Information
   - Reponses to financial and legal questions identified in Section 4.3.3
   - List of financial submittals in proposal Appendix A.
5. Project References
   - Key to project references
   - Project summaries

C. **Section C: Technical Approach**

1. Project Summary and Plan
2. Facility Impact
3. Baseline, Measurement and Verification, and Commissioning
4. Training
5. Operations and Maintenance

D. **Section D: Management Approach**

1. Responsibility and Management Approach
2. Resources

3. Project Schedule

E. **Section E: Financial Approach and Guarantees**

1. Pricing Approach
   - Cost for Investment Grade Audit **(Form E-1)**
   - Proposed Measures Costs **(Forms E-2)**
   - Proposed Annual Service Agreement **(Form E-3)**
   - Itemized Cost Details **(Form E-4)**
   - Responses to Pricing Approach Questions
2. Energy and cost Savings – Responses to Energy and Cost Savings Questions
3. Guarantees – Responses to Guarantees Questions

**Appendix A** Financial Submittals

**Appendix B1** Resumes

**Appendix B2** Sample Detailed Feasibility Study Report

**Appendix B3** Sample Measurement and Verification Plan

**4.2. Proposal Agreement Form – Section A of proposal**

*4.2.1. Certification of Independent Price Determination*

The prices in your proposal must be arrived at independently. Complete and submit Form A-1, "Certificate of Independent Price Determination" and include it with your proposal.

*4.2.2. Proprietary Data*

Any information submitted as part of a response to this request for proposal (RFP) may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F: 1, any contract entered into as a result of this RFP will be made accessible to the public online via the website Transparent NH (http://www. nh.gov/transparentnh/).
Accordingly, business financial information and proprietary information such as trade secrets, business and financial models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to a request for proposal, bid or information should be kept confidential as financial or proprietary information, you must specifically identify that information in a letter addressed to:

**Karen L. Rantamaki**
**NH Department of Administrative Services**
**State House Annex, 25 Capitol Street, Room 102**
**Concord, NH 03301-6312**

and mark the materials as such. **Marking of the entire proposal or entire sections of the proposal (e.g. pricing) as confidential will neither be accepted nor honored.** Notwithstanding any provision of this RFP to the contrary, Vendor pricing will be subject to disclosure upon approval of the contract by Governor and Executive Council.

Generally, all bids and proposals (including all materials submitted in connection with them, such as attachments, exhibits and addenda) become public information upon the effective date of a resulting contract or purchase order. However, to the extent consistent with applicable state and federal laws and regulations, as determined by the State, including, but not limited to, RSA Chapter 91-A (the "Right-to-Know" Law), the State will attempt to maintain the confidentiality of portions of a bid/proposal that are clearly and properly marked by a Vendor as confidential. Any and all information contained in or connected to a bid or proposal that a Vendor considers confidential must be clearly designated in a manner that draws attention to the designation. The State shall have no obligation to maintain the confidentiality of any portion of a bid, proposal or related material, which is not so marked. Marking an entire bid, proposal, attachment or sections thereof confidential without taking into consideration the public's right to know will neither be accepted nor honored by the State notwithstanding any provision of this RFP/RFB to the contrary, pricing will be subject to public disclosure upon the effective date of all resulting contracts or purchase orders, regardless of whether or not marked as confidential. If a bid or proposal results in a purchase order or contract, whether or not subject to approval by the Governor and Executive Council, all material contained in, made part of, or submitted with the contract or purchase order shall be subject to public disclosure.

If a request is made to the State by any person or entity to view or receive copies of any portion of a bid or proposal, and if disclosure in not prohibited under RSA 21-1: 13-a, Vendors acknowledge and agree that the State may disclose any and all portions of the bid, proposal or related materials which is not marked as confidential. In the case of bids, proposals or related materials that contain portions marked confidential, the State will assess what information it believes is subject to release; notify the Vendor that the request has been made; indicate what, if any, portions of the bid, proposal or related material will not be released; and notify the vendor of the date it plans to release the materials. The State is not obligated to comply with a Vendor's designation regarding confidentiality.

By submitting a bid or proposal, the Vendor agrees that unless it obtains and provides to the State, prior to the date specified in the notice described in the paragraph above, a court order valid and enforceable in the State of New Hampshire, at its sole expense, enjoining the release of the requested information, the State may release the information on the date specified in the notice without any liability to the Vendor.

*4.2.3. Proposer Acceptance of Terms and Conditions*

Form P-37 contains the State's general terms and conditions. By signing the State Transmittal Letter and attaching the P-37, proposers are certifying that they agree to the terms listed therein. Any proposed changes to the P-37 terms and conditions must be submitted in writing prior to the end of the question and comment period on July 14, 2015 to be considered.

*4.2.4. Transmittal Letter*

Complete and provide an original signature on the State of New Hampshire Transmittal Letter and include with your proposal.

*4.2.5. Standardized Written and Electronic Forms*

This RFP includes several standardized forms to be used in the development of proposals. To complete these forms, follow the instructions provided in this RFP and on the forms themselves. All other information can be provided within the proposal, but does not require any specialized forms.

**4.3. Proposer and Team Identification, Qualifications, and References – Section B of Proposal**

*4.3.1. Proposer and Team Identification and Information*

All proposers shall use Form B-1 to provide information regarding their firm. On an additional 8-1/2" x 11" paper, provide a general statement of the proposer and the project team qualifications and experience relating to the following energy-efficiency and renewable-energy project areas:

- Energy performance contracting (inclusive of elements related to power purchase agreements);
- Project management and quality control;
- Engineering and design;
- Construction and system commissioning;
- Baseline development and performance measurement and verification;
- Operation and maintenance; and
- Facility staff training.

In addition, the proposer must describe prior experience working with the specific subcontractors identified for this project, as-well-as describe prior performance contracting experience. Any experiences with buildings and technologies similar to those in the project should be highlighted.

All proposers shall identify each of the project team organizations (prime contractor and sub-contractor) and their roles in the performance of the contract. Identify the firm(s) performing consulting, architectural, engineering, construction, financial, and contract security services for the projects. Necessary information to be provided includes firm name and scope of work.

*4.3.2. Identification of Key Personnel*

All proposers shall identify key personnel and their responsibilities in relationship to the proposed project. Key personnel include those responsible for project management, energy studies, engineering design, financing, construction, supervision, maintenance and operations, and training. Clearly identify who will have the primary responsibility for the technical analysis, design, and management for the project. Provide name, address, contractor's license number and classification code, telephone number, and facsimile number for each firm.

List all professional and skilled trades that your firm customarily performs with your own employees. Specify the percentage of work you typically conduct with your own employees.

Include resumes of no more than 10 key personnel in Appendix B of your proposal. Provide a list of the people for who resumes are provided. The resumes shall describe the qualifications and experience of the key personnel proposed for the project, including the number of years of experience with energy-related design and construction, number of years with the firm, supervisory experience, educational background, and professional licenses held, including state of origin. Provide a list of all energy-efficiency construction projects each individual has been associated with during the last five (5) years, including project type and cost. Experience in facilities and institutions similar to those involved in the proposed project should be highlighted, as-well-as experience with the specific technologies anticipated for the proposed project.

*4.3.3. Financial and Legal Information*

All proposers shall provide written answers and documentation for the following questions:

- State whether your firm (or predecessors, if any) or any principal of the firm has been insolvent or declared bankruptcy within the past five years.
- Attach a description of any financial default, modification of terms and conditions of financing to avoid default, or legal actions taken or pending against the proposer and its principals.
- List all legal or administrative proceedings pending, and those concluded over the last five years, which relate to procurement or performance of any public or private construction contracts.
- Certify that your firm and any principal of the firm are not under suspension or debarment by any state or the federal government. If your company is currently under suspension or debarment your proposal may not be accepted or considered.
- Submit two years of audited fiscal year-end financial statements for the proposer. If the latest fiscal year-end financial statement is over nine-months old, submit current interim balance sheets, income statements, and cash flow statements.
- If applicable, submit current (less than three months old) financial statement(s) and a file copy of tax return(s) for any personal guarantor(s).
- If the firm's financial statements are not the sole source of credit support for potential projects under this RFP, please supply pertinent additional information such as a letter of credit or financing agreement.

*4.3.4. Project References*

Provide information on five projects which best demonstrate the technical, financial, and project management capabilities of your firm. Please use examples that are the most relevant to the State's facilities. If this response is submitted by a branch office or division of a parent company, please provide project experience for the specific branch or division and highlight projects that have been managed by the individuals who will be specifically assigned to this project.

*4.3.5. Sample Investment Grade Audit and Sample Measurement and Verification Plan*

Provide, in Appendix B of your original proposal, the detailed investment grade audit that your firm completed for one of the facilities listed in the project experience section. Provide, in Appendix B of your original proposal, a copy of the measurement and verification (M&V) plan for the same project for which you are providing an investment grade audit report. Only two copies of these documents are required overall. One copy should be attached to your original proposal and the second copy should be a separate stand-alone copy. All proposals other than the original will reference the separate copy of the investment grade audit and measurement and verification plan in Appendix B. The sample M&V plan shall be in accordance with concepts and definitions provided in the International Performance Measurement and Verification Protocol (IPMVP).

By its submission, the proposer attests that the sample investment grade audit report, and measurement and verification plan are representative of the comprehensiveness, technological sophistication, formulas, calculations, detail, and related coordination with the client that it proposes to use under this scope of work. The State reserves the right to make the submitted investment grade audit report, and measurement and verification plan, a part of the contract by reference as a standard of practice.

**4.4. Technical Approach – Section C of Proposal**

*4.4.1. Project Summary and Plan*

Provide a narrative overview of your firm's understanding of the project's requirements and the unique needs of the State's facilities. Discuss any existing building conditions, systems, operations schedules and constraints that are of importance to the proposed project. Identify proposed improvements to be made to the facility based on the information contained in Appendix A, Facility Data and Information. If discrepancies exist between site conditions and the information contained in Appendix A, the information in Appendix A will prevail for the purpose of Contractor selection.

Describe your team's proposed approach to this project in each of the following areas:

- Evaluating and selecting efficiency measures;
- Designing and specifying efficiency measures;
- Construction and project implementation;
- Commissioning;
- Measurement and Verification;
- Operations, Maintenance, and Repairs; and
- Training

For each of these areas, indicate at what points the State will have an opportunity to review and approve contractor submittals.

Provide a list and summary description of each of the energy conservation measures (ECM) proposed, including any equipment modifications, installations or replacements at the facility your company would consider implementing as part of this project. Use the same assigned measure identification numbers and titles throughout your proposal. Note that the proposed ECMs are subject to change based on the detailed Investment Grade Audit, to be performed as part of this project, but should indicate the proposer's best estimate.

Provide a detailed description of each ECM. Subjects that shall be addressed include, but are not limited to:

- Equipment sizing considerations;
- Integration of proposed equipment with existing systems;
- The methodology, formulae and analysis, including all data, that determines the energy unit and cost savings;
- Specific commissioning methods;
- Appropriate measurement and verification (M&V) methods;
- Maintenance requirements;
- Local maintenance and repair support available;
- Special operating requirements;
- The lead-time required to procure the item;
- Any other information that may assist the State in judging the technical aspects of the proposed project; and
- Potential grants, rebates, and incentives.

Address the reliability of the proposed measures based on the proposer's experience or on other substantiations. Where a subject in the above list does not apply to a given measure or project, provide the subject title with "N/A" following it.

*4.4.2. Facility Impact*

Describe your firm's proposed approach to minimize the impact to the facility operation during installation. Describe your plan for responding to emergency situations, including response time, and provisions to ensure safety during construction and operating periods of this project. Discuss your experience working in facilities similar to those listed in this RFP e.g. secure areas, patients.

*4.4.3. M&V Plan*

Describe your firm's proposed approach in developing and implementing a measurement and verification (M&V) plan for this project. The proposed M&V plan shall be in accordance with concepts and definitions provided in the International Performance Measurement and Verification Protocol (IPMVP) Options A and B.

The three types of existing energy loads should be addressed in the M&V plan: Constant – having little or no variation in energy usage; Predictable – Variation in energy usage varies in a

way that can be explained by identifying a cause (driver) and the driver can be measured;
Random – The variation of energy usage follows no discernable or predictable pattern.

The following issues shall be discussed:

- How energy loads that constitute the baseline will be identified;
- The proposed approach to define the performance of each measure and how that performance will be measured during the baseline period, and in the post installation period;
- The proposed approach to define the relevant operating variables that drive energy usage and the related plan for distributing responsibility for operation between the Contractor and the State for the term of the contract;
- The proposed approach to verify, at defined intervals during the term of the contract, that the installed equipment and systems have been properly maintained, continue to operate correctly, and continue to have the potential to generate the predicted savings;
- For each of the three types of existing energy loads (constant, predictable, and random) please provide:
  - The M&V Option to be applied;
  - The reason for selecting that option;
  - Measured quantities to be used in the adjusted baseline;
  - Measured quantities to be used to determine post-installation energy use; and
  - Stipulated quantities that will affect energy savings calculations;
- The identification of operating and savings assumption parameters having the highest sensitivities (greatest possible variation which will affect related energy savings);
- The identification of relevant energy use drivers and the documentation of how the drivers will be used to adjust the baseline and calculate savings; and
- The proposed approach to develop an electronic Site Data Package (SDP) that contains all of the relevant technical and financial information that can be used to verify energy and costs savings quantities.

*4.4.4. Training*

Describe your firm's proposed approach to provide technical training for facility personnel on this project, as it complies with the maintenance requirements outlined in this RFP. Training should include the operation, maintenance, repairs and inspections to be performed by the State during the construction phase of the contract. Training should also include operation, maintenance, repair and inspection to be performed by the State after the end of the construction phase and during the long-term operations and maintenance agreement term.

*4.4.5. Operation and Maintenance*

Describe your firm's proposed approach to provide facility operations, maintenance, and repair services on this project as it complies with the maintenance requirements outlined in this RFP. The operations, maintenance, and repair responsibilities of the Contractor and those of the State should be explicitly stated. Department of Administrative Services staff should be

consulted before the maintenance plan is finalized. It is anticipated that state staff will be able to do routine maintenance such as belt and filter changes, simple lubrication, and minor control adjustments. Please provide a plan for achieving a smooth transition of equipment operation and/or maintenance at the end of the contract term.

Explain how maintenance and operation will be documented. Form E-3 is included as part of the Access Database (see Section 4.6.2). Please complete it and include a printed copy within your proposal. The maintenance plan narrative may include all 28 facilities that are part of this project, but Form E-3 shall only include maintenance items and costs for the 7 buildings evaluated in the proposal. Describe the availability of replacement parts, manpower, and corporate technical support for this project. Present information on the company's availability to complete repairs within the time requirements. Explain procedures to maintain building operation and safety if a problem should develop.

### 4.5. Management Approach – Section D of Proposal

#### *4.5.1. Responsibility and Management Approach*

Describe your proposed organizational and management structures and procedures in relationship to the performance of the proposed project, including:

- The assignment of responsibility for all projects tasks and phases to the specific individuals specified. Those listed as responsible for each task/phase will have the authority to commit resources and make decisions.
- Proposed subcontracting plan, which will include a process for selecting subcontractors, providing quality control, and providing oversight of subcontractor work.
- The bookkeeping and record keeping strategies proposed for this project. Identify and list any utility accounting and tracking software proposed. Attach a sample project invoice and any other sample billing and reporting documents, which are proposed for this project.
- The plan should provide effective management procedures and quality assurance, including controls used in adhering to project milestones, reporting requirements, and budgeting.
- A contingency plan to perform in the absence of primary and key personnel.

#### *4.5.2. Resources*

Describe your firm's availability and adequacy of resources, services, equipment and qualified personnel needed to accomplish the scope of work and to complete the project on schedule and lien free.

#### *4.5.3. Project Schedule*

Provide a schedule at the ECM level of the major steps in development and implementation of the project. Include, at a minimum, the following milestones:

- Completion of the Investment Grade Audit.

- Completion of design and pre-construction activities.
- Completion of construction.
- Completion of commissioning and training.

Provide any other relevant schedule information for this project. Describe who is responsible for maintaining the schedule, how it will be maintained and tracked, and what actions will be taken to correct for delays in the schedule.

Indicate at what points the State has the opportunity to review and approve project direction and status. Indicate what response times are allowed for any required approvals from the State.

### 4.6. Financial Approach and Guarantees – Section E of Proposal

#### *4.6.1. Cost for the Investment Grade Audit*

The State reserves the right not to proceed after accepting the Contractor's IGA report and/or if no addendum to the agreement is negotiated. In this instance, the State will pay the Contractor a fixed price for compensation for the IGA. If the IGA fails to achieve an 85% or better level of guaranteed energy savings compared to the initial proposal, the State shall not proceed with the GESPC and is not required to pay for the IGA. The proposer shall complete Form E-1 by inserting their fixed fee for the preparation of the Investment Grade Audit. The completed Form E-1 must be submitted as part of the proposal package. Should a contract be negotiated for the implementation of this project, then the cost incurred for the development of the Investment Grade Audit will be paid as part of the implementation costs of the project. Therefore, the cost of the Investment Grade Audit shall be included in the implementation costs of the proposal for the project.

#### *4.6.2. ECM Costs and Savings – Form E-2, and Service Agreement - Form E-3*

Proposers must download the Microsoft Access version of Form E-2 and E-3 from the State of NH Purchasing website (http://admin.state.nh.us/purchasing/) and use it to provide cost and savings estimates for each measure proposed.

Form E-2

In Form E-2, **"Total Cost" at the ECM level includes measurement and verification costs (M&V is shown as a separate cost component) and excludes financing costs and incentives and rebates**. Incentives and rebates shall be excluded from the cost totals since they cannot be 100% guaranteed by the Proposer at the proposing stage of the performance contract.

Provide annual energy unit reductions and additions for each proposed measure. The utility rates shown in Appendix A are based on actual billing and will be used for the analysis and documentation of all proposed energy and resource conservation estimates submitted by the Contractor.

Projects are required to have a payback period of 20 years or less. Final determination of compliance with this is determined **after** finance costs are added to the cost estimates at the following levels:

- At the aggregated building ”Group” level (see Appendix A for the mapping of buildings to groups).
- At the Grand Total.

Detailed instructions for Form E-2 are available as an attachment to this RFP. A hardcopy of Form E-2 must be included in your proposal submission. The hardcopy will take precedence over the CD.

Form E-3

Please list all major equipment/components and associated maintenance service requirements for proposed ECMs. Identify whether the maintenance will be performed by you (contractor), the State, or a third party contractor. Enter the estimated annual maintenance cost associated with the ECM. For example, there may be annual maintenance related to the “chemical treatment of water” for the new boiler (equipment) that would be performed by the State.

Detailed instructions for Form E-3 are available as an attachment to this RFP. A hard-copy of Form E-3 must be included in your proposal submission. The hardcopy will take precedence over the CD.

*4.6.3. Itemized Cost Details - Form E-4*

Please provide a markup percentage for each category listed on the form. These percentages will be applied to all measures listed in the proposal and will be used in the final IGA and construction phases of the project.

*4.6.4. Guarantees*

Describe in detail the risk management strategies, including energy performance guarantees, which your firm proposes for the required scope of work in this project. Present the proposed guaranteed savings level for each year of the contract. Describe what will be done if the guarantee is not met, both in terms of guarantee payments to the State as-well-as actions to improve performance and increase savings.

Excess annual energy and cost savings obtained by the state agency beyond the contractor’s annual guarantee cannot be used as a credit by the Contractor in any previous or subsequent years of the contract term and will not be applied for any shortfall in guaranteed energy or cost savings during the contract term. All energy unit and cost savings derived from the implementation of this project will be retained by the State and will not be shared in any capacity.

**Energy unit savings** will be the basis of the performance guarantee and guaranteed cost savings are extrapolated from the energy unit savings and baseline utility costs. Since energy costs

fluctuate, Contractors must meet the guaranteed annual energy unit savings as a requirement of the performance guarantee. Under no circumstances will guaranteed cost savings be used as the sole condition for meeting the performance guarantee. All savings will be calculated using today's energy costs and no inflation or escalation of costs will be allowed.

*4.6.5. Contract Bond*

The successful Contractor shall furnish the State with a Contract bond in an amount equal to 100% of the value of the "Total Project Cost." The Contract Bond shall be in place for the duration of phase 1 (construction) of the project. The Contractor shall bear the full expense of the Contract Bond. The requirement for the Contract Bond will be terminated by the State on the Project Acceptance Date.

The Contract Bond shall be in a form and substance satisfactory to the State. The Contract bond shall be maintained by the Contractor in full force and effect until Project Acceptance. The Contractor or any of its sureties shall not be released from their obligations under the Contract Bond from any change or extension of time, or termination of this contract.

The Contract Bond shall be issued by a licensed insurance company authorized to do business in the State of New Hampshire and made payable to the State of New Hampshire. The Contract Bond shall contain the Contract Number and dates of performance.

The Contract Bond shall comply with RSA 447:16 and be executed by the Contractor and their Surety or Sureties, guaranteeing complete execution of the contract and all supplemental agreements pertaining thereto including the payment of all legal debts pertaining to the Total Project.

The State reserves the right to review the Contract bond and to require the Contractor to substitute a more acceptable Contract Bond in such form(s) as the State deems necessary prior to acceptance of the Contract Bond.

# 5. Evaluation Procedures and Selection Criteria

## 5.1. Procedure for Proposal Evaluation and Contractor Selection

Proposals will be evaluated and an award will be made according to the criteria set forth in section 5.2 of the RFP. The evaluation may be based solely on the proposals. Therefore, insufficient or unclear information may result in a low score.

The procedure for proposal evaluation and Contractor selection will be as follows:

- An Evaluation Team for the State will review the information and proposals submitted by each proposer based upon the criteria established in this RFP.
- If numerous acceptable and potentially acceptable proposals have been submitted, the Evaluation Team will rank the proposals and create a "priority list" of the proposers who submitted the highest-ranked proposals. Each of these Contractors may participate in a detailed oral interview to more fully discuss how their approach to this project satisfies the evaluation

criteria set forth in section 5.2 of this RFP. A more complete description of the interview format and logistical arrangements will be mailed to the finalists.

- A letter of intent will then be sent to the selected contractor and an agreement will be entered into between the Contractor and the State to perform an Investment Grade Audit subject to Governor and Executive Council approval.
- Upon receiving an acceptable Investment Grade Audit report the selected firm and those representing the State will then seek, within 21 days, to initiate the negotiation of a satisfactory contract. This contract will be presented to Governor and Executive Council for review and approval.
- The proposed contract, approved by the Department of Administrative Services, will be final and binding upon the State once it is approved by the Governor and Executive Council pursuant to RSA 4:15.

**5.2. Selection Criteria and Criteria Weighting**

The proposals will be evaluated based on the criteria described in the following sections:

*5.2.1. Energy Savings (40% of score)*

The primary goal of this guaranteed energy performance contract resulting from this RFP is to maximize the reduction in overall energy use. The score for this section will be based on:

- Energy efficiency and conservation measures that can be utilized to reduce overall energy use in buildings and operations. This will be measured by the total amount of guaranteed energy savings in BTU's.

  The highest energy saving proposal in BTU's will receive 40 points. Other proposals will be scored as follows:

  Proposed BTU energy savings total / Highest BTU energy saving total = X * 40 = total amount of awarded points

  *Example: Highest guaranteed energy savings in BTUS =50,000,000*

  *Next highest guaranteed energy saving in BTU total = 48,000,000*

  *Highest guaranteed energy savings in BTUS 50,000,000 = 40 points*

  *48,000,000 BTU's = 48,000,000/50,000,000 = .96 x 40 = 38.4 points*

The overall project must pay for itself within the 20 year period allowed by law. All financial savings must be directly tied to the energy budgets of state facilities. Maintenance savings, although beneficial to the state, and any other non-utility related expenses cannot be included when calculating savings and payback periods.

*5.2.2. Project Cost (25% of score)*

- Itemized mark-up cost details as proposed on form E-4

- Proposals that reflect projected mark-up costs that are 10% more costly than the lowest mark-up cost proposal will receive 0 points for the cost section.

  *Examples: Lowest mark-up cost total of 36% = 20 points*

  *Next highest mark-up cost total of 38% = 16 points*

  *Mark-up cost total of 40.5% = 11 points*

  *Mark-up cost total of 46% = o points*

- The proposed fee for the Investment Grade Audit in the event the State elects not to proceed.
  - The Investment Grade Audit cost is 5 points and will be scored as follows:

  Lowest cost IGA receives 5 points

  Lowest Cost IGA/Cost of IGA = x * 5 points = score

  *Example: Lowest cost IGA is $55,000*

  *$55,000 IGA is awarded 5 points*

  *Next higher cost IGA is $68,000*

  *$55,000/$68,000 = .809 x 5 =4.04 points*

*5.2.3. Presentation and Responsiveness to the RFP (5% of score)*

Evaluations for this category will be based upon:

- The overall quality, completeness, and clarity of the proposal and written submittals, including adherence to format requirements. (original score)
- The quality of oral presentations and interviews (if any), including responsiveness to the State's questions and concerns.

*5.2.4. Qualifications, Experience and Resources (10% of score)*

The State will evaluate the proposer's qualifications, education, experience, ability, reputation and references in relationship to the Scope of Work described in Section 1.2.

- Qualifications
  - The qualifications, education, and experience of the personnel (prime and subcontractor), including design professionals, proposed for this project.
  - Access to a NH Professional Engineer, as-well-as the depth of local support will be considered with this category.
- Experience
  - The project team's experience with similar projects and facilities.
- Financial Qualifications
  - Financial soundness of the proposer, as demonstrated by submitted financial information.

- References and Reputation
  - The quality of the proposer's references
  - Reliability and equipment performance of contractor's past retrofit projects, including energy-savings performance relative to projections.
  - Experience developing and implementing measurement and verification (M&V) plans appropriate to the size and complexity of the project.

*5.2.5. Technical Approach (10% of score)*

Evaluations for this category will be based upon:

- Project Summary and Plan
  - Demonstrated understanding of the Scope of Work and the opportunities and potential problems presented by the proposed project.
  - Responsiveness to the specific goals (and any specific equipment-related goals) identified in the RFP.
  - Employment of technologies that have been successfully implemented before by the proposer and for which local maintenance, repair, and training support are readily available.
- Facility Impact
  - Procedures for minimizing facility disruption and resolving unexpected problems or emergencies during construction and the operational period.
  - An understanding and ability to respond to the unique needs of secure areas, lab and data center operations, and office facilities.
- Commissioning and Measurement and Verification
  - Demonstration of a sound methodology for establishing baseline usage, measuring and verifying energy usage, and adjusting the baseline for weather and facility use changes.
  - Ease of implementing proposed methods for creating an energy baseline and calculating energy cost savings.
  - Proposed commissioning plan and acceptance tests.
- Training
  - Training plan demonstrates understanding of state personnel needs and the project conditions.
- Operation and Maintenance
  - Clear delineation of organization and contractor participation in, and responsibility for, equipment operation.
  - Availability and location of qualified technicians, spare parts and other resources to support maintenance and repair of contractor-installed measures.
  - Emergency repair procedures (with proposer's response time) and ability to meet time requirements specified in the RFP.
  - Plan for achieving smooth transition of equipment operation and/or maintenance at end of contract term.
  - Overall cost (detailed in Form E-3) of Proposed Annual Service Agreement.
- Design and Appearance

    - Satisfactory design and aesthetics for building improvements that will have a visual impact.

*5.2.6. Management Approach (10% of score)*

Evaluations for this category will be based upon:

- Responsibility and Management Approach
    - Clear assignment of responsibility and authority for all project tasks and phases to specific individuals.
    - Proposer addresses and provides an adequate contingency plan to perform, in the absence of primary personnel.
    - Provisions to allow for ongoing input from state personnel on design, equipment selection, operation, and maintenance on an ongoing basis.
    - Adequacy of overall management system to successfully perform under the contract, including how cost and technical performance status is determined, assessed, and reported through contract completion.
- Resources
    - Availability and adequacy of resources, services, equipment and qualified personnel needed to accomplish the scope of work in the proposed timeframe.
- Schedule
    - A reasonable project implementation schedule is required.

## A. Appendix A – Facility Data and Information

### a. Disclaimer

The documents, data and information contained in this Facility Data and Information section and any other related information provided to the proposer or contractor only represent the best record available as to the data they present. The State disclaims any responsibility for the accuracy or sufficiency of any drawings or documents included as part of this RFP for any purpose whatsoever. The proposer agrees in accepting these drawings and documents and that the State assumes no liability for any information contained in them.

### b. General Information

*i. FTP Site*

*An FTP site has been created to provide access to important information regarding this project. Access to the FTP site can be obtained by completing and signing the non-disclosure agreement (Attachment C) and returning it to Karen Rantamaki at 25 Capitol Street, Room 113, Concord, NH 03301 or Karen.rantamaki@nh.gov. Upon receipt of the signed agreement, Proposers will be issued a login and password to access the FTP site. This password should be held in confidence and not shared with other parties. If any issues should occur, please contact Karen Rantamaki;* ***in no circumstances should Proposers reset the FTP password.***

*Documents that can be found on the FTP site include building drawings, utility bill copies, gas maps, and building location maps.*

*ii. Facilities (See Attachment A – Building Summary)*

*iii. Primary Building Contacts*

***Sean Winn*** *(603-717-5490) for: Annex - SOPS, Brown Building, Dolloff Building, Grounds Shop, Main Building, NHH Warehouse, NH Hospital Laundry, Paint and Carpentry Shops, Philbrook Building, Thayer Hall, Transportation Garage.*

***Ron White*** *(603-275-1122) for: Revenue Administration - 64 South Street, Department of Justice, Johnson Hall, Legislative Office Building, Londergan Hall, M & S Building, Records & Archives, Spaulding Hall, State House, State House Annex, State Library, Storrs Street Warehouse, Upham Walker House.*

***Dave Clapp*** *(603-271-9501) for: Howard Recreation, Liberty House, Pond Place, Twitchell House.*

*iv. Facilities Directions*

The buildings of this RFP are all located in Concord, New Hampshire. Concord is the capital city of New Hampshire and is 1.5 hours north driving from Boston.

Directions to all buildings can be found here: http://www.nh.gov/maps/index.html

*v. Climate Conditions*

Please use the following links to determine historical weather data for Concord, New Hampshire (30 year averages from 1981 through 2010). The following information can be found using the link below:

Heating degree day normals (base 65°F)
Cooling degree day normals (base 65°F)
Average daily temperature
Average high temperature
Average low temperature

http://www.erh.noaa.gov/er/gyx/climo/CON_Monthly-Seasonal-Annual_30_year_normals_1981-2010.xls

For record temperatures, please use the following link:

http://www.erh.noaa.gov/er/gyx/climo/CON_Monthly_Temperature_Records.doc

*vi. General Utility Information*

General utility information is given in Attachment A. Utility rates are built into Form E-2 and energy $$ savings will calculate based on the unit savings entered by the Contractor. The links provided below are for informational purposes only.

At the time of this RFP, electric supply is purchased from Constellation Energy at a fixed rate of $0.0751 per kWh. The contract can be found here, http://www.admin.state.nh.us/purchasing/Notices%20of%20Contract/8001410%20Firm%20Electric.pdf. Please note that there is no distinction between on-peak and off-peak electricity usage. Electric delivery service is provided by Unitil under rates G1 and G2. Information on these rates can be found here, http://unitil.com/energy-for-businesses/electric-information/rates. Facilities that share electric meters are indicated in Attachment A.

**Please note, the electric costs for two facilities, Pond Place and Twitchell Hall, are paid by a third party. Due to this, proposals will not be credited with any electric savings for these two facilities.

At the time of this RFP natural gas supply, for some accounts, is purchased from Santa Buckley Energy at a fixed rate of $0.65 per therm. The contract can be found here, http://das.nh.gov/purchasing/proc_searchContract.asp?sort=cna. For purposes of this RFP it shall be assumed that a similar contract will be in place for any additional future natural gas load. Natural gas delivery services are supplied by Liberty Utilities. Information on these rates can be found here, http://www.libertyutilities.com/east/gas/saving/gas_rates.html.

At the time of this RFP, district steam is purchased from Concord Steam Corporation. Rates for steam can be found here, http://www.concordsteam.com/Rate.html.

Water and sewer services are supplied by the City of Concord. Several locations have separate water-only accounts which are used for irrigation and other outdoor uses. These are shown separately in Attachment A. Please see the following link for information on water and sewer rates, http://nh-concord.civicplus.com/DocumentCenter/View/937

*vii. Energy Cost and Consumption*

Energy cost and consumption information is provided in Attachment A. Utility data for fiscal years 2013 and 2014 are provided for informational purposes. FY14 data shall be used as the baseline and has been included in the Form E-2 Access Database.

*viii. Standards of Service and Comfort*

Proposers are required to comply with all applicable state, federal and local building codes, standards and regulations.

Minimum lighting levels shall be in accordance with applicable Illumination Engineering Society (IES) standards for each type of space and activity as of the time of the measure installation. It is recommended a sampling of light level readings be taken at various locations before considering lighting upgrade options. This will assure post-retrofit light levels will be adequate and that lighting upgrades will not be based on existing light levels that may be below or above IES standards.

In conditioned areas, space temperatures will be maintained between 68°F and 76°F dry bulb during the heating season and scheduled occupied periods. In no instance shall the lowest temperature in the building fall below 68°F during occupied periods (except in cases of boiler failure when a minimum temperature of 55°F must be met with backup heating sources until failed units can be repaired). These temperature requirements shall also apply to buildings that have central cooling systems. In buildings with ventilation systems, outside air cannot be reduced below the quantities found in ASHRAE standard 62-89, "Ventilation for Acceptable Indoor Air Quality." Where control is available in office spaces, 20-60% relative humidity shall be maintained during periods scheduled for occupancy, or maintained at present building set points. Data centers shall have humidity settings that meet their own standards.

During unoccupied periods, the heating and/or cooling systems may be turned off. However, the systems must be so designed that before any high or low temperatures or humidity conditions that could damage equipment in the spaces can occur, the heating and/or cooling system will restart and control the temperature or humidity as required. In any case, temperatures must be restored to the 68°F - 76°F range by the start of the next occupied period.

*ix. Hazardous Waste*

The Contractor is responsible for removal, transport, and disposal of any mercury-containing lamps and PCB-containing ballasts discovered by Contractor, as part of any

project resulting from this RFP. Costs associated with the handling of this waste shall be built into the ECM costs included in the proposal.

x. *Facility Descriptions*

See Attachment A

**c. Energy Conservation Measures**

*i. Energy Conservation Measure Descriptions*

**Proposal responses are required to address each technology section outlined and shall include any specific measures required in the sections below.** This allows for a fair evaluation and comparison of RFP responses. Changes to the listed scope of work will be given consideration during the IGA. The State encourages proposers to find additional energy and resource saving opportunities and include them as part of their response. The proposal response will consider the interactivity of all measures. For example, the sizing of mechanical equipment shall consider the impact of reduced heating loads due to changes in the building envelope and the cooling loads will consider changes in lighting and heat output.

**Note:** Undeveloped measures (i.e. possible measures that an ESCO has not had time to analyze in detail prior to proposal submission) can be included as narrative in section 4.41 as an "undeveloped measure" description.

**1. <u>Lighting Systems and Controls, including exterior lighting</u>**

Lighting shall be addressed in each of the buildings listed in this RFP. Vendors may propose lighting retrofits (lamps and ballasts), fixture replacement, lighting redesign and/or better controls and switching. Possible technologies to consider, although not limiting, are high performance T8 systems, T5 fluorescent systems, LEDs, induction lighting, compact fluorescents, high efficiency fixtures, and task lighting. If any incandescent or compact fluorescent exit signs remain, they shall be replaced or retrofitted with LED (or equivalent) signs. If any incandescent lamps are found, they shall be replaced with a more efficient technology. The majority of buildings in this RFP currently have predominantly T8 lighting, but it is possible that other lighting types will be found. For the purpose of estimating savings for this RFP, proposers will assume all T8 ballasts are standard electronic and all T8 lamps are 32 watt. It is not expected that proposers will find any PCB ballasts.

Control technologies could include occupancy sensors, bi-level switching (as well as other switching changes), dimming ballasts, day-light harvesting, and/or tying lighting into a building management system.

Exterior lighting (either on the building or in parking lots and owned by the State) shall be evaluated as part of this RFP. Reducing energy use through more efficient lighting technologies, while maintaining the historic look of buildings and fixtures, is preferred. The City of Concord has initiated a project that may include lighting of the

Statehouse dome. Consulting the city for final lighting choices for this application is required.

Special attention should be paid to any lamps or ballast that have been discontinued due to federal efficiency regulations.

**Note:** Rated Lighting System Wattages, as published by the NH Core Utilities, nhsaves@work, provides a chart of acceptable rated wattages for different lighting fixture/lamp/ballast combinations (see: Lighting and Controls, Instructions, https://www.eversource.com/Content/docs/default-source/nh---pdfs/retro-lighting-instr.pdf?sfvrsn=0)**.** This chart will be used in proposal responses when determining the energy unit and cost savings for lighting replacements and retrofits. Additionally, proposed light levels will be based on IES standards for the type of space and tasks performed, and not the light levels that presently exist in that space which may be below or above IES standards.

**2. Plug-Load Control**

Plug loads are defined as electricity-using devices that are non-permanent fixtures in a building. Devices use electricity accessed by wall outlets. These devices are using increasingly more energy as more of them are added to state buildings each year. Plug loads shall be evaluated and recommendations made for removal of loads, replacement with more efficient devices, or control of existing devices to reduce energy consumption. Some examples of devices are personal computers, refrigerators, printers, copiers, and water coolers.

**3. Building Automated Control Systems**

Some of the buildings included in this RFP are equipped with building controls including energy management systems. These systems should be reviewed as part of this RFP and recommendations should be made on how to better utilize these systems. Building equipment that has not been integrated with these systems can be added, systems can be commissioned and improved, and other changes can be made to help maximize the savings achievable by using these systems. Additionally, if new equipment is installed as part of this performance contract, consideration should be taken to determine if it is something that should be added to the building management system

Some items that should be included in the building management system are: outdoor temperature reset; night, weekend and holiday setbacks; economizer cooling; and demand controlled ventilation

For facilities that do not currently have building controls, proposals may be included to add such systems if justified with energy savings.

## 4. Heating, Ventilation and Air Conditioning

Many facilities listed in this RFP are currently heated (at least partially) with steam energy purchased from Concord Steam Corporation. As part of this project, all proposals shall completely eliminate the reliance on Concord Steam Corporation.

Proposed new heating systems may be shared between facilities, but costs and savings must be allocated accordingly. In the final IGA, in accordance with State goals of reducing dependence on fossil fuels, 10% of the total new heating system capacity must be met with non-fossil fuel sources. Proposers may choose to include non-fossil fuel boilers in their initial proposals but this is not required.

The local delivery company, Liberty Utilities has confirmed that there will be no cost to bring natural gas from the street pipeline to the building entrance (see Gas Map included on FTP site). If natural gas piping needs to be run inside of a building, the associated cost shall be included in the proposed measure.

All facilities listed in this RFP are considered critical facilities and cannot be without heat. Unless at the discretion of the building owner, no facility shall be allowed to fall below 55° F at any time. Proposers shall plan for methods to retain this minimum temperature while maintaining energy and cost savings (for example, two boilers can be installed, each meeting more than 50% of the building load).

Air conditioning and ventilation systems vary amongst the buildings included in this RFP. Energy savings can be achieved through proposing higher efficiency systems to replace older inefficient units or with additional controls on existing units. It is not the intent of this project to add central air conditioning or ventilation where it doesn't already exist. Many facilities cool with removable window or through-the-wall air conditioners. These may be replaced with more efficient units.

## 5. Premium Efficiency Motors and Variable Frequency Drives

This measure consists of replacing standard efficiency motors with premium efficiency motors and installing variable speed drives on pumps and/or fans, which run at constant speed but have variable loads. The measure is normally limited to motors larger than 2 HP and with run times greater than 2,500 hours per year. Additionally, please recommend premium efficiency motor replacements on other motors upon failure so that state staff have some guidance when buying replacements.

## 6. Building Envelope

This measure consists of adding insulating material to the ceiling or roof areas of buildings that presently have little or no ceiling/roof insulation. In most cases it will consist of additional fiberglass bats, rigid panel insulation or blown-in insulation. Roof measures should also be considered; examples include green roofs. Windows should be considered if cost effective.

**7. Water Conservation**

Water is used in these facilities for a variety of end uses including irrigation, lavatories and hand-washing, and cafeteria food preparation. Water conservation measures may include irrigation controls and low-flow restroom fixtures. Sewer credits for metered usage may also be included if not already in place.

**8. Domestic Hot Water (DHW) Systems**

There are various methods used for domestic hot water heating within the buildings listed in this RFP. If steam purchased from Concord Steam Corporation is used in DHW heating other methods must be proposed. Some other measures that may be included in this category include high efficiency water heaters and controls added to existing equipment.

**9. Equipment**

Some facilities contain specialty equipment which may benefit from energy improvements. Some examples are industrial laundry equipment in the New Hampshire Hospital Laundry facility, refrigeration units at the Storrs Street Warehouse, and air compressors.

**10. Electric Distribution System and Transformers**

High efficiency transformers may be considered as replacements for any state-owned transformers that would benefit from upgrading.

**11. Renewable Energy**

Renewable energy may be considered where cost-effective. Additionally 10% of the proposed heating system capacity in the final IGA must come from sources other than fossil fuels. Possible renewable energy technologies that could be utilized as part of this project are wood pellets, wood chips, solar thermal, and solar photovoltaic.

**12. Additional Measures**

Proposers are encouraged to include additional energy conservation measures in their proposals above and beyond the ones specifically listed in this RFP if they

contribute to the overall goals of reducing energy use and cost. These measures should be listed in a way such that they can be easily included or excluded from the remainder of the proposal.

**B. Appendix B – Proposal Forms, Responses, and Submittals**

- **a. Form A-1: Certificate of Independent Price Determination**
- **b. Form B-1: Proposer Information**
- **c. Form E-1: Fixed Price for Investment Grade Audit**
- **d. Form E-2: Summary of Proposed Energy Efficiency Measures – Costs and Savings**
- **e. Form E-3: Proposed Annual Service Agreement**
- **f. Form E-4: Itemized Cost Details**

**C. Appendix C - Agreement to Perform an Investment Grade Audit**

**D. Appendix D – Sample "Guaranteed Savings Energy Performance Contract"**