

PENNSYLVANIA SUSTAINABLE ENERGY FINANCE (*PennSEF*) PROGRAM

Issue Date: April 10, 2015

Response Date: April 24, 2015

NOTE: Firms which did not previously respond to this RFQ are asked to submit their SOQs by the Fourth Response Date of April 24, 2015. Results will be communicated by May 4, 2015. Please check freefutures.org/pennsef for additional information.

REQUEST FOR QUALIFICATIONS

This Request for Qualifications (“RFQ”) is issued by the Pennsylvania Sustainable Energy Financing Program (“the Program” or “PennSEF”) to solicit Statements of Qualifications (“SOQs”) from energy service companies (“ESCOs”) that describe their capabilities to identify, design, install, maintain and monitor a comprehensive energy and water conservation program. The purpose of this RFQ is to develop a list of pre-qualified ESCOs to participate in the Program which will provide low-cost and long-term bond financing for energy and water projects in the buildings and facilities of municipalities, universities, schools and hospitals (collectively, “the MUSH sector”) throughout Pennsylvania.

INTRODUCTION

Supported by a grant from the West Penn Power Sustainable Energy Fund (“WPPSEF”), the Pennsylvania Treasury Department (“PA Treasury”) has engaged the Foundation for Renewable Energy and Environment (“FREE”) to develop a prudent investment opportunity for it, and other like-minded investors, in debt issuances backed by performance guaranteed energy and water conservation improvements implemented by municipalities, universities, schools and hospitals (collectively, the MUSH sector). This investment initiative will be modeled upon similar programs in Delaware (in deployment) and Sonoma County, California (near deployment).

Firms interested in providing the specified services should respond with a written Statement of Qualifications (SOQ) to FREE meeting all of the requirements in this RFQ. FREE will evaluate submissions in accordance with the Evaluation Criteria described in this RFQ. ESCOs that attain or exceed the threshold point score established in the Evaluation Criteria will be deemed to be qualified, and eligible to provide services to MUSH sectors entities that want to participate in the Program to finance energy and water conservation improvements (the “Participants”).

In order to be included on the original list of pre-qualified companies, interested firms should submit one original electronic version of their SOQ in pdf format by email no later than **4:00 PM on April 10, 2015**, to FREE at the following email address:

pam@freefutures.org

SOQs must be submitted by the date set forth above to ensure that applicants are listed in the first group of qualified ESCOs circulated to Participants. Later applications will be accepted.

Only firms prepared to meet conditions of a guaranteed performance contract are expected to apply. Subcontractors do **not** need to apply.

QUESTIONS

Respondents should direct all questions about this RFQ in writing by email to Pam Hague, Program Manager at FREE at (pam@freefutures.org). All questions and answers will be posted on the Program's webpage, found at freefutures.org/pennsef, to insure that any interested ESCO is able to identify all relevant information regarding the RFQ.

OVERVIEW OF PROGRAM

WPPSEF and PA Treasury have asked FREE to undertake this effort based upon their expectation that both investors and MUSH sector entities can realize significant benefits from the savings created by implementation of intelligently designed conservation improvements relying upon proven efficiency technologies. The Program is designed to assist governmental entities and non-profit organizations in Pennsylvania with the purchase, installation and financing of such eligible energy and water conservation measures ("**CMs**"). The avoided energy and water consumption costs resulting from the CMs will be guaranteed to pay for the improvements.

Under the Program, a qualified ESCO will conduct a Preliminary Audit of a potential Participant's facilities to identify possible CMs and to determine the amount of energy and water savings for the Participant resulting from the measures. ESCOs will provide the Preliminary Audits without charge to the Participants. If the Participant elects to move forward after the Preliminary Audit, the Participant and the ESCO will enter into an agreement (the "**Audit Agreement**"), under which the ESCO will conduct an investment grade audit (the "**Audit**") of the Participant's facilities and will prepare the Audit Report described below. The ESCO must agree in the Audit Agreement that the resulting Audit will project cost savings of at least 90 percent of the savings estimated in the initial Preliminary Audit or the Participant will have no further obligation to the ESCO.

After reviewing the Audit Report, the Participant and the ESCO will decide whether to proceed to the next step, namely, the identification of a set of CMs to be implemented (the "**Project**") and will enter into a Guaranteed Energy/Water Savings Agreement ("**GSA**"). The GSA will not only set out the terms under which the ESCO will construct the Project (including the specific measure to be installed and their price), but will also contain a guarantee by the ESCO that the Project will reduce the Participant's energy and water bills by a specific dollar amount. Neither the Participants nor the ESCO is obligated to enter into a GSA. The Participants will pay the ESCO the price of the Audit as set forth in the Audit Agreement only if a GSA is not executed.

When the Program has accumulated executed GSAs of a sufficient dollar amount, the Program will work with the Pennsylvania Economic Development Financing Agency (“**PEDFA**”) or other comparable authority to sell bonds or obtain other master financing (“**Bonds**”) to provide funds to finance the costs of implementing the Projects. The financing involves the following elements:

- Bonds will be issued and the proceeds used to fund the Projects of the Participants.
- The portion of the proceeds of the Bonds that is allocated to a single Project will be deposited into an account established for that Project by the trustee for the owners of the Bonds (the “**Trustee**”) under a trust indenture (the “**Indenture**”). The Trustee will disburse funds from that account to the ESCO as construction milestones for the Project are completed, as verified by the Participant. The ESCO will be a third-party beneficiary to the payment provisions of the Indenture.
- Each Participant will sign an Installment Payment Agreement obligating the Participant to make installment payments to the issuer of the Bonds (the “**Bond Issuer**”) sufficient to pay the debt service on the Bonds until the final maturity of the Bonds.
- The Issuer will assign its right to receive the installment payments to the Trustee to be applied to the payment of debt service on the Bonds.

FREE will help public and non-project entities to evaluate and implement cost-saving energy and water CMs by pre-qualifying ESCOs and providing standard contract documents for use by Participants in a pooled financing. FREE will have no obligation to provide, or to cause to be provided, any financial assistance to the Participants or the ESCOs in connection with the Projects.

PA Treasury will evaluate the Bonds to determine whether they meet its statutory fiduciary standard to invest Commonwealth assets prudently. Provided the Bonds offer an appropriate risk-adjusted return, PA Treasury expects to be an investor in the debt financing. PA Treasury has no obligation – and no expectation – to provide, or to cause to be provided, any financial assistance to the Participants or the ESCOs in connection with the Projects. PA Treasury’s sole responsibility at this time is to administer WPPSEF’s grant to enable FREE to explore the potential for creating the Program.

At the time the Bonds are issued, each ESCO and Participant will enter into an agreement with FREE and the Bond Issuer (the “**Program Agreement**”). Under the Program Agreement, the Participant and the ESCO will agree to a) indemnify the Bond Issuer against certain liabilities arising from their participation in the Program; b) make certain standard representations and warranties relating to the enforceability of the GSA and Program Agreement; and c) provide certain reports on the Projects that they undertake.

By providing a way for public and non-profit entities to implement cost-saving energy and water efficiency projects with no up-front costs, and by providing standard contract documents for use by Participants, the Program can significantly increase the feasibility and number of such projects.

OVERVIEW OF ESCO RESPONSIBILITIES

ESCOs will be required to use PennSEF's standard GSA form, which is attached to this RFQ as Schedule 1. (The standard GSA form is subject to revision and will be available on the Program's webpage at FREE's website (freefutures.org/pennsef). By submitting a response to this RFQ, ESCOs shall be deemed to have consented to all terms in the standard GSA form. A Respondent may suggest modifications to the standard GSA form in its response to this RFQ for consideration. Any requests for modifications submitted thereafter will not be considered.

Each ESCO will be required to deliver payment and performance bonds in the amount of the contract price for construction of the CMs under its GSA.

The ESCOs shall provide complete turn-key services, developing the engineering designs and specifications necessary to implement the CMs, managing the project through installation, and providing annual reports on savings achieved throughout the contract period. ESCOs will also be required to provide a performance guarantee; a contractual commitment to the Participant that project implementation will result in a specified reduction in energy (and/or water use) over a set period of years. This guarantee, when translated into dollars based on existing and projected utility rates, will offset annual debt service on the project financing. If in a given year the guaranteed reduction in energy or water use is not achieved due to an ESCO-attributable performance failure (either a failure of the Investment Grade Audit to accurately predict savings, or a failure of the implemented CMs to produce savings as expected), the ESCOs will reimburse the Participant the resulting dollar savings shortfall.

To ensure actual savings, the ESCOs will provide monitoring and verification ("M&V") of installed CMs. M&V activities include assessing that equipment is performing to specifications and performing calculations of the actual energy or water savings resulting from the implementation of the Project. The ESCOs are required to share designated data with the Participant and FREE. These requirements will be defined in the GSA.

The services to be provided by the ESCO will include the following:

Pre-Development/Financing Phase

- obtain all required permits
- design services

Construction/Implementation Phase

- equipment procurement and purchasing
- on-site construction management and inspection services
- construction waste management including material separation and recycling hazardous waste disposal or recycling

Commissioning/Guarantee/Monitoring Phase

- functional testing and commissioning

- continuing operations and maintenance for all improvements (if part of ESCO obligation under GSA or other agreement)
- full manual of cut sheets, service information, and retro-commissioning standards
- staff training on routine maintenance and operation of systems
- savings guarantee
- monitoring and verification for measurement and reporting of the performance and savings from improvements
- maintaining long-term, high-efficiency performance of buildings

ELIGIBLE CMs

The Program expects to provide financing for a broad range of energy and water and to target deeper savings than is typically considered in an ESCO audit report. Participating ESCOs must have the capability to consider and implement a broad range of energy and water CMs, including, but not limited to:

Building Envelope

- Air sealing, caulking and weatherstripping
- Insulation of the building structure or systems within the building;
- Storm windows or doors, , multi-glazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption;

Building Controls

- Automated or computerized energy or water control systems;
- The installation of energy or water information and control systems that monitor consumption, redirect systems to optimal energy sources, sense building occupancy or equipment usage, and/or manage energy using equipment;

HVAC

- Heating, ventilating, or air-conditioning system modifications or replacements;
- Energy recovery ventilation systems;
- Indoor air quality improvements;

Lighting

- Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system while providing proper illumination levels
- Daylighting systems;

Plumbing, Water and Sewer

- Water and sewer conservation measures
- Low-flow, low-flush plumbing fixtures
- Greywater recycling systems

- Stormwater capture and use systems
- Irrigation systems and controls
- Process and industrial water uses, and infrastructure;

Renewable and Other Distributed Generation

- Solar photovoltaics
- Solar hot water systems
- Wind turbines
- Combined-heat-and-power systems
- Battery and other storage technologies
- Biomass-fired systems

Occupant Education and Training

- A training program or facility alteration that reduces energy consumption or reduces operating costs, including allowable costs, based on future reductions in costs for contracted services;
- A facility alteration which includes expenditures that are required to properly implement other energy or water conservation measures;

Energy Purchasing

- A program to reduce energy costs through rate adjustments, load shifting to reduce peak demand, or use of alternative suppliers as otherwise provided by law, such as, but not limited to:
 - Changes to more favorable rate schedules;
 - Negotiation of lower rates, where applicable; and
 - Auditing of energy service billing and meters;
- Equipment upgrades that improve accuracy of billable revenue generating systems; and

REQUIRED QUALIFICATIONS OF ESCOS

ESCOs that wish to participate in the Program must demonstrate:

- a record of successful guaranteed energy or water savings performance contract projects with documented verified savings that meet or exceed their guarantees;
- technical and managerial competence to develop comprehensive energy efficiency projects, including lighting measures; efficient motors and drives; controls and measures involving heating, ventilation, and air conditioning systems;
- technical and managerial competence to provide a full range of energy and water services, including conducting investment grade energy or water audits; providing or arranging for project financing; design engineering; providing operations and maintenance services; and verifying cost savings according to accepted industry practice;

- experience in the design, implementation, and installation of energy or water conservation measures and the technical capabilities to verify that such measures generate guaranteed energy or water and operational cost savings or enhanced revenues, according to accepted industry practice.

SPECIFIC SOQ INSTRUCTIONS AND REQUIREMENTS

All SOQs must be categorized and numbered as outlined below and be written in 12 point font. The SOQs must address all of the following requested information in a responsive and responsible manner. SOQs that do not follow the format below will be rejected.

1. Cover Letter

- 1.1. Include in a cover letter the name or names of the individuals who will be the principal contact(s) during this RFQ procurement process and contact information for those individuals, including email addresses.

2. Description of the ESCO (The total page limit for information submitted pursuant to 2.1 through 2.6 is ten (10) pages)

- 2.1. Include in the description of the ESCO the company name, address, telephone number, fax number (if available), email address(es), and company website (if available). If the ESCO has multiple offices, the description of the ESCO shall include information about the location of the parent company and any and all branch offices from which Projects could be managed.
- 2.2. Include the ESCO's form of ownership, including state of residency or incorporation, and number of years in business as an energy service company or provider. For joint venture entities that have not undertaken at least two (2) guaranteed energy savings performance contract projects together as a joint venture, this information shall be submitted for each ESCO separately.
- 2.3. Include a brief description of the history and growth of the ESCO including general information about the ESCO's personnel resources, including disciplines and numbers and classifications of employees, and locations and staffing of the offices from which Projects could be managed. Indicate the number of guaranteed energy or water savings performance contracting projects implemented by the ESCO.
- 2.4. Indicate whether the ESCO has been declared in default on any guaranteed energy or water savings performance contracting projects in the five (5) years immediately prior to the submittal of the SOQ.
- 2.5. Disclose and provide a discussion of any litigation, mediation, arbitration, or administrative proceedings related to guaranteed energy or water savings performance contract projects in which the ESCO has been involved in the five (5) years immediately prior to the submittal of the

SOQ including but not limited to litigation, mediation, arbitration, or administrative proceedings with owners and/or architects. List and give brief explanation of all active or pending litigation related to guaranteed energy or water savings performance contract projects.

- 2.6. Indicate whether the ESCO is currently a member of and/or accredited by NAESCO. ESCOs are not required to be accredited by NAESCO, but NAESCO-accredited ESCOs will receive additional consideration.

3. ESCO's Financial Information

- 3.1. Provide a copy of the ESCO's audited financial statements for the most recent three (3) fiscal years prepared in conformity with generally accepted accounting principles including the balance sheet, income statements and statement of cash flows. The firm name, as well as the office address and telephone number of the individual who performed the audit of the financial statements must be included. The individual or firm must have been a certified public accountant at the time of the audit.
- 3.2. Provide bonding references including bonding company name, address, contact person, telephone number and information on the ESCO's maximum bonding capability. The surety that will underwrite the bonds for the ESCO must be on the most recent U.S. Treasury Listing of Approved Sureties and must have an A.M. Best rating of A-or better, an A.M. Best Financial Class Size of V or higher, and must be licensed to do business in the Commonwealth of Pennsylvania. Attach documentation verifying listing with the U.S. Treasury, AM Best ratings, and registration with the Pennsylvania Insurance Commissioner's office. Provide a letter or other supporting documentation from a bonding company indicating the ESCO's capacity to bond projects under the Program.
- 3.3. Indicate the total value of all guaranteed energy or water savings performance contracts awarded to the ESCO during the previous three (3) years.

4. ESCO's Certification of Meeting Minimum Requirements

In order to be eligible for further evaluation, the ESCO shall issue the following certified sworn statement by an individual possessing the authority to bind the ESCO asserting that the ESCO meets the minimum qualifications required to be prequalified for these services. The signed and notarized certification shall state as follows:

- a) The ESCO certifies that neither it nor its principals are currently ineligible, debarred, suspended, or otherwise excluded from bidding or contracting with the Commonwealth of Pennsylvania, any other state, the federal government, or any agency, subdivision, department, or authority of the foregoing.
- b) The ESCO certifies that neither it nor its principals have been terminated for cause, are currently in default, and/or have been declared in default on any public works contract or

guaranteed energy or water savings performance contract within the five (5) years preceding the submittal of this SOQ.

- c) The ESCO certifies it has or will have bonding capacity for jobs up to \$_[Respondent to specify]_. The ESCO further certifies that the surety that will underwrite the required bonds is on the most recent U.S. Treasury Listing of Approved Sureties and has an A.M. Best rating of A- or better, an A.M. Best Financial Class Size of V or higher, and is licensed to do business in the Commonwealth of Pennsylvania.
- d) The ESCO certifies it has a current Commercial General Liability (CGL) Insurance policy and is insurable in following minimum coverage amounts:
 - bodily injury, including death, limits of one million dollars (\$1,000,000) for each accident;
 - property damage limits of two million dollars (\$2,000,000) for each accident and
 - ten million dollars (\$10,000,000) for the aggregate of operations.
- e) The ESCO certifies it has a current Professional Liability (Errors and Omissions) Insurance policy for design professionals, consulting engineers and architects, and all other applicable consultants with the minimum coverage of one million dollars (\$1,000,000) per claim.
- f) The ESCO certifies it has all necessary, valid and current licenses to do business in the Commonwealth of Pennsylvania.
- g) The ESCO certifies it has demonstrated a commitment to safety with regard to Worker's Compensation by having an Experience Modification Rate (EMR) over the past three (3) years of 1.2 or less.
- h) The ESCO certifies it has completed no fewer than ten (10) guaranteed energy or water savings performance contract projects within the last ten (10) years and that each of these projects has a minimum of one (1) year repayment and savings performance history.
- i) The ESCO certifies that no official or employee of the Commonwealth of Pennsylvania, FREE, Drinker Biddle, Becker Capital or other subcontractors hired by FREE expressly to assist the Foundation in the development of this Program, nor any business entity in which an official of the Commonwealth, FREE, Drinker Biddle Becker Capital or other subcontractors hired by FREE expressly to assist the Foundation in the development of this Program has an interest, has been employed or retained to solicit or aid in the connection with ESCO's response to this RFQ, and that no such person will be employed by ESCO in connection with services provided to the Program.
- j) The ESCO certifies that all information and documentation submitted with the response to RFQ is true and correct.

5. ESCO's Personnel Information, Technical Qualifications, Capability and Experience

- 5.1. Provide the names, titles, and relevant experience of the primary project team members (no more than ten (10) individuals) who will likely be working on Projects.
- 5.2. Complete and submit the Project History Form (Exhibit A) and the Energy and Water Savings Form (Exhibit B) for ten (10) guaranteed energy or water savings performance contract projects. Each of the ten (10) projects must have a minimum of a one (1) year repayment history and savings performance. Each project must be currently managed or must have been managed by the specific branch, division, office, or individual that would be assigned to Projects under the Program. Client references will be contacted.
- 5.3. Describe any projects where the ESCO has made payments to a client under the terms of the guaranteed energy or water savings performance contract as a result of not meeting the guaranteed energy or water savings.
- 5.4. Provide a sample Savings Measurement and Verification Plan from a completed guaranteed energy or water savings performance contracting project implemented by the ESCO including an estimate of the total number of measurement points currently being monitored by the ESCO for that project.
- 5.5. Provide a sample Investment Grade Energy Audit conducted by the ESCO which includes detailed energy and economic calculations.
- 5.6. Provide a sample Operations and Maintenance Manual developed by the ESCO.
- 5.7. Provide a sample Commissioning Plan from a project implemented by the ESCO.
- 5.8. Provide a sample Customer Savings Report from a guaranteed energy or water savings performance contract project implemented by the ESCO.
- 5.9. Does the ESCO have a valid physical address located within the Commonwealth of Pennsylvania from which it operates or performs business on a day-to-day-basis, and does the ESCO hold a valid business license if required by a city or county within the jurisdiction of the Commonwealth? If so, provide the address and a copy of the business license(s).

EVALUATION CRITERIA

Administrative Review

The SOQs first will be reviewed to determine compliance with the following requirements:

- 1) SOQ was submitted by deadline.
- 2) SOQ is complete and contains all required information and documents.

- 3) The following minimum qualifications have been met, in accordance with this RFQ:
- a) Neither the ESCO nor its principals are currently ineligible, debarred, suspended, or otherwise excluded from bidding or contracting with the Program, the Commonwealth of Pennsylvania or any other state, the federal government, or any agency, subdivision, department, or authority of the foregoing.
 - b) Neither the ESCO nor its principals have been terminated for cause or are currently in default on any public works contract or guaranteed energy savings performance contract.
 - c) The surety that will underwrite the required bonds for the ESCO on projects is on the most recent U.S. Treasury Listing of Approved Sureties and has an A.M. Best rating of A-or better, an A.M. Best Financial Class Size of V or higher, and is licensed to do business in the Commonwealth of Pennsylvania.
 - d) The ESCO has completed no fewer than ten (10) guaranteed energy savings performance contract projects within the last ten (10) years and each of these projects has a minimum of one (1) year repayment and savings performance history.
 - e) The ESCO has a current Commercial General Liability (CGL) Insurance policy and is insurable in the following minimum coverage amounts: bodily injury, including death, limits of one million dollars (\$1,000,000) for each accident, and property damage limits of two million dollars (\$2,000,000) for each accident and ten million dollars (\$10,000,000) for the aggregate of operations.
 - f) The ESCO has a current Professional Liability (Errors and Omissions) Insurance policy for design professionals, sub-consultant engineers and architects, and all other applicable consultants with the minimum coverage of one million dollars (\$1,000,000) per claim. (The Program reserves the right to require additional limits and/or coverage for actual contract.)
 - g) The ESCO has all necessary, valid and current licenses to do business in the Commonwealth of Pennsylvania.
 - h) The ESCO has demonstrated a commitment to safety with regard to Worker's Compensation by having an Experience Modification Rate (EMR) over the past three (3) years of 1.2 or less.

Substantive Review (point assignments are for illustrative purposes only)

ESCOs whose SOQs pass administrative/preliminary review as delineated in the previous section will undergo a substantive review. ESCOs that receive seventy-five (75) or more of the total points available will be eligible to participate in the Program. Criteria for the substantive review are listed below:

- 1) **Financial Stability of the ESCO** (30 points)
 - a) Firm's corporate history and growth
 - b) Financial soundness and stability of the ESCO (past three years of financial statements)
 - c) Completeness of ESCO's financial statements and reports
 - d) ESCO's bonding capacity (payment and performance bonds for cost of improvements)
 - e) ESCO's bond ratings or ratings of parent guarantor

- 2) **Experience and Track Record** (30 points)
 - a) Qualifications and experience of ESCO's personnel, including employment background, educational background, professional/technical qualifications, and energy or water performance contracting project experience of ESCO's primary project team members
 - b) Overall energy or water performance contracting project experience and qualifications;
 - c) Experience with energy or water savings performance contracting projects
 - d) Quality of design, engineering, installation, maintenance, and repairs associated with guaranteed energy or water savings performance contracts
 - e) Reliability of equipment performance on past projects
 - f) Quality of Project History and Client Reference documentation for at least ten (10) completed guaranteed energy or water savings contracting projects in repayment with at least one (1) complete year of savings performance data currently under contract with the ESCO
 - g) Quality and completeness of documentation of achieved energy or water savings from previous projects
 - h) Litigation history
 - i) Reliability of equipment performance on past projects
 - j) Accreditation from NAESCO

- 3) **Project Management** (20 points)
 - a) Overall project management capability
 - b) Ability to effectively manage project construction
 - c) Location and quality of engineering and construction management resources

- d) Comprehensiveness of post-installation project monitoring, data collection and verification of and reporting of savings
 - e) Ability to plan and complete all phases of the project on schedule
- 4) **Technical Approach** (15 points)
- a) Quality of the sample investment grade energy or water audit
 - b) Comprehensiveness of the technical approach to past projects
 - c) Quality of sample Customer Savings Report
 - d) Quality of sample Savings Measurement and Verification Plan
 - e) Quality of sample Operations and Maintenance Manual
 - f) Quality of sample Commissioning Plan
 - g) ESCO's available technical resources
- 5) **Local Presence** (5 points)
- 6) **Other factors** determined by the Program to be relevant and appropriate and relate to the ability to perform the project.

RESERVATIONS OF RIGHTS BY THE PROGRAM

The issuance of this RFQ does not constitute an agreement by the Program that any GSA will actually be entered into by any Program Participant. The Program expressly reserves the right at any time to:

- Waive or correct any defect or informality in this RFQ, any SOQ, or RFQ procedure,
- Reissue an RFQ,
- Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFQ, or the requirements for contents or format of the SOQs,
- Procure any materials, equipment or services specified in this RFQ by any other means, or determine that no project will be pursued.
- Reject any or all SOQs or to waive any defect or irregularity in a SOQ.

All SOQs submitted in response to this RFQ shall be deemed public records. In the event that a Respondent desires to claim portions of its SOQ exempt from disclosure, it is incumbent upon the Respondent to clearly identify those portions with the word "confidential" printed on the lower right-hand corner of the page. The Program will consider a Respondent's request for exemption from

disclosure; however, the Program will make a decision based upon applicable laws. Assertions by a Respondent that the entire SOQ or large portions are exempt from disclosure will not be honored.

The Program shall not be liable for any expenses incurred by any Respondent in connection with this RFQ. The Program shall be held harmless and free from any and all liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this RFQ.

All data and information furnished by Program or referred to in this RFQ are furnished for the Respondent's convenience. The Program does not guarantee that such data and information are accurate and assumes no responsibility whatsoever as to its accuracy or interpretation. Respondents shall satisfy themselves as to the accuracy or interpretation of all such information and data.

EXHIBIT A

PROJECT HISTORY and CLIENT REFERENCES

On separate 8-1/2" x 11" pages describe at least ten (10) completed guaranteed energy or water savings contracting projects in repayment with at least one (1) complete year of savings performance data currently under contract with the ESCO. To the extent possible, limit your response to those projects that have been managed directly by the specific branch, division, office or any individual in such branch, division or office who will be specifically assigned to work on the Program.

<p>Project Name and Location Number of Buildings Primary Use Total square footage</p>	
<p>Project Dollar Amount (installed project costs) Source of Project Financing</p>	
<p>Primary CMs Installed & ESCO Services Provided</p>	
<p>Construction Start & End Dates</p>	
<p>Contract Start & End Dates</p>	
<p>If the project was not completed on schedule, please explain.</p>	
<p>Dollar Value of Projected Annual Energy Savings Dollar Value of Projected Annual Water Savings</p>	
<p>Dollar Value of Guaranteed Annual Energy Savings Dollar Value of Guaranteed Annual Water Savings</p>	
<p>Dollar Value and Type of Annual Operational Cost Savings (if applicable) (e.g., outside maintenance contracts, material savings, etc.)</p>	
<p>Method(s) of Savings Measurement and Verification</p>	
<p>Provide names of owner(s)' representatives with whom the ESCO did business on this project. You should ensure that all representatives are familiar with this project. Also, provide CURRENT and ACCURATE telephone numbers and email addresses for the specified representatives. Do not include the ESCO's personnel as a reference.</p>	
<p>Describe the specific roles and responsibilities of ESCO personnel associated with the identified project. Limit your response to only those personnel who will be directly involved in the Program's projects.</p>	
<p>Identify the major subcontractors on this project, and describe their scope.</p>	
<p>ESCO Notes or Comments</p>	

EXHIBIT B

ENERGY, WATER & OTHER SAVINGS DATA FORM

Complete the following information for each of the ten (10) projects for which PROJECT HISTORY and CLIENT REFERENCES forms are submitted. Do not enter dollar values except for those rows where dollar values are the identified values.

ENERGY, WATER & OPERATIONAL SAVINGS DATA FORM							
Project Name & Location:							
Annual Savings (List Commodity Savings in Units – not Dollars)	Projected	Guaranteed	Achieved				
			Year 1	Year 2	Year 3	Year 4	Year 5
Electric Demand (KW)							
Electric Energy (kWH)							
Natural Gas (therms)							
Fuel Oil (gallons)							
Steam (pounds)							
Water (gallons)							
Other (Specify)							
Other (Specify)							
Material (\$)							
Maintenance Contracts (\$)							
Total Annual Savings (\$)							

ESCO Notes or Comments