PENNSYLVANIA SUSTAINABLE ENERGY FINANCE (PennSEF) PROGRAM

Response Date: Open

NOTE: Firms which did not previously respond to this RFQ are asked to submit their SOQs to Darlene Rothwell, Administrative Assistant (darlene@freefutures.org). Results will normally be communicated 3-4 weeks after submission. Please check freefutures.org/pennsef for additional information.

REQUEST FOR QUALIFICATIONS

This open 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, monitor and reliably guarantee comprehensive energy and water conservation, onsite renewable energy generation, and low-carbon microgrid projects. The purpose of this RFQ is to develop a list of prequalified ESCOs to participate in the Program that will provide low-cost, financing for energy and water savings, onsite renewable energy generation and low-carbon microgrid projects in the buildings and facilities of municipalities, universities, schools and hospitals (collectively, "the MUSH sector"; entities or organizations from the sector using the Program to pursue such projects, "Participants") 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 prudent investment opportunities for it, and other like-minded investors, in debt issuances and other financing instruments backed by performance guaranteed energy and water conservation improvements that are implemented by municipalities, universities, schools and hospitals, and other non-profit entities. This investment initiative is modeled upon a similar program in Delaware (in deployment). To achieve this goal, FREE has established the Pennsylvania Sustainable Energy Finance Program (PennSEF) that: 1) serves as trusted advisor to clients providing technical and legal assistance; 2) works with clients, if needed, to identify low-cost capital for investment in energy and water efficiency, on-site renewable energy generation and low-carbon microgrid projects.

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 pre-qualified, and eligible to offer services to participants of the Program.

In order to be included on the list of pre-qualified companies, interested firms should submit one original electronic version of their SOQ in pdf format by email to FREE at the following email address:

darlene@freefutures.org

A firm may submit an SOQ at any time; inclusion of firms will occur on a rolling basis. Subcontractors do **not** need to apply.

QUESTIONS

Respondents should direct all questions about this RFQ in writing by email to Darlene Rothwell, Administrative Assistant at FREE at (darlene@freefutures.org).

OVERVIEW OF PROGRAM

A detailed description of the PennSEF Program is available at:

https://freefutures.org/pennsef/about/

OVERVIEW OF ESCO RESPONSIBILITIES UNDER THE PENNSEF PROGRAM

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 is available on the Program's webpage at

https://freefutures.org/pennsef/documents/gsa/.

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 be considered on a case-by-case basis.

Each ESCO will be required to deliver performance bonds for construction completion 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), an ESCO 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

PennSEF serves as trusted advisor for a broader range of savings opportunities than might be considered in an ESCO audit report. Participating ESCOs must have the capability to consider and implement a wide array 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
- Low-carbon microgrids
- 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 conservation commitments;
- 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.
- company balance sheets and earning statement that clearly demonstrate solvency and capability sufficient to satisfy immediate financial obligations (i.e., contract performance guarantee) to Participants in instances where conservation measures fail to produce required savings.

SPECIFIC SOQ INSTRUCTIONS AND REQUIREMENTS

All SOQs must be categorized and numbered as outlined below and be printed in 12-point font. The SOQs <u>must</u> 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 SOQ 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. a) Indicate whether, in the five (5) years immediately prior to the submittal of this SOQ, the ESCO has been asked by any counter-parties to guaranteed energy or waste water savings performance contracts to make a cash payment or take any other responsive measures based on the counter-party claiming that there had been a failure of one or more conservation measures to achieve savings or other requirements of the contracts. Please describe the nature of each of any such instances. b) If there are any instances of requests from counter-parties as described in a), please describe how the ESCO addressed the requests, including how the matter was ultimately resolved and the amounts paid by the ESCO to satisfy shortfalls in performance (in the interest of clarity, this inquiry includes any instances where the ESCO identified performance shortfalls and took steps to address them even in the absence of requests by the relevant counter-party).
- 2.5. If not already provided in the response to 2.4, please 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 pre-qualified 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, or any 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, 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. Provide a sample <u>Savings Measurement and Verification Plan</u> 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.
- 5.4. Provide a sample <u>Investment Grade Energy Audit</u> conducted by the ESCO which includes detailed energy and economic calculations.
- 5.5. Provide a sample Operations and Maintenance Manual developed by the ESCO.
- 5.6. Provide a sample Commissioning Plan from a project implemented by the ESCO.
- 5.7. Provide a sample <u>Customer Savings Report</u> from a guaranteed energy or water savings performance contract project implemented by the ESCO.
- 5.8. 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 holds 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 is complete and contains all required information and documents.
- 2) 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

ESCOs whose SOQs pass administrative/preliminary review as delineated in the previous section will undergo a substantive review. Criteria for the substantive review are listed below:

1) Financial Stability of the ESCO

- 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 (performance bonds for cost of improvements)
- e) ESCO's bond/credit ratings or ratings of parent guarantor

2) Experience and Track Record

- 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
- Reliability of equipment performance on past projects, and responsiveness to requests for payments or other corrective measures in response to counter-party claims of performance shortfalls.
- j) Accreditation from NAESCO

3) **Project Management**

- 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

- 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 and Experience with Performance Contracting

The Program's Substantive Review may consider the presence of ESCO offices and facilities in the Commonwealth and experience in energy performance contracting in the Commonwealth.

6) Other Factors

The Program reserves the right to consider other factors that it determines to be relevant and appropriate in evaluating an ESCO's ability to participate and advance the Program's goals.

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 <u>least ten (10) completed</u> 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.

Project Name and Location Number of Buildings Primary Use Total square footage	
Project Dollar Amount (installed project costs) Source of Project Financing	
Primary CMs Installed & ESCO Services Provided	
Construction Start & End Dates	
Contract Start & End Dates	
If the project was not completed on schedule, please explain.	
Dollar Value of Projected Annual Energy Savings Dollar Value of Projected Annual Water Savings	
Dollar Value of Guaranteed Annual Energy Savings Dollar Value of Guaranteed Annual Water Savings	
Dollar Value and Type of Annual Operational Cost Savings (if applicable) (e.g., outside maintenance contracts, material savings, etc.)	
Method(s) of Savings Measurement and Verification	
Provide names of owner(s)' representatives with whom the ESCO interacted 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.	
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.	
Identify the major subcontractors on this project, and describe their scope.	
ESCO Notes or Comments	

EXHIBIT B

ENERGY, WATER & OTHER SAVINGS DATA FORM

Complete the following information for <u>each of the ten (10) projects</u> 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	Projected	Guaranteed	Achieved						
Savings in Units – not Dollars)			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 Cor	nments								