

ESPC ENABLE Webinar for ESCOs

Question and Answer Session Recap

9/13/2012

ESPC ENABLE Program, Process, and General Questions -

Question: Would a copy of these slides be available to the attendees?

Answer: Yes, we will be sending them out and posting them on the FEMP website after the webinar. The ESPC ENABLE Website is: http://www1.eere.energy.gov/femp/financing/escp_enable.html

Question: Will agencies be permitted to combine financing and appropriations?

Answer: It would certainly be allowed, however, it is expected that the majority of the target sites will not have appropriations to apply to these projects.

Question: It was mentioned that Option A is used for M&V. Do you require measurement under Option A of loads and operating hours or can they be stipulated such as typical M&V Guidelines may allow?

Answer: We expect operating hours, fixture and/or system loads, and other parameters will be stipulated as would be typical under Option A M&V Guidelines.

Question: If a post-award mod is put into place, can M&V approaches other than Option A be used?

Answer: It is certainly possible, however; it would not be expected. The principle behind ESPC ENABLE is to keep all steps of the process simple, straightforward, and standard so that projects are economically viable. Requiring a more robust M&V approach after the fact adds cost and could require additional technical and procurement resources from the agency. It should also be noted that under the ESPC IDIQ, the three ECMs in question most commonly utilize an Option A M&V approach.

Question: Will the IGA tool work with Excel 2007 and on a Vista platform?

Answer: The IGA tool will work with Excel 2007. It has not been directly tested on Vista but it should not pose any issues.

Question: For how many years are ESCOs required to prepare and submit M&V reports? Is it only the first 3-5 years, or is it for the entire Life of Contract?

Answer: M&V should take place at least annually, and the ESCO will put together an M&V report and submit it to the agency on an annual basis for the life of the contract.

Question: Will a DOE project facilitator (PF) be involved as is typical in the larger ESPC projects? If so, is there a list of PFs?

Answer: FEMP will be providing PF services for the pilot projects, however, PFs are not *required* under the ESPC ENABLE program. The PFs for the pilot phase are assigned and funded by FEMP.

Question: In addition to Energy Managers, is FEMP including contracting officers (COs) in its agency training, especially since there is the GSA Schedule component?

Answer: FEMP strongly encourages contracting officer participation at the initial trainings that are given to prospective agency customers and oftentimes they participate. FEMP also requires full participation of the project team at the kick-off meeting and the CO is in attendance at that meeting.

DOE Qualified ESCO List –

Question: Do subcontractors need to be on the qualified list?

Answer: No, subcontractors do not need to be on the qualified list.

Question: How many companies are "DOE-Qualified"?

Answer: About 95 - 100.

Question: Is there a list of the 95-100 qualified companies on the FEMP website?

Answer: Yes. It is located at http://www1.eere.energy.gov/femp/financing/espcs_companies.html

Question: Is there a page limitation for "additional" company information?

Answer: No, there is no page limit for "additional" company information on the DOE application.

Question: Can we form a joint-venture (JV) to be qualified for DOE?

Answer: You can form a JV to apply for the DOE Qualified List, but it will create an issue for Schedule 84 and you will not be able to apply to the schedule with this arrangement. For the GSA Schedule 84, SIN 246-53, you can have a prime-sub relationship, or ESCOs can "team", but JVs are not allowed.

Question: For the DOE qualification application past-project descriptions criteria, can one project be from the Prime and one project from the sub?

Answer: No. Applications to the DOE Qualified List must be from individual Energy Services Company (ESCO), not Prime contractor and sub-contractor pairs, so both project descriptions must be from the same company.

Question: Is there a restriction on how old a past ESPC-referenced project (i.e. within past 5 yrs) can be on the DOE Qualified List application?

Answer: Instructions for Question 10B (a) state; “One project should represent the largest project completed, and the other should represent a recently completed project.” There are no time limitations for projects ESCOs submit with their application. However, the Qualification Review Board would like to see that the project has successfully saved energy for at least one year. Projects that were awarded in the past 2-5 years are ideal, but if the ESCO had a signature project that took place in the more distant past they may consider submitting the project.

Question: If your company does energy efficiency, but has not typically used ESCO financial models, can you meet the years of experience, plus examples of projects with non-ESCO format projects?

Answer: Yes, the Qualification Review Board for the DOE Qualified List is primarily evaluating the ESCO’s technical ability to design a project, install the energy conservation measures (ECMs), and produce energy and energy-cost savings. There are no specific evaluation criteria for the financial arrangements for specific projects, rather just the ESCO’s overall financial stability and ability to finance projects.

GSA Schedule 84, SIN 246-53

Question: What is the FBO solicitation number for this opportunity?

Answer: 7FCI-L3-030084-B.

Question: Does this contract prohibit modifications after award to add other ECMs, or prohibit addition of other measures/ECMs through follow-on phases?

Answer: No, there are no prohibitions on modification of the Schedule contract so long as the items or services offered are within the scope of the Schedule and/or Special Item Number (SIN). Again though, ESPC ENABLE is meant to keep the process simple, straightforward, and standard so that projects can be done quickly and are economically viable. Future modifications add cost, require additional resources from the agency in terms technical and procurement (which they may not have), and may not be viable. If you have a project that has additional ECM opportunities (outside the scope of ESPC ENABLE) and is economically viable, the traditional ESPC or UESC programs would be more appropriate.

Question: Does it limit the number or size of any modifications?

Answer: No, however, the same explanation above applies to this question.

Question: Can agencies opt to use ENABLE in lieu of larger IDIQ contracts (such as DOE or Navy) so long as the size of the initial project or phase meets ENABLE size standards? Is there any limit to the size (\$) or scope of follow-on modifications?

Answer: The new ESPC ENABLE process established under GSA Schedule 84 is intended for small sites or sites that have no other options available to them. If your site has the scope available for a potentially viable project under the existing DOE or Army Corps IDIQ contract, or a utility energy savings contract

(UESC), you are encouraged to pursue that route first. If for some reason it does not work out under the traditional vehicles, FEMP will work with you on a case by case basis to determine if ESPC ENABLE could meet your needs. Please see answers to the two questions above regarding contract modifications.

Question: Are any other GSA Schedules required to participate in ENABLE?

Answer: No, other GSA Schedules are not required to participate in ESPC ENABLE.

Question: Did SAM replace ORCA and CCR?

Answer: Yes, SAM (System for Award Management) has replaced ORCA and CCR. Eventually the SAM will house over a dozen separate databases for use by Federal Contracting Officers to accomplish legislatively mandated compliance and past performance checks. Additionally, the site offers transparency to the taxpayer into vendors partnering with the Government in Federal Procurements. ...

Question: Do we need to have a product offering to be on Schedule 84?

Answer: No, to participate in a schedule you must be offering either a product or a service. In the case of Schedule 84, the service is providing third-party financed energy and water efficiency projects. You may want/need to team with companies on other schedules who offer products related to these projects, or add that equipment to your offering via Schedule 84, SIN 246-1000. Additionally, professional Energy Management services can be offered or added under SIN 246-52.

Question: My company is a manufacturer of goods, not necessarily an ESCO, but we do provide products that reduce energy consumption. Would it be beneficial for my company to get on this schedule?

Answer: It probably would not be beneficial for your company to get on this schedule since Schedule 84 really only gives you the ability to execute ESPC ENABLE projects. You may want to look at the schedules specific to the products you offer. For example, many energy efficient products would fit under Schedule 65 – Building Materials. Additionally, the Professional Engineering Schedule or Schedule 03FAC for facility management might be other options.

Question: Kellie just mentioned an "all GSA solution". Is "open market" subcontracting allowed under Schedule 84 or must all subs also hold a Schedule contract?

Answer: Open market subcontracting is allowed under Schedule 84. However, you should review the Solicitation clauses carefully as the Task order Contracting Officers may limit the amount of subcontracting allowed. Additionally, the more "open market" products or services offered, the more work the Task Order Contracting Officer must do in order to ensure the pricing is fair and reasonable. Therefore, it is preferable that the Ancillary Products and Services SIN is utilized to simply add products or services to the contract so that the Task Order CO doesn't not have to do any additional price analysis.

Question: If you need to add product under 246-1000 to offer a total ENABLE solution, do you need a LOS from that company?

Answer: You do not need a Letter of Supply (LOS) from a company to add that product to your offer via SIN 246-1000 in most cases as you would not be adding an entire brand for sale as a standalone brand, but rather adding a few parts or services to round out a procurement.

Question: Schedule 84 Question. Are we allowed to use subcontractors? If not and we need to team, we can't make any money. What's the incentive?

Answer: You are allowed to use subcontractors. Additionally, your Schedule Contracting Officer can work with you on how to best utilize teaming arrangement to the best advantage of both the customer and Industry Partners.

Question: Where do we find info on "teaming" as an existing schedule 871 holder to apply for Schedule 84 246-53?

Answer: You can locate information on teaming arrangements by accessing GSA's home page at www.gsa.gov and searching for Teaming. Or by going directly to the link below and clicking "Sample" on the menu to the left.

www.gsa.gov/contractorteamarrangements

Question: We are a manufacturer, developer and installer of turnkey solutions. We also wholesale to integrators. Does our product offering to GSA (price list) have to match our lowest cost to major private purchasers?

Answer: Short answer, no. Your offer will ask you to provide details of your product quotes/sales to other purchasers, but you will be given the opportunity to provide context. For example, GSA understands that the relationship history and purchasing volume of other purchasers may justify the lower price, and your price list (on Schedule 84) would not have to match that. You must, however, disclose the better terms and conditions offered along with your explanation. Failure to disclose all terms and conditions which exceed those offered the Government may impede GSA's ability to award a contract.

Question: May an ESCO markup a subcontractor under this SIN for a project? If not, why not?

Answer: Yes, you can markup pricing received from your subcontractors. The Task Orders issued under the ESPC ENABLE program will generally be fixed price type orders. With this contract type, there is no requirement to provide the markup added to your subcontractor cost or provide cost or pricing data. The same would be true for fixed price / time and material orders. When applying markups to subcontractor quotes, you must keep in mind, however, that the ESPC ENABLE process is a competitive process so you must ensure that your markups are reasonable.

Question: Could PFs be selected off of another GSA schedule list, such as energy consulting services?

Answer: Currently, FEMP is providing for and funding the PF services for pilot projects. Decisions about the role of the PF will be made once the pilot phase concludes.