
APPENDIX B: Chapter 2 – ESPC Program Overview

Appendix B-1: Program Goals and Services

Appendix B-2: State ESPC Programs List

Appendix B-3: RFP and Contract for Project Facilitators

APPENDIX B-1: Program Goals and Services

When developing a state Energy Savings Performance Contract (ESPC) program, it is important to establish program goals, as they are the main factor to consider when determining which types of services to provide. Program goals can vary widely. High-level goals include reducing energy use in state and local government facilities, ensuring successful energy efficiency projects, expanding the scope of ESPC projects, and building the local industry. Services are tailored to meet the goals, such as providing education and information, offering technical assistance, developing model procurement and contracting documents, sharing success stories, and tracking project data.

A State Energy Office (SEO) or program may have a variety of goals that can be met by increasing acceptance and use of ESPC. The following are a number of possible goals with related services that should be considered when developing a marketing plan.

Reduce Energy Use in State and Local Government Buildings

- **Goal:** Increase awareness of energy savings performance contracting.
- **Services:** Provide educational information and training.

- **Goal:** Increase the use of energy savings performance contracting.
- **Services:** Offer technical assistance and an approved streamlined process.

- **Goal:** Demonstrate comprehensive projects with deep energy savings of 20–30 percent.
- **Services:** Educate owners to establish a broad-based, comprehensive project scope.

- **Goal:** Transform the market to establish performance contracting as a standard and accepted means for implementing energy-saving projects.
- **Services:** Encourage and assist state and local government facility owners to implement projects.

- **Goal:** Institutionalize the ESPC process as a way to procure energy-efficient equipment.
- **Services:** Provide model procurement and contracting documents, success stories, project recognition, a standardized process for state government, and a gubernatorial mandate.

- **Goal:** Meet climate change or budget reduction goals.
- **Services:** Demonstrate environmental stewardship through reduced energy use and costs.

- **Goal:** Document emissions reductions.
- **Services:** Collect project data to quantify emissions reductions.

Ensure Successful Energy-Efficiency Projects

- **Goal:** Maintain a high bar for project performance that ensures efficiency savings are sustained over the long term.
- **Services:** Provide clear project guidelines including a quality Measurement and Verification (M&V) plan, offer technical assistance, ensure well-documented contracts, and provide ESCO training.

- **Goal:** Ensure ESPC legislative requirements are met.
- **Services:** Customize the model documents to incorporate state statutes.

Expand the Scope of Projects

- **Goal:** Encourage performance contracting projects that are comprehensive in scope addressing all buildings and all energy- and water-saving equipment measures that can be financed within a minimum 12-year period.
- **Services:** Discourage short-term or single-technology projects.

- **Goal:** Encourage customers and the industry to include a wide variety of technologies and approaches.
- **Services:** Incorporate renewables, innovative technologies, commissioning, measurement and verification, and systematic approaches such as Leadership in Energy & Environmental Design (LEED) and ENERGY STAR certification for buildings.

- **Goal:** Open new markets for performance contracting.
- **Services:** Educate potential owners so that ESCOs can take on lower-profit projects such as small/rural schools, housing authorities, and commercial buildings.

- **Goal:** Stay on the leading edge of the industry.
- **Services:** Encourage new approaches and technologies.

Build the Local Industry

- **Goal:** Respect the flexibility, creativity, and capability of the ESCO industry.
- **Services:** Avoid restrictive processes and use an open-ended request for proposal (RFP) process that invites a variety of technologies and approaches.

- **Goal:** Work with the performance contracting industry to establish processes and procedures that meet the needs of the state, the industry, and owners.
- **Services:** Establish a forum for open exchange of ideas and information and invite industry review and comment on processes.

Improve the Local Economy

- **Goal:** Create real jobs now through large-scale energy efficiency projects.
- **Services:** Help reduce government utility bills to reduce the taxpayer burden.

- **Goal:** Mitigate the future risk of volatile government utility bills.
- **Services:** Help governments reduce energy use.

APPENDIX B-2: State ESPC Programs List

Many states have active and successful ESPC programs. Below is a listing with website links.

Alabama

State Energy Office

Alabama Department of Economic and Community Affairs ([ADECA](#))

Colorado

State Energy Office

Colorado Energy Office ([CEO](#))

State Buildings Administration

DPA - Office of State Architect ([OSA](#))

Georgia

Georgia Environmental Finance Authority ([GEFA](#))

Hawaii

State Energy Office

[Hawaii Strategic Industries Division](#)

Kansas

State Energy Office

Kansas Energy Office, Kansas Corporation Commission Facilities Conservation Improvement Program ([FCIP](#))

Kentucky

State Energy Office

Energy and Environment Cabinet, Department for Energy Development and Independence, Division of Efficiency & Conservation – Commercial Buildings ([Commercial ESPC](#))

Louisiana

State Buildings Administration

Division of Administration, Office of Facility Planning and Control ([FPC](#))

Massachusetts

State Energy Office

Public Procurement/Municipal Energy Programs
Massachusetts Department of Energy Resources ([DOER](#))

State Buildings Administration

Massachusetts Administration and Finance, Division of Capital Asset Management ([DCAM](#))

Minnesota

State Energy Office

Department of Commerce

[Division of Energy Resources](#)

Montana

State Energy Office

Department of Environmental Quality ([DEQ](#))

Nevada

State Energy Office

Governor's Office of Energy ([NGOE](#))

New Mexico

State Energy Office

Energy Conservation and Management Division
New Mexico Energy, Minerals and Natural Resources Department ([EMNRD](#))

North Carolina

State Energy Office

NC Department of Commerce

[NC Energy Office](#)

Virginia

State Energy Office

Virginia Department of Mines, Minerals and Energy

[Division of Energy](#)

Washington

State Buildings Administration

State Department of Enterprise Services
[Energy Program](#)

Wyoming

State Energy Office

Wyoming Business Council - Wyoming Energy
Conservation Improvement Program ([WYECIP](#))

APPENDIX B-3: RFP and Contract for Project Facilitators


A project facilitator will provide technical assistance to guide an owner through the ESPC process which will include conducting a technical review of the investment grade audit and Measurement & Verification (M&V) plan, and ensuring a well-documented and well-understood contract document. A sample RFP and contract are provided below. These documents can be used by a program needing to solicit a project facilitator to serve owners. They also can be used by an owner to solicit its own project facilitator. These documents were adapted from the RFP issued in 2012 by the State of Louisiana's Department of Administration.

How to Use this RFP

Option A: The program administrators can use this RFP, evaluation, and contract to create a pre-qualified list of eligible consultants for the program to assign to projects. In this arrangement, the program administrator maintains the contractual agreement with the contractor and also with the owner.

Option B: The program administrator can use this RFP and evaluation process to pre-qualify consultants to work on owner projects. The owner can then select a consultant from the pre-qualified list by using the evaluation criteria to make its selection, and then contract directly with the consultant to provide guidance on its project. The program administrator has a contractual arrangement with the pre-qualified consultant that lays out guidelines and requirements for providing the required services. The owner holds the contract with the Consultant to provide direct services on its project.

The **highlighted text** needs to be customized.



**REQUEST FOR PROPOSALS
FOR
PROJECT FACILITATORS FOR
ENERGY SAVING PERFORMANCE CONTRACTING (ESPC) PROJECTS**

Proposal Due Date/Time

Issue Date

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GENERAL INFORMATION

Purpose

This Request for Proposals (RFP) is issued by Program Name (herein referred to as the Program) for the purpose of seeking specific qualifications and proposed fee schedules from individuals or firms (Proposer) to provide Energy Savings Performance Contracting (ESPC) consulting services to Program Name and Owners (state or local government entities interested in pursuing performance contracting projects) in all aspects relating to the following:

- Performance Contracting Project Development Assistance.
- Performance Contracting RFP Development Assistance.
- Proposal Technical Review.
- Assistance with ESCO Oral Interviews.
- Proposal Evaluation Services.
- Energy Audit Review Services.
- Contract Negotiation and Technical Review Services.
- Project Implementation Assistance.
- Periodic reviews of Measurement and Verification Reports.

The objective of this RFP is the selection of two (2) to five (5) highly qualified consultants to provide services on an as-needed basis.

Selected consultants will be identified for performance contracting projects [select one of the options below and delete the other option].

- Option A: from assignment by the Program, through the issuance of a Task Order, on a rotating or a “best fit” basis, based on experience and other factors, at the sole discretion of Program. No compensation will be paid to any consultant prior to the issuance of a Task Order assigning them to a specific performance contract.
- Option B: from the owner’s selection from the pre-qualified list as made available by the Program to owners.

The selected Proposer(s) shall agree to furnish the specified services to the Program for a period of, five (5) years at minimum, on an as-needed basis at the rate of compensation offered in the format of the attached Schedule of Fees. Travel, attendance at meetings, and site visits shall be required in the course of furnishing the requested services, when requested by Program/Owner.

Background

The Proposer will be evaluated on the basis of all criteria set forth in this RFP including its technical knowledge of cost-benefit analysis of performance contracting, energy conservation measures, energy audits, performance contract negotiation, measurement and verification procedures, overall experience with energy performance contracting, and experience specific to the evaluation of ESCO proposals for performance contracting, all as further defined herein. The Proposer should have previous experience in performing services similar to those requested.

Scope of Services

Attachment I: Scope of Services details the scope of services and deliverables and desired results that the Program requires of the selected Proposer.

ADMINISTRATIVE INFORMATION

Term of Contract

The period of any contract resulting from this RFP is tentatively scheduled to begin on or about **Date** and to continue for **five (5)** years at minimum. Ideally, the Consultant will provide oversight and expertise through the entire duration of a performance contract which could exceed **20 years**.

Proposer Inquiries

Written questions regarding RFP requirements or Scope of Services must be submitted to the RFP Coordinator as listed below.

RFP Coordinator Contact Information

- The Program will consider written inquiries and requests for clarification of the content of this RFP received from potential proposers. Written inquiries must be received by the time/date specified in the Schedule of Events below.
- The Program reserves the right to modify the RFP should a change be identified that is in the best interest of the Program.
- Official responses to all questions submitted by potential proposers will be posted by the date identified in the Schedule of Events at **website address**.
- Only the RFP Coordinator identified above has the authority to officially respond to proposer's questions on behalf of the Program. Any communications from any other individuals are not binding to the Program.

Schedule of Events

<u>Event</u>	<u>Date</u>
Advertise RFP and mail public announcements	Date
Deadline for receipt of written inquiries	Date, Time
Issue responses to written inquiries	Date
Deadline for receipt of proposals	Date, Time
Oral Presentations/Discussions if deemed necessary	Week of [Date]
Announce award of contractor selection	Date

NOTE

The Program reserves the right to change the schedule of RFP events as deemed necessary.

PROPOSAL INFORMATION

Determination of Responsibility

The Program must find that the selected proposer:

- Has the necessary experience, organization, technical qualifications, skills, and facilities, or has the ability to obtain them;
- Is able to comply with the proposed or required time of delivery or performance schedule;
- Has a satisfactory record of integrity, judgment, and performance; and
- Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Proposers should ensure that their proposals contain sufficient information for the Program to make its determination by presenting acceptable evidence of the above to perform the contracted services.

OTHER

Add administrative information as required by your procurement policies.

RESPONSE INSTRUCTIONS

Proposal Submission

Firms/individuals who are interested in providing services requested under this RFP must submit a proposal containing the information specified in this section. The proposal must be received in BOTH formats:

1) Hard copy (printed) version

- One (1) original, clearly marked as ORIGINAL, containing original signatures of those company officials or agents duly authorized to sign proposals or contracts on behalf of the organization.
- An additional **number (number)** copies of the proposal.
- FAX submissions are not acceptable.
- Proposers mailing their proposals should allow sufficient mail delivery time to ensure receipt of their proposal by the time specified.
- The proposal must be received by the RFP Coordinator at the address below on or before the date and time specified in the Schedule of Events. Proposers mailing their proposals should allow sufficient mail delivery time to ensure receipt of their proposal by the time specified.

- The proposal package must be delivered at the proposer's expense to:
 - Postal Address

Attn: RFP Coordinator Contact Name
Address

- Hand-delivery, FedEx or other courier delivery

Attn: RFP Coordinator Contact Name
Address

2) A single PDF file, clearly named, for the Program to have on file and to reduce paper use. For electronic submission, do the following:

- Send email with PDF attachment to [insert email address].
- Include name and email address.
- Submit prior to the date/time specified in the Schedule of Events.
- Request an acknowledgement of receipt.

PROPOSAL CONTENT

Interested parties should address by written narrative and/or graphic representation its expertise and experience with regard to the selection criteria listed below and as stated in the body of this Request for Proposals. The Proposer should provide the following information in its proposal:

Executive Summary

- A. This section should serve to introduce the scope of the proposal. It should include administrative information including, at a minimum, Proposer contact name and phone number, and the stipulation that the proposal is valid for a time period of at least 90 days from the date of submission. This section should also include a summary of the Proposer's qualifications and ability to meet the Program's overall requirements in the timeframes set by the Program.
- B. It should include a positive statement of compliance with the contract terms. If the Proposer cannot comply with any of the contract terms, an explanation of each exception must be supplied. The Proposer must address the specific language in **Attachment IV- Sample Contract for Consulting Services**, and submit whatever exceptions or exact contract modifications that its firm may seek. While final wording will be resolved during contract negotiations, the intent of the provisions will not be substantially altered.

Background and Experience

The Proposer should give a brief description of their company and describe each of the following details:

A. Qualifications:

- 1) Demonstrated experience and working knowledge of the performance contracting process, including an understanding of the local market and the required processes and statutes.
- 2) Demonstrated experience in analysis of building and energy systems including HVAC, controls and utility rate analysis.
- 3) Understanding and experience in dealing with government processes such as procurement, contracting, financing, and decision-making structures in state or local governments.
- 4) Professional background, memberships, or affiliations with any energy performance contracting associations.
- 5) Number of years in business.
- 6) Years of hands-on experience advising state agencies or other governmental entities in implementing energy saving performance contracting projects.
- 7) Experience providing energy performance contracting consulting or training to state or other governmental entities, etc.

B. Previous Experience: List and describe recent experience on performance contracting projects involving facilities larger than 10,000 square feet with particular emphasis on experience in other states or in corporate/governmental entities of comparable size and diversity. Describe the types of technical assistance provided to states or other governmental entities relating to energy saving performance contracting.

C. References: Provide at least three (3) project references and contact information for energy performance contracting consulting services delivered to governmental entities, particularly state or local governments. The Program reserves the right to seek additional references in addition to those submitted in the response.

Proposed Project Staff

The Proposer should provide detailed information about the experience and qualifications of the Proposer's assigned personnel considered key to the success of the project.

This information should include:

- Educational background and training.
- Identify at least one (1) Professional Engineer licensed in the state and one (1) Certified Energy Manager (CEM) on staff or on the team.
- Technical and functional experience.
- Specific dates and names of employers.

- Relevant and related experience, including past and present projects with dates and responsibilities.
- Professional background, memberships, or affiliations with any energy performance contracting associations.
- Years of hands-on experience advising state agencies or other governmental entities in implementing energy saving performance contracting programs and any applicable certifications.
- Role and responsibilities of each person on this project (related to each item in **Attachment I – Scope of Services**), their planned level of effort, their anticipated duration of involvement, and their on-site availability.
- Customer references (name, title, company name, address, and telephone number) for the cited projects in the individual resumes.

Approach and Methodology

In order to illustrate their approach and methodology, **the Proposer should include at least one representative sample of a proposal evaluation, audit review, or contract review** prepared by the Proposer relating to energy saving performance contracting technical assistance. Privileged information may be omitted but the sample presented should provide a clear and representative picture of the Proposer's capabilities and standard of quality. Other relevant materials may be included.

Cost Information

The Proposer shall provide a schedule of fees and an hourly rate for that task. The Proposer should use **Attachment III** to provide the cost information.

The hourly rates must be all-inclusive. **Travel costs and any other expenses will not be reimbursed separately and must be included in the hourly rates.**

Once the Consultant is selected to provide consulting services for a particular project, a maximum estimate of hours will be requested in negotiations. The proposed fee shall consist of the Proposer's total compensation for tasks A through G listed on **Attachment III** for all services described in the Scope of Services.

EVALUATION AND SELECTION

Evaluation Team

The evaluation of proposals will be accomplished by an evaluation team, to be designated by the Program, which will determine the proposal most advantageous to the Program/Owner taking into consideration price and the other evaluation factors set forth in the RFP.

Administrative and Mandatory Screening

All proposals will be reviewed to determine compliance with administrative and mandatory requirements as specified in the RFP. Proposals that are not in compliance will be rejected from further consideration.

Clarification of Proposals

The Program reserves the right to seek clarification of any proposal for the purpose of identifying and eliminating minor irregularities or informalities.

Oral Presentations/Discussions May be Required

The Program, at its sole discretion, may require all proposers reasonably susceptible of being selected for the award to provide an oral presentation of how it proposes to meet the program objectives. Commitments made by the Proposer at the oral presentation, if any, will be considered binding.

Evaluation and Review

Responses to the RFP will be evaluated by a committee to be selected by the Program.

1. Minimum Criteria for Responsiveness

Failure to submit a response by the time and date shall cause the proposal to be declared nonresponsive.

2. The Program will evaluate all of the responses received against the evaluation factors set forth below and will rank them in numerical order, based on the aggregate of the evaluation factors. The Program reserves the right to enter into a contract without further discussion of the proposal submitted based on the initial offers received.

Clarifications of any aspect of a Proposer's response may be sought in writing prior to scoring of the proposals. Additionally, the Program may invite those Proposers who are potential recipients of an award for an interview, in which Proposers will be given the opportunity to clarify any portion of their response. Responses given during the interview (if any) will be considered in the scoring of proposals and may result in revisions to initial scores and rankings.

Proposals that pass the preliminary screening and mandatory requirements review will be evaluated based on information provided in the proposal.

The Evaluation Team will evaluate and score the proposals using the criteria and scoring as follows:

	Evaluation Criteria	Possible Points	Point Breakdown
1.	Qualifications/Experience	40	
	a. Relevance/Quality of Proposer’s Experience		15
	b. Extent of Previous ESPC Experience		15
	c. Relevance/Quality of References		10
2.	Sample Proposal Evaluations (Approach and Methodology)	35	
	a. Clarity of Presentation		5
	b. Thoroughness		5
	c. Economic/Cashflow Analysis		5
	d. Technical Assessment		5
	e. Evaluation of M&V Plan		5
	f. TBD		5
	g. TBD		5
3.	Cost	25	See below
	Total Possible Points	100	100

A proposer’s base cost score will be based on the cost information provided in **Attachment III Proposed Schedule of Fees** and computed as follows:

$$BCS = (LPC/PC \times 25)$$

Where:

BCS = Computed cost score (points) for proposer being evaluated

LPC = Lowest Total Proposed Cost of all proposers

PC = Total Proposed Cost of proposer being evaluated

Announcement of Contractor/Consultant

The Program will notify the successful Proposer(s) and proceed to negotiate terms for final contract. Unsuccessful proposers will be notified in writing accordingly. At Program’s discretion, after conducting a thorough review, multiple highest-ranking Proposers may be selected. The Program reserves the right to determine the quantity of Proposers who may be selected for award.


SUCCESSFUL CONTRACTOR REQUIREMENTS

Billing and Payment

Billing and payment terms shall be negotiated with the successful Proposer(s). As indicated above, hourly rates are to be all-inclusive for travel and other costs.

Confidentiality

Under no circumstance shall the Contractor discuss and/or release information to a prospective ESCO (prior to ESCO selection) or the media concerning this project.



All financial, statistical, personal, technical and other data and information relating to the Program's or Owner's operation which are designated confidential by the Program and made available to the Consultant in order to carry out this Contract, or which become available to the Consultant in carrying out this Contract, shall be protected by the Consultant from unauthorized use and disclosure through the observance of the same or more effective procedural requirements as are applicable to the Program or Owner.

Conflict of Interest

The Consultant cannot be an officer or employee of any energy service company (ESCO) nor have any contract relationships with ESCOs prior to and during the term of any contract resulting from this RFP. This is critical to maintain the credibility of the Program and to ensure neutrality in advising the Owner's ESCO selection.

ATTACHMENT I: Scope of Services

The Consultant shall provide the following services:

- A. **Performance Contracting Project Development Assistance** to Owners. Serve as trouble-shooter and communication facilitator, and support the Program/Owner throughout the process to ensure owner's expectations are appropriately met by the ESCO. Work in a team approach with Program/Owner. Provide a cursory assessment of the potential for an energy savings performance contracting project ("go" or "no-go" assessment based on knowledge of the ability of ESCOs to develop a project). Facilitate training sessions for Owner staff members to establish concept-level buy-in from key decision-makers (procurement, legal, finance, administration, facilities), determine the decision-making process and authority needed for each step, identify the champion to lead the process, and serve as the point person representing the Owner.
- B. **Performance Contracting RFP Development Assistance** to Owners (state or local governments) including, but not limited to, ensuring understanding and buy-in from key decision-makers (procurement, legal, finance, administration, facilities) and gaining full approval to proceed on the RFP, guidance in developing the Facility Profile to include in the RFP as information for ESCOs, Proposed Project Schedule, and identification of special needs or specific desired projects that may not otherwise be considered by an ESCO. Owners may choose to use their own staff or consultants for RFP development rendering this service unnecessary. Attend the site visit and help educate ESCOs about the Owner's needs, interests and requirements. Answer technical questions that arise during the RFP process.
- C. **Proposal Technical Review** including, but not limited to, review of written proposals submitted by Energy Services Companies (ESCOs) for the purpose of identifying key technical issues that need to be addressed or considered by the evaluation committee or that need to be clarified by the ESCO. It is generally recommended that the Consultant not be part of the scoring/ranking process but rather be an advisor to help ensure the Owner selects an ESCO whose proposal is most advantageous to the Program/Owner.
- D. **Assistance with ESCO Oral Interviews** including, but not limited to, preparing proposal-specific questions for oral interviews, participating in ESCO oral interview sessions, and participating in debriefing sessions for ESCOs.
- E. **Proposal Evaluation Services** including, but not limited to, compiling and generating written, numeric and graphic cumulative evaluation ranking instruments for procurements.
- F. **Energy Audit Review Services.** Assist in negotiation of the audit contract. Attend the audit kick-off meeting and subsequent meetings and calls including interim review meetings for the 30%, 60%, 90% and final audit completion.

Evaluate the risks and cost of the performance M&V strategies.

Review the selected ESCO's investment grade technical energy audit including, but not limited to:

- Baseline development for units and costs of energy, water, operational and maintenance, and other usage/cost categories to be used in efficiency savings calculations.

- Analysis of recommended measures.
- Cost estimates for each measure, itemized, and reasonableness.
- Efficiency savings estimates for each measure with associated costs, savings analysis methodologies, supporting calculations and assumptions, and reasonableness.
- Life expectancies for each measure.
- Related operation and maintenance procedures that are impacted and how to ensure persistence of efficiency and cost savings.
- Efficiency savings Measurement and Verification (M&V) Plan.
- Commissioning plan.
- Potential environmental impacts.
- Cumulative efficiency and cost savings estimates and interactions among measures.
- Economic and cash flow analysis.
- Training strategies.

G. **Contract Negotiation and Technical Review Services** including, but not limited to, review of contract technical schedules, equipment to be installed, proposed baselines and baseline development methodology, operations and maintenance strategies and responsibilities, project commissioning plans, efficiency savings measurement and verification plan for each measure, thorough documentation, and consultation with Owner personnel as required. Assist the Owner with negotiations and final contract approval. Act as the Owner's Representative in negotiating all issues with the ESCO.

H. **Project Implementation Assistance** to function as a third party to make unbiased recommendations for fast and fair resolution to any project related issues that might arise during the design and construction phase. Review the ESCO's commissioning report. Participate in final project acceptance.

I. **Periodic reviews of Measurement and Verification Reports** including, but not limited to, review of annual efficiency savings/shortfall calculations, M&V methodology, and baseline adjustment methodology.

ATTACHMENT II: Proposed Schedule of Fees

To be completed and submitted by Proposer

Request for Proposals for Consulting Services for Energy Saving Performance Contracting

Name of Proposer: _____

Task	Maximum Hours*	Hourly Rate	Total Cost* (Hours x Rate)
A. Project Development			
B. RFP Development Assistance			
C. Proposal Technical Review and Evaluation Services			
D. Assistance with ESCO Oral Interviews			
E. Proposal Evaluation Services			
F. Audit Review Services			
G. Contract Negotiation and Technical Review Services			
H. Annual reviews of Measurement and Verification Reports			
Total Proposed Cost (Sum of lines A through G)			

* Maximum Hours and Total Cost are not required at this time. They will be required when the Consultant is selected for a specific Owner project regarding both options below:

- **Option A:** When the Program assigns the Consultant to an Owner project, requiring a specific proposal.
- **Option B:** When this RFP is used by an Owner to obtain an estimate for consulting costs on the Owner's project.

ATTACHMENT III: Sample Contract for Consulting Services

Use a standard contract for consulting services and insert the following project-specific information:

Program Name:

Consultant Name:

CONTRACT FOR CONSULTING SERVICES

Payment

In consideration of the services described above, State hereby agrees to pay to Contractor a maximum fee of **contracted amount spelled out** dollars. Payment will be made monthly only on approval of Program/Owner. Hourly rates are all-inclusive, including travel costs.

Property of Program/Owner

Upon completion of this contract, or if terminated earlier, all records, reports, worksheets or any other materials related to this contract shall become the property of the Program/Owner.

Entire Agreement

This contract, together with the Request for Proposals (RFP) and addenda issued thereto by the Owner, the proposal submitted by the Contractor in response to the Owner's RFP, and any exhibits specifically incorporated herein by reference, constitute the entire agreement between the parties with respect to the subject matter.


Assignment

The Contractor shall not assign any interest in this contract and shall not transfer any interest in same (whether by assignment or novation), without prior written consent of the Owner, provided however, that claims for money due or to become due to the Contractor from the Owner may be assigned to a bank, trust company or other financial institution without such prior written consent. Notice of any such assignment or transfer shall be furnished promptly to the Owner.

The contractor's personnel assigned to this contract may not be replaced without the written consent of the State. Such consent shall not be unreasonably withheld or delayed provided an equally qualified replacement is offered. The Contractor will make every reasonable attempt to assign the personnel listed in his proposal.

Confidentiality

All financial, statistical, personal, technical and other data and information relating to the Program's/Owner's operation which are designated confidential by the Program/Owner and made available to the contractor in order to carry out this contract, or which become available to the contractor in carrying out this contract, shall be protected by the contractor from unauthorized use and



disclosure through the observance of the same or more effective procedural requirements as are applicable to the Program/Owner.

Scope of Services

Insert Scope of Services from the RFP.

ATTACHMENT IV: Performance Contracting Rules

Legislation

Insert any legislation directed to the market sectors you intend to serve.

Check the following website for legislative statutes in your state:

<http://www.ornl.gov/info/esco/legislation/newesco.shtml>

Program Requirements

Provide a link to the Program's website.

Insert any specific requirements or call-out requirements that are integrated into the model documents.

Model Documents

Insert website link or actual documents intended for use by the Program. Documents include an RFP to select an ESCO or a process to select an ESCO from a pre-qualified list, audit contract, performance contract and associated process information. If these are not yet defined, a model set of documents used as a basis for documents of many state programs, is posted on the website of the Energy Services Coalition (ESC): <http://www.energyservicescoalition.org/>