



January 15, 2014

**STATE OF ALABAMA
COUNTY OF SHELBY**

**REQUEST FOR PROPOSALS FOR WATER AND ENERGY EFFICIENCY
PERFORMANCE CONTRACTING SERVICES**

Request for Proposals (RFP) for Water and Energy Efficiency Performance Contracting Services will be received in the office of the County Manager, Shelby County Administration Building, 200 West College Street in Columbiana, Alabama 35051 (mailing address: P. O. Box 467), until 3:00 p.m., February 6, 2014. The Shelby County Commission reserves the right to reject any or all proposals and to waive informalities in awarding this contract to the most qualified firm in the County's determination. If you have any questions concerning this RFP, please contact Michael Cain at mcain@shelbyal.com.

GENERAL INFORMATION

All firms must submit their proposals in accordance with the RFP requirements. All proposals must be sealed and marked "**REQUEST FOR PROPOSALS FOR WATER AND ENERGY EFFICIENCY PERFORMANCE CONTRACTING SERVICES**" with opening date and time. Late proposals will not be opened.

Should there be a change in ownership or management the contract shall be canceled unless a mutual agreement is reached with the new owner or manager to continue the contract with its present provisions and prices. The contract is not transferable by either party.

The County may cancel this contract at any time for any reason, provided a thirty day written notice is given.

All awarded vendors must provide Immigration Law Compliance Documents found on the Shelby County website at www.shelbyal.com.

A handwritten signature in black ink, reading "Alex Dudchock".

Alex Dudchock
County Manager

REQUEST FOR PROPOSAL FOR WATER AND ENERGY EFFICIENCY PERFORMANCE CONTRACTING SERVICES

SHELBY COUNTY COMMISSION
SHELBY COUNTY WATER SERVICES
SHELBY COUNTY, ALABAMA

I. INTRODUCTION

A. Purpose

In compliance with Alabama Code (41-16-140 – The Guaranteed Energy Cost Savings Act), Shelby County Water Services, a department of the Shelby County Commission, (herein referred to as the "COUNTY") is soliciting responses from qualified firms interested in providing an innovative self-funding solution by making efficiency improvements in the following areas: Energy usage, Water usage, Gas usage, Water Utility & Billing, Technology, Operational Costs and any other Efficiency Projects uncovered during the evaluation. This endeavor will result in turnkey performance based contracting services to upgrade the COUNTY'S physical infrastructure. The intent of the COUNTY is to reduce energy and operating costs; and gain efficiencies and technological accuracies in operation while simultaneously accomplishing needed capital improvements deemed appropriate by the COUNTY.

B. Project Overview

The COUNTY is interested in contracting for a full range of energy services and energy-related capital improvements (hereinafter referred to as "PROJECT") designed to reduce energy and/or water use and related costs for the COUNTY. These services and improvements are to be delivered on a performance contracting basis which may allow the COUNTY to: a) incur no initial capital cost, b) achieve significant long term savings which are measured and verified, c) obtain an annual savings guarantee which will be equal to or greater than the total annual PROJECT cost, d) obtain consistent levels of system functionality, e) provide financing options, i.e. installment payment or a lease-purchase agreement over an extended contract term, not to exceed twenty (20) years. The COUNTY will enter into a performance contract which is determined to be in the best interest of the COUNTY. Contract award will be based on selection criteria set forth in this RFP.

The firm selected as a result of this RFP will be expected to define, develop, and implement a comprehensive energy conservation program for the COUNTY water system.

The COUNTY water system consists of approximately 11,120 (+/-) customers; the majority of which are residential customers. The COUNTY also has four (4) active wholesale water accounts with neighboring community water systems. The infrastructure of the system consists of four (4) booster pump stations, nine (9) ground level storage tanks, and one (1) treatment facility commissioned in 2008.

II. POTENTIAL SCOPE OF WORK

A. Required Capabilities

1. Work may include, but is not limited to:
 - (a) Comprehensive Energy Auditing (Investment Grade Audit)

- (b) Design and installation modifications to improve energy efficiency without sacrificing comfort, existing equipment reliability, public safety, or compliance with Alabama Department of Environmental Management and/or the United States Environmental Protection Agency regulations.
 - (c) Guaranteed energy savings
 - (d) Training as required for County personnel
 - (e) Construction and Project Management
 - (f) Provide maintenance and service of the installed measures subject to approval by the County and not in conflict with existing contracts. The County will have the final authority in the award of maintenance and service contracts.
 - (g) Project Financing Facilitation
 - (h) Development of a Public Relations Plan
2. The selected ESCO will be required to provide economic evaluations and project cash flow projections. The project shall have a positive cash flow annually when including capital costs, any potential ongoing maintenance services, savings verifications services, and finance cost with a finance period not to exceed twenty (20) years.

B. Questions

Any questions regarding this Request for Proposal shall be directed in writing to:

Michael Cain, P.E.
Manager of Water Services
Office Phone: (205)670-6540
E-Mail: mcain@shelbyal.com

Information obtained from any other source is not official. Inquires and responses will be recorded and will be distributed to all who have expressed interest in submitting a proposal based on the schedule below. All questions need to be submitted no later than the close of business on the date listed in the schedule below.

C. Proposal Submission

Five (5) copies and an electronic copy of the proposal must be submitted at the time and place stated in the above cover letter.

D. Acknowledgment of Addenda

Any addendums to the RFP will be provided to those who have indicated an interest in submitting a proposal by the time stated above. Addenda must be acknowledged in the appendix. Failure to properly acknowledge any addendum may be deemed as non-responsive.

E. Proposal Schedule

The COUNTY expects to undertake the selection process according to the following schedule. These dates may be changed at the County's sole discretion. Any changes in dates will be issued in writing by the COUNTY.

Request for Proposals Issued: January 15, 2014

Questions Due:	January 24, 2014 by 5:00 PM
Questions Answered:	January 31, 2014
Submission Deadline:	February 6, 2014 by 3:00 PM
ESCO Selection:	February 21, 2014 or later

III. QUALIFICATIONS FORMAT

Responses should be submitted in the format outlined in this section or clearly outlined in the submittal. The COUNTY reserves the right to eliminate from further consideration any response that is deemed to be substantially or materially unresponsive to the requests for information contained in this section.

A. Executive Summary

Responses shall include an abstract of no more than four (4) pages on the information presented in the proposal. Responding firm should highlight the firm's unique value, qualifications and services that should be considered by the COUNTY for this PROJECT.

B. Firm Qualifications

1. Firm must be National Association of Energy Services Companies (NAESCO) accredited. Firm should not have any constraints or limitations in which they are required to use union labor in some regard on their projects.
2. Firm Profile
 - (a) Firm name, corporate address and local address
 - (b) Main contact person with full contact information
 - (c) Years of experience in performance contracting
 - (d) Performance Contracting portfolio
 - (e) Overview of the financial stability of the firm

C. Project Team Qualifications and Experience

1. Project Team assembled for the COUNTY PROJECT:
 - (a) Roles and Responsibilities of each team member. Team members should include a representative of Badger Meters proficient in all aspects of the advanced metering technology and a general contractor capable of performing all installations as part of the PROJECT.
 - (b) Resumes of project team members including education, State of Alabama professional licenses, past project experience and any other pertinent information. Individual project team members, including subcontractor team members, that will work directly on this PROJECT may include their personal references and project experience. They may be included and highlighted in this section. These references shall be limited to similar guaranteed savings performance contracting projects and not HVAC, Controls, and/or Service/Maintenance customers.
 - (c) Performance contracting organizational chart that illustrates the structure and roles of your project team.
2. Experience of your proposed PROJECT Team
 - (a) Your Project Team should provide a minimum of five (5) performance contracting references for water system improvements and advanced metering technology projects. References should be similar in size, scope, and complexity indicating your firm's recent experience with local government clients. Each project description shall describe the services provided, lead person for the project (if still

currently employed with firm), project cost, savings amount, and contract term in a maximum of two pages. For the water references, please include the number of meters replaced, the advanced metering technology used, and the billing software used by the utility. Client names with a contact person's phone number should be listed.

D. Technical and Financial Approach

1. Performance Contracting Technical Approach

- (a) Provide an overview of the performance contracting process and savings methodology your firm uses to plan, develop, and implement performance contracts.
- (b) Describe how your firm would determine savings opportunities and conduct a customer needs analysis during the detailed audit phase.
- (c) Describe how your firm will calculate savings to be achieved by the COUNTY. Include specifics for how savings will be determined considering water usage varies based on weather conditions.
- (d) Describe your firm's savings monitoring and verification services.
- (e) Describe your firm's proposed approach for integrating the new advanced metering technology into the existing county computer network and software. Provide description of integration with UMS 2000 utility management and billing system, currently used by the COUNTY.
- (f) Describe your firm's proposed approach to providing any required technical support and training for COUNTY personnel for all new systems installed. Provide how support will be provided (online, onsite etc.) and terms of support.

2. Financial Approach

- (a) Provide descriptions of the sources and types, and cost arrangements of financing vehicles available, as well as your firm's preferred approach.
- (b) Financial Condition of the ESCO. Provide an Annual Report for your company. If no Annual Report is available, attach the most recent audited statements of financial conditions.

E. Other Benefits

1. Describe any other benefits of your firm and/or project team that merits consideration by the COUNTY and that brings additional value to this performance contracting project opportunity. Provide any additional value-added services. Do not include marketing materials.

IV. QUALIFICATIONS EVALUATION AND ESCO SELECTION

The COUNTY will consider the submitted responses for each section listed above in evaluating proposals. These categories may not be weighted equally, but rather in importance and significance to this PROJECT. The COUNTY will select the responding firm that is deemed most qualified and, as determined by the COUNTY, provides the greatest value to the COUNTY for this particular PROJECT.

Firms are not requested to make contact with the COUNTY as a result of this RFP issuance and should make site visits to the COUNTY only if contacted and upon request by the COUNTY. The COUNTY will not conduct oral presentations as part of this RFP evaluation process unless otherwise notified. Failure to comply with these requests will be grounds for disqualification.

The COUNTY is targeting completion of the RFP evaluation and selection process by February 20, 2014 (or later) and will notify the responding firms in writing whether they have been selected. The COUNTY is targeting the negotiation of a Professional Services Contract for project development with the successful respondent within thirty (30) days of the RFP selection notification date. The successful respondent will then conduct detailed engineering and audit services and evaluate the COUNTY'S systems for efficiencies and accuracies, quantify savings to be gained, determine project scope of work and services to be performed, identify all project benefits, quantify final savings guarantee numbers, quantify final cost, finalize funding/financing source and terms, and submit a performance contract for staff, County Manager, and County Commission for review and approval. Upon legal review and presentation of final contracts, the COUNTY will consider action to implement a final performance contracting project but has no obligation to do so.

V. TERMS AND CONDITIONS

A. Bonding and Insurance Requirements

Provide the current bonding capacity; bond rating; and confirmation that firm is currently bondable for 100% of a payment bond for construction of this project and 100% of a performance bond for construction of this project.

Confirm that the respondent will provide general liability insurance with limits of \$5,000,000 per occurrence and \$5,000,000 aggregate with Shelby County as a named insured.

B. Notification of Changes

All recipients of this request for proposal who have returned the Receipt Confirmation Form or have notified the COUNTY in writing by January 23, 2014 of the intent to submit a proposal will be notified regarding any changes made to this document.

C. Ownership of SOQ's

All responses to this request for proposal become the property of the COUNTY.

D. Respondent Expenses

Prospective respondents to this RFP are solely responsible for their own expenses in preparing a proposal and subsequent negotiations with the COUNTY, if any.

E. Acceptance of Proposals

Late proposals will not be evaluated. This RFP should not be construed as a contract to purchase goods or services. The COUNTY reserves the right to reject any or all SOQs, or to accept or reject the SOQ or any parts of the SOQ that appear to be in the best interest of the COUNTY. The COUNTY shall not be obligated in any manner to any respondent whatsoever until a written agreement has been duly executed relating to an approved proposal. The COUNTY reserves the right to modify the terms of the RFP at any time in its sole discretion.

F. Liability of Errors

While the COUNTY has used considerable efforts to ensure an accurate representation of information in this RFP, all prospective contractors are urged to conduct their own investigations into the material facts and the COUNTY shall not be held liable or accountable for any error or omission in any part of this RFP.

G. Cost Submittals

Pricing or Cost submittals are not requested as part of this qualifications-based Request for Proposal and final cost will be submitted when engineering and determination of final scope of work is complete. Premature price submittals and/or incomplete responses will be grounds for disqualification.

H. Acceptance of Terms

All the terms and conditions of this RFP are deemed to be accepted by the prospective contractor and incorporated in its proposal, except those conditions and provisions which are expressly excluded by the proposal. All exclusions shall be clearly noted in a separate document attached to the front of the proposal.

I. Financial Stability

The successful respondent must demonstrate financial stability and the COUNTY reserves the right to conduct independent background checks to determine financial strength of any and all organizations or individuals submitting proposals.

J. Negotiation Delay

If any contract cannot be negotiated within sixty (60) days of notification to the designated respondent, the COUNTY may terminate negotiations with that respondent and negotiate a contract with another respondent of its choice.

K. Subcontracting

Utilizing a subcontractor, who must be clearly identified, to remedy deficiencies in the prime respondent's product or services offered is acceptable. This includes joint submissions by two firms having no corporate links. However, in this case, one of these firms must be prepared to take overall responsibility for successful interconnection of the two product/service liens and this must be defined in the proposal. Subcontracting to any firm or individual involved in the preparation of this RFP will not be permitted.

L. Definition of Contract

The COUNTY may at its option notify a respondent in writing that its proposal has been accepted and such acceptance shall at the COUNTY'S option constitute the making of a formal contract for the services set out in the proposal. Alternatively, the subsequent full execution of written contract shall constitute the making of a contract for services, and no respondent shall acquire any legal or equitable rights or privileges whatever relative to the services until the COUNTY has delivered either a signed notice in writing to the respondent or a fully executed written agreement to the respondent.

M. Compliance with Laws

The contractor, and subsequent subcontractors, shall give all notices and obtain all licenses and permits required to perform the work. The contractor shall comply with all laws applicable to the work or the performances of the contract.

N. Governing Law

This RFP and any contract entered into between the respondent and the COUNTY shall be governed by and in accordance with the laws of the State of Alabama and the United States of America.

O. Confidentiality and Security

Information collected shall be governed by and in accordance with the laws of the State of Alabama and the United States of America. This document, or any portion thereof, may not be used for any purpose other than the submission of proposals.

Suppliers should be aware that pertinent fact relating to their proposals, excluding trade secrets or proprietary information, could potentially be released as soon as sixty (60) days after the selection of the successful supplier.

Should your submission to this RFP contain "trade secrets", or other information the disclosure of which could reasonably be expected to be harmful to business interests, you must ensure that such information is clearly identified and marked as such. Identification must be specific by item or paragraph.

Marked information will be treated as **Confidential Third Party Information**. Should marked information be the subject of a request under the Freedom of Information law, you may be requested either to consent to the request, or make representation explaining why the information should not be disclosed.