

City and County of San Francisco

Request for Proposals for

**Energy Efficiency, Renewable Energy, and Climate
Professional Services**

**Department of the Environment
11 Grove Street
San Francisco, CA 94102**

This RFP package is also available on the web:

In the CCSF Contracts and Bids database,

<http://mission.sfgov.org/OCABidPublication/ReviewBids.aspx>

On the Department of the Environment website, <http://www.sfenvironment.com>



Date issued:

June, 30, 2009

Pre-proposal conference:

2 p.m., July 8, 2009

Proposal due:

5 p.m., July 31, 2009

**Request for Proposals for
Energy Efficiency, Renewable Energy and Climate Consulting Assistance**

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Appendices:

- A. Not included.
- B. Standard Forms: Listing and Internet addresses of Forms related to B-1 Taxpayer Identification Number and Certification, to Business Tax Declaration, and to Chapters 12B and 12C of the S.F. Administrative Code.
- C. Agreement for Professional Services (form P-500) (as modified by Federal Contracting Requirements) – separate document.

I. Introduction and Schedule

A. General

The Department of the Environment of the City and County of San Francisco (CCSF) announces a Request for Proposals (RFP) for professional services for the Department's energy and climate programs, including energy efficiency, renewable and alternative energy components, and climate protection initiatives. CCSF is seeking to engage (1) one prime contractor to provide implementation support for ongoing incentive programs; and (2) more than one prime contractor to provide as-needed research, energy engineering, technical analysis, policy, and program design and implementation support. Contractors may submit a proposal for both Part 1 and Part 2, or for only one of these two options, as outlined in Section II below.

The contracts shall have an original term of five (5) years. In addition, CCSF shall have three (3) options to extend the term, each for a period of one (1) year, which CCSF may exercise in its sole and absolute discretion. The combination of contracts executed under this RFP shall not exceed a total of \$25,000,000. It is currently estimated that \$17,000,000 of these funds will be paid out as incentives to program participants and will flow through the contract awarded in category (1) above.

The energy efficiency programs are funded through a combination of federal, State and local money, including California Public Utilities Commission (CPUC) authorized funds that the City administers under a contract with Pacific Gas and Electric Company (PG&E), American Recovery and Reinvestment Act (ARRA) grants, and budget appropriations and grant funds received by the Department of the Environment. The professional services sought under this RFP will be funded in part with proceeds from an Energy Efficiency and Conservation Block Grant Program (EECBG) which has been allocated but not yet awarded. The successful bidder(s) for this RFP therefore will be required to comply with the requirements for subgrantees set forth in the US Department of Energy's "Assistance Agreement" with the City, which will include: (1) terms and conditions for subgrantees set forth in 10CFR part 600.200 (Subpart C, Uniform Administrative Requirements for Grants to Local Governments) (<http://ecfr.gpoaccess.gov>), (2) special program regulations for work funded under American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, including regulations that may be issued by the Office of Management and Budget and US DOE, and (3) national policy assurances (http://management.energy.gov/business_doe/business_forms.htm).

The Department of the Environment's mission is to improve, enhance, and preserve the environment and promote San Francisco's long-term environmental sustainability. The department works on planning and implementation of energy efficiency, climate protection, renewable energy projects, improved building standards, and outreach and incentive programs for San Francisco residents and businesses. Contractors may be asked to support any of these efforts and to provide assistance with the development and implementation of new programs.

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B. Schedule

The anticipated schedule for selecting a consultant is:

<u>Proposal Phase</u>	<u>Date</u>
RFP is advertised and issued by CCSF	June 30, 2009
Pre-proposal conference	July 8, 2009
Deadline for submission of written questions or requests for clarification	July 24, 2009
Proposals due	July 31, 2009
Oral interview with firms selected for further consideration	August 10, 2009

II. Scope of Work

The Scope of Work (SOW) is to be used as a general guide and is not intended to be a complete list of all work necessary to fulfill the Department's needs. The professional services described below are examples of the broad range of assistance CCSF anticipates will be needed over the next few years in support of its programs. The list is not exhaustive, and consultants may be called upon for other services within their expertise that are not mentioned here.

The services described below will be conducted in support of the San Francisco Department of the Environment's Climate and Energy program, which is divided into three target areas:

- **Energy Efficiency** – The Department has been implementing energy efficiency incentive programs for the private sector since 2002 and working on improved energy codes. San Francisco's 2002 Electricity Resource Plan set a 107 MW reduction goal by 2012. To date, target markets have been small and medium businesses and multifamily properties. Single family homes may be incorporated in the future.
- **Renewable Energy** – CCSF has set ambitious goals of achieving 50 MW of in-city renewable energy generation by 2012. San Francisco's Department of the Environment leads private sector renewable energy outreach efforts to help the city meet these goals. CCSF is aggressively pursuing a number of different renewable energy technologies, including wave and tidal power, solar photovoltaics, solar water heating, urban wind, geothermal heat pumps and combined heat and power.

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- **Climate Change** – CCSF is committed to the following greenhouse gas emissions reduction goals: 20% below 1990 levels by 2012, 40% by 2025 and 80% by 2050. In order to meet these goals San Francisco's Department of the Environment is focused on achieving GHG reductions through all its major programs from specific energy and climate work to waste reduction, alternative transportation, and urban forestry.

CCSF does not assume that one consultant (with sub-contractors) will be able to provide all services in equal strengths; therefore, CCSF intends to select more than one consulting team to cover the array of expertise anticipated to be needed by the Department. There is no guarantee that a selected firm(s) will be assigned any scope of work, or that selected firm(s) will be assigned equivalent amounts of work.

This SOW includes energy efficiency, demand reduction, renewable energy, combined heat and power, and greenhouse gas reduction. The following are work tasks assumed necessary for fulfilling current and anticipated needs. For Part 1, proposers must be able to provide the full range of services. For Part 2, proposers are encouraged to assemble a team of subcontractors to provide all tasks described. Firms may suggest a modified scope as part of their proposal for Part 2, but the scope must demonstrate qualifications to perform in eight (8) of the eleven (11) categories **B through L**.

The Scope of Work has been grouped into categories of expertise (**A through M**). Contractors must indicate the categories of expertise covered in their proposals. To claim expertise in any category, Consultants must assemble a team that can respond to the full range of work described in the categories.

PART 1: Implementation of Incentive Programs

The Department currently operates an energy efficiency incentive program with funding authorized by the California Public Utilities Commission under a contract with PG&E. In 2008, the program processed approximately \$3 million of incentive payments. The program, currently entitled 'Energy Watch', is primarily targeted at commercial and multi-family properties.

At present, the program is in 'bridge funding' awaiting CPUC approval of the 2009-11 programs and a new contract with PG&E. Beginning later this year, this program will be augmented by EECBG funding and other funding sources that will be tracked in the same database but reported separately.

Additionally, the program will add new market sectors and new technologies as determined by the Department. The contractor selected under this RFP will also coordinate with the San Francisco Clean Energy Loan Program or other financing programs as determined by the Department.

A prime contractor, working closely with Department staff, must be able to perform all the tasks under Scope A below:

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A. Administrative and Technical Support

1. Assist CCSF in identifying commercial, non-profit, multi-family, and single-family energy projects for program participation.
2. Recruit installation contractors, train them on program procedures and standards, and oversee their performance, bearing in mind CCSF focus on local businesses and workforce development.
3. Receive and process project applications, checking for completeness and accuracy, methodologies used, and reasonableness of savings estimates and construction cost estimates.
4. Perform quality control inspections of project sites using adopted protocols to meet the requirements of funders and administrators such as the California Public Utilities Commission (CPUC), PG&E, U.S. Department of Energy, California Energy Commission and others.
5. Enter project data into a database for tracking and reporting. Information captured includes site-specific information, contact information, utility account information, hours of operation, recommended measures installed, projected energy savings in kW, kWh and therms, project costs, incentive amount, and customer cost.
6. Issue incentive payments to contractors through a cash revolving fund for quick payment of approved and completed projects.
7. Provide CCSF with weekly updates and monthly invoices and reports on all program activities as required.
8. Assist in development, upgrade, and/or maintenance of a customer database system with the capacity to meet new and changing information, along with continued tracking and reporting of utility account numbers and usage data, rate schedules, measures implemented, rebates, etc.
9. Conduct customer satisfaction surveys and analysis and assist in development of after-market services including enforcement of warranties for the measures installed.
10. Participate in evaluation activities as directed by CCSF.
11. Perform other tasks necessary for successful implementation.

PART 2: General Consulting Services (B through M)

B. Regulations and Policy

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1. Assist in the development of policies, regulations, and ordinances. This may include identifying goals and strategies of forming new public policy or amending existing policy as well as quantifying potential impacts and performing studies needed to support the policy development. Impacts to be quantified may include energy savings, reduction in greenhouse gases, workforce needs, and local economic development.

C. Program Design and Development

1. Identify new programs/projects or improve existing programs that would be appropriate for CCSF to undertake to promote renewable energy, reduce energy consumption and conserve resources. These could include either new construction or retrofit in both the residential and non-residential sectors, or in targeted segments within each sector. Under the guidance of Department staff, prepare proposals, reports, data analysis, evaluations, or other documents in support of program development or program implementation.
2. Assist staff on development of new program design or improving existing program design through needs assessment for customer groups; pilot project design and evaluation; and impact potential. The work may include advising the staff on cost-efficiency, market penetration strategies, the merits of program alternatives based on renewable energy or energy savings potential, success elsewhere of similar programs, ease of monitoring and verification, developing standards and protocols, etc.
3. Provide assistance in developing technical scopes of work for energy auditing, resource assessment, design, materials, equipment, construction management, and related services.
4. Review professional services proposals for audit, assessment, design, materials, equipment, and construction management services for completeness and cost-efficiency.
5. Assist staff in adapting existing procedures and standards or develop new ones for each phase of program implementation. Phases may include auditor training, sales protocol, audit protocol, audit reporting, design specifications, standardized price estimates, customer contracts, financing forms, construction contracts, construction management, product warranties and customer evaluation forms.
6. Prepare financial modeling and business case development studies for efficiency and/or renewable power generation planning and implementation.

D. Program Implementation

1. Assist CCSF in identifying commercial, non-profit, multi-family, and single family energy projects for program participation.
2. Assist in developing and expanding a core of vendors/contractors to participate in programs with focus on local businesses and workforce development.

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3. Work with existing financing mechanisms for customers to receive funding for capital investments related to improvements.
4. Assist in development, upgrade, and/or maintenance of a customer database system with the capacity to track customer contacts, site-specific information, utility account numbers and usage data, rate schedules, measures implemented, rebates, etc.
5. Develop and implement a quality assurance and quality control protocol to meet the requirements of funders and administrators such as the California Public Utilities Commission (CPUC), PG&E, U.S. Department of Energy, California Energy Commission and others.
6. Track and report to CCSF on all program activities as required. Reports may include data about number of customers contacted, audits performed, reports presented, jobs accepted, and installations completed as well as estimates of monthly and to-date kW, kWh, and therm savings, costs, costs to customers, types of buildings, and other data as requested by CCSF.
7. Assist in conducting customer satisfaction surveys and in development of after-market services including enforcement of warranties for the measures installed.
8. Create reports for customers containing basic project information including site-specific information, contact information, language needs, utility account information and hours of operation. Reports could provide detailed energy efficiency and/or renewable energy recommendations, estimates of gross project costs, incentives provided and estimated costs to the customer. Reports may also include savings summaries for recommended measures installed, including projected energy savings in kW, kWh and therms, as well as CO₂ emissions reductions and cost savings values of reduced energy use, simple payback, ROI and other financial information.
9. Participate in evaluation activities as directed by CCSF.

E. Technical Assistance

1. Develop calculation tools and technical work papers.
2. Conduct pre- and post-installation verification of retrofits.
3. Perform energy savings analysis, including due-diligence reviews of renewable energy technologies and energy efficiency measures.
4. Conduct audits/assessments of residential and commercial properties. Audits/assessments may include basic information about the building; a detailed account of energy using equipment and hours of operation; a detailed list of no- and low-cost recommendations,

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and retrofit/installation recommendations. Systems covered in an audit may include lighting, lighting controls, heating, ventilating, and air conditioning (HVAC), HVAC controls, refrigeration, natural gas boilers, and water heating systems and renewable energy potential.

5. Review audit reports for completeness, methodologies used, and reasonableness of savings estimates and construction cost estimates.
6. Conduct building performance tests using blower doors, duct blasters, and infrared cameras; prepare detailed reports that include recommendations for upgrades including a cost-effective analysis of all options available.
7. Prepare feasibility studies that include estimating the cost and energy savings of the proposed measures, the operations and maintenance (O&M) cost impact, life cycle cost and anticipated carbon savings. Analyses may include developing energy use baselines, creating load profiles, and producing schematics. These analyses may necessitate the use of computer modeling techniques, securing and analyzing customer meter data, the installation of specialized monitoring equipment, and post-construction site visits.
8. Identify issues and estimate costs associated with meeting applicable building codes, fire codes, asbestos abatement, inspection, and waste disposal.
9. Prepare feasibility studies for an integrated approach to building retrofits (alternative energy strategies, recycled and low-emitting content materials, indoor air quality, water conservation and recycling opportunities).
10. Conduct pre-feasibility, feasibility, technical potential and market studies for renewable energy technologies, including cogeneration, fuel cells, solar, urban wind, geothermal heat pumps, and wave and tidal power. These could include market penetration potential, evaluation of market sectors, program performance by market sector, etc.
11. Provide services in languages other than English.

F. Climate Inventory and Certification

1. Assist staff in updating departmental, municipal and or community-wide greenhouse gas emissions inventories. Phases include data collection, organizational management, analysis and final reporting.
2. Review greenhouse gas emissions inventories conducted by the Department. The Department will be responsible to correct any deficiencies discovered by the review. Contractor must be eligible or licensed to certify the inventory to the California Climate Action Registry and The Climate Registry. Contractor may also be requested to report to other registries as directed by the Department.

G. Resource Mapping

1. Develop high-resolution, citywide sustainable energy resource and climate data map(s).
2. Use aerial imagery, 3-D modeling and other tools to evaluate the renewable energy potential for buildings within CCSF, taking into consideration the local resource, building/roof materials, location, surface obstructions, shading objects, permitting requirements, and other factors affecting buildings' ability to harness renewable energy.
3. Utilize existing municipal and community-wide energy and transportation data points and assemble other relevant climate data (as specified by San Francisco Department of Environment) into a community wide climate and energy map to assess appropriate neighborhood and community-wide climate policies and assess community-wide vulnerability.
4. Develop web sites and/or web-based tools for displaying energy and climate map(s).
5. Create open source databases allowing CCSF to access data on renewable energy potential of addresses within CCSF.
6. Create open source database and or build on existing in house GIS mapping database to house all GHG inventory and other climate data with built-in ability to add data categories in the future.

H. Marketing

1. Conduct market potential studies. These could include market penetration potential, evaluation of market sectors, program performance by market sector, etc.
2. Adapt existing marketing materials or develop new ones including materials that are appropriate to San Francisco's culturally and linguistically diverse community. Marketing materials may include emails, brochures, leaflets, posters, web sites, presentations, press releases, print advertising.
3. Implement marketing plans including: producing marketing materials, distributing materials, scheduling press events and marketing events, and making presentations at events.
4. Develop strategic outreach plan to include various residential and commercial sectors, specific technologies, vendor groups, etc.
5. Provide services in languages other than English.

I. Information and Training

1. Design and develop informational and training programs primarily directed at various sectors including: real estate developers, financiers, building owners, building managers, design professionals, and maintenance professionals.

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2. Assist CCSF staff in developing informational presentations, training sessions, and training materials.
3. Conduct workshops in support of programs.
4. Train vendors and contractors in whole building performance, new technologies, and integrated approaches to building improvements.
5. Provide services in languages other than English.

J. Design and Specification

1. Review of contractor or project design documents for approach and completeness.
2. Specify the task objective and scope of work for energy measures, water use, indoor environmental quality, renewable energy options, combined heat and power, and building materials.
3. Specify the quantities and types of equipment to be installed and simple drawings noting where they are to be installed.
4. Provide specifications for materials, installation, and commissioning (including training).
5. Prepare mechanical and electrical drawings and specifications to accurately describe the implementation and commissioning of the recommended measures. Include alternative efficiency and green building strategies, for example, the use of daylighting, indirect lighting, high efficiency motors, renewable energy, water reuse, etc.

K. Construction Management

1. Provide construction administration and inspection such as inspecting work progress and reviewing contractor's construction drawings to determine adherence with the recommended design.
2. Prepare punch lists and review execution of punch lists and other construction management tasks as necessary.
3. Conduct review of service levels provided during construction management for consistency with standard practices, and completeness.
4. Locate contractors appropriate to the cultural interests of the neighborhood and meet City goals for workforce development and hiring locally owned businesses.

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L. Building Commissioning Assistance

1. Prepare and/or review commissioning plans for projects. Plans may describe the tasks of the commissioning agent, such as design documentation; planning and conducting functional performance testing; O&M training and documentation; and other tasks related to commissioning.
2. Prepare commissioning language to be included in construction bid documents to specify responsibilities of the construction contractors.
3. Serve as commissioning agent for some smaller projects. Duties may include preparing a commissioning plan and implementing each element, including on-site functional testing and training for building engineers.

M. Other Tasks

1. As programs are developed and materialize, consultants may be requested to provide expertise in areas not covered in this RFP.

III. Submission Requirements

A. Time and Place for Submission of Proposals

In order to reduce the amount of paper and other resources used in generating RFP proposals, SF Environment will only accept proposals submitted electronically. Proposals must be received **by email to Energy.ClimateProposals@sfenvironment.org by 5:00 p.m., July 31, 2009**, clearly marked “**Energy and Climate Proposal**” in the subject line. Proposals received after 5:00 p.m. on July 31, 2009, will not be accepted. Proposals that are submitted by fax or hard copy will not be accepted. Late submissions will not be considered.

B. Format and Content of Proposals

Firms interested in responding to this RFP must submit the following information, in the order specified below:

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1. Introduction (1 page) and Executive Summary (up to 2 pages)

Submit a letter of introduction and an executive summary of the proposal. The letter must be signed by a person authorized by your firm to obligate your firm to perform the commitments contained in the proposal. Submission of the letter will constitute a representation by your firm that your firm is willing and able to perform the commitments contained in the proposal.

In the Executive Summary, provide a clear statement of the firm's understanding of the nature and extent of the services required, and the team's overall approach in fulfilling the objectives and goals of the contract, and a brief summary of your team's key strengths. Introduce the subcontractors included on the consultant team, describing the nature of services they routinely provide that demonstrate the firms' qualifications to perform the work scope.

2. Contractor/Sub-Contractor Qualifications (up to 3 pages per firm)

Provide background and qualifications that address the following for your firm and each subcontracting firms on the proposal team:

- a. Name, address, and telephone number of contact persons.
- b. A brief description of each firm, its role in providing necessary professional services, and how the team structure would work to the advantage of fulfilling the Scope of Work (Section II).
- c. For your firm and each subcontractor, describe relevant project experience that corresponds to the categories of the Scope of Work. Projects may be included in more than one program area as long as they pertain. Where appropriate, briefly describe your approach to the work, including insights and issues associated with the program area, and/or sample tasks or deliverables. Include client, budget, schedule, and project summary.
- d. Examples of two projects completed by your firm and each subcontractor, including client, reference and telephone numbers, staff members who worked on each project, budget, schedule and project summary.

3. Team Qualifications (up to 20 pages)

- a. Provide a list identifying: (i) each key person on the project team, (ii) the project manager, (iii) the role each will play in the project, and (iv) a written assurance that the key individuals listed and identified will be performing the work and will not be substituted with other personnel or reassigned to another project without CCSF's prior approval.

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- b. Provide a description of the experience and qualifications of each of the project team members, including brief resumes if necessary.

4. References (up to 2 pages)

Provide references for the prime contractor, lead project manager, for each subcontracting firm, including the name, address and telephone number of three or more recent clients.

5. Fee Proposal

CCSF intends to award this contract to the firm(s) that it considers will provide the best overall program services. CCSF reserves the right to accept other than the lowest priced offer and to reject any proposals that are not responsive to this request.

Please provide a fee proposal in a sealed envelope that includes the following:

- a. Hourly rates and years of experience for all team members. Hourly rates and itemized costs may be used to negotiate changes in the Scope of Work if necessary.
- b. For submissions for Part I of the Scope of Work, provide the itemized cost for processing an incentive payment to a program participant. The itemized costs should include tracking and reporting of the payment. CCSF estimates that at least 1,000 incentive payments may be made annually with a total of \$17 to \$18 million distributed over a 5-year period.

IV. Evaluation and Selection Criteria

A. Minimum Qualifications

The prime contractor, team members, and staff must have demonstrated technical and administrative experience in managing and implementing energy and environmental projects, and in providing the specialized expertise called for in the Scope of Work. Any proposal that does not demonstrate that the contractors meets these minimum requirements by the deadline for submittal of proposals will be considered non-responsive and will not be eligible for award of the contract.

B. Selection Criteria

The proposals will be evaluated by a selection committee comprised of parties with expertise in energy efficiency, renewable energy, and engineering. CCSF intends to evaluate the proposals generally in accordance with the criteria itemized below. Up to five (5) of the firms

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with the highest scoring proposals will be interviewed by the committee to make the final selection. The committee may increase that number based on the results of the interviews.

Written Proposal

1. Project Approach (10 points)

- a. How prime contractor will approach fulfilling the categories within the Scope of Work for Part 1, Part 2, or both categories.
- b. Strategy for using its team of subcontractors effectively.

2. Assigned Project Staff (40 points)

- a. Practical experience and technical qualifications of key staff in:
 - Energy Retrofit Audit-Design-Construction Management services
 - Energy-efficient lighting, HVAC, refrigeration, motors, controls, and whole building performance
 - Alternative energy technologies
 - Resource efficiency and integrated building systems
 - Greenhouse gas emission inventories
 - Digital mapping and web-based access tools
 - Database development
 - Analysis and evaluation
 - Program design and implementation
 - Marketing
 - Training
- b. Recent experience of key staff assigned to the project and a description of the task areas to be performed by each staff person.
- c. Professional qualifications and education.
- d. Workload, staff availability and accessibility.

3. Experience of Prime Contractor Firm and Subcontracting Firms (30 points)

- a. Expertise and breadth and depth of practice of the firm and sub-contactors in the fields necessary to complete the tasks.
- b. Quality of recently completed projects, including adherence to schedules, deadlines and budgets; and
- c. Knowledge/experience with energy efficiency, renewable energy, and climate change.

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- d. Capacity of innovative and cost-effective solutions; insights into problems; access to special resources.
- e. Success with similar projects.
- f. Results of reference checks.

4. Fees (20 points)

- a. The fee proposal should be structured as indicated in Section 5 of the Submission Requirements. Subsections 5.a and 5.b will be scored separately, each receiving a maximum of 10 points.
- b. The lowest overall fee that meets the program goals will receive the total number of points assigned to the fee evaluation criterion. The other fee proposals will then be scored by dividing the amount of the lowest fee by the fee proposal being scored and multiplying the result by the total number of points assigned to the fee evaluation criterion. For example, the proposer who offers the lowest fee proposal of \$10,000 receives all 10 points. The next lowest proposal that offers \$12,000 receives a score of 8.3 points (\$10,000 divided by \$12,000, multiplied by 10 points).
- c. Fee proposals will be rated on the ability to meet the goals within the given budget, completeness and reasonableness. CCSF reserves the right to accept other than the lowest priced offer and to reject any proposals that are not responsive to this request.

Oral Interview

Following the evaluation of the written proposals, staff may conduct reference checks. Up to five (5) proposers receiving the highest scores on the written submission will be invited to an oral interview. The interview will consist of standard questions asked of each of the proposers, and specific questions regarding each individual proposal. Answers will be scored for each question. Scoring will be based on communication of the proposed project plan, experience, approach, professional qualifications and similar project experience. Only the scores of the Oral Interview will be used for selecting the firms for contract negotiations. Up to four (4) firms will be selected.

V. Pre-Proposal Conference and Contract Award

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A. Pre-Proposal Conference

Proposers are encouraged to attend a pre-proposal conference on **July 8, 2009**, at **2:00 PM** to be held at **11 Grove Street, San Francisco**. All questions will be addressed at this conference and any available new information will be provided at that time. If you have further questions regarding the RFP, please contact the individual designated in Section VI.B.

CCSF will keep a record of all parties who request and receive copies of the RFP. Any requests for information concerning the RFP whether submitted before or after the pre-proposal conference, must be in writing, and any substantive replies will be issued as written addenda to all parties who have requested and received a copy of the RFP from the Department of the Environment. Questions raised at the pre-proposal conference may be answered orally. If any substantive new information is provided in response to questions raised at the pre-proposal conference, it will also be memorialized in a written addendum to this RFP and will be distributed to all parties that received a copy of the RFP. No questions or requests for interpretation will be accepted after **July 24, 2009 at 5:00 PM**.

B. Contract Award

The Department of the Environment will select a proposer(s) with whom Department of the Environment staff shall commence contract negotiations. The selection of any proposal shall not imply acceptance by CCSF of all terms of the proposal, which may be subject to further negotiation and approvals before CCSF may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time the Department of the Environment, in its sole discretion, may terminate negotiations with a selected proposer(s) and begin contract negotiations with the next highest ranked proposer(s).

VI. Terms and Conditions for Receipt of Proposals

A. Errors and Omissions in RFP

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify the Department, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to the Department promptly after discovery, but in no event later than five working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

B. Inquiries Regarding

Inquiries regarding the RFP and all oral notifications of an intent to request written modification or clarification of the RFP, must be directed to:

Energy.ClimateProposals@sfcenvironment.org

C. Objections to RFP Terms

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the proposer must, not more than ten calendar days after the RFP is issued, provide written notice to the Department setting forth with specificity the grounds for the objection. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

D. Change Notices

The Department may modify the RFP, prior to the proposal due date, by issuing Change Notices, which will be posted on the website. The proposer shall be responsible for ensuring that its proposal reflects any and all Change Notices issued by the Department prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the proposer consult the website frequently, including shortly before the proposal due date, to determine if the proposer has downloaded all Change Notices.

E. Term of Proposal

Submission of a proposal signifies that the proposed services and prices are valid for 120 calendar days from the proposal due date and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

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F. Revision of Proposal

A proposer may revise a proposal on the proposer's own initiative at any time before the deadline for submission of proposals. The proposer must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date.

In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any proposer.

At any time during the proposal evaluation process, the Department may require a proposer to provide oral or written clarification of its proposal. The Department reserves the right to make an award without further clarifications of proposals received.

G. Errors and Omissions in Proposal

Failure by the Department to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the vendor from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

H. Financial Responsibility

The City accepts no financial responsibility for any costs incurred by a firm in responding to this RFP. Submissions of the RFP will become the property of the City and may be used by the City in any way deemed appropriate.

I. Proposer's Obligations under the Campaign Reform Ordinance

Proposers must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which states:

No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) three months have elapsed from the date the contract is approved by the City elective officer or the board on which that City elective officer serves.

If a proposer is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the proposer is prohibited from making contributions to:

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- the officer's re-election campaign
- a candidate for that officer's office
- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

1. **Criminal.** Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to \$5,000 and a jail term of not more than six months, or both.
2. **Civil.** Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to \$5,000.
3. **Administrative.** Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

J. Sunshine Ordinance

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

K. Public Access to Meetings and Records

If a proposer is a non-profit entity that receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in

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Chapter 12L of the S.F. Administrative Code, the proposer must comply with Chapter 12L. The proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to proposer's meetings and records, and (2) a summary of all complaints concerning the proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the proposer shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in proposer's Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent Agreement reached on the basis of the proposal.

L. Reservations of Rights by the City

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure;
2. Reject any or all proposals;
3. Reissue a Request for Proposals;
4. 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 RFP, or the requirements for contents or format of the proposals;
5. Procure any materials, equipment or services specified in this RFP by any other means; or
6. Determine that no project will be pursued.

M. No Waiver

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

N. Small Business Participation

The successful bidder(s) will be required to make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible as set forth in 10 CFR 600.236(e). (<http://ecfr.gpoaccess.gov>).

VII. Contract Requirements

A. Standard Contract Provisions

The successful proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached hereto as Appendix C, as revised to comply with all applicable laws, regulations, policies and procedures applicable to subgrantees under the US DOE EECBG program, as they may be amended from time to time. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsement, surety bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits, (§ in the Agreement); the Minimum Compensation Ordinance (§43 in the Agreement); the Health Care Accountability Ordinance (§44 in the Agreement); the First Source Hiring Program (§45 in the Agreement); and applicable conflict of interest laws (§23 in the Agreement), as set forth in paragraphs B, C, D, E and F below.

B. Nondiscrimination in Contracts and Benefits

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts or leases with any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation. Additional information on Chapters 12B and 12C is available on the HRC's website at www.sfhrc.org.

C. Minimum Compensation Ordinance (MCO)

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance (MCO), as set forth in S.F. Administrative Code Chapter 12P. Generally, this Ordinance requires contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the contractual requirements of the MCO, see §44.

For the amount of hourly gross compensation currently required under the MCO, see www.sfgov.org/olse/mco. Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

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Additional information regarding the MCO is available on the web at www.sfgov.org/olse/mco.

D. Health Care Accountability Ordinance (HCAO)

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance (HCAO), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the HCAO is available on the web at http://www.sfgov.org/site/olse_index.asp

E. First Source Hiring Program (FSHP)

If the contract is for more than \$50,000, then the First Source Hiring Program (Admin. Code Chapter 83) may apply. Generally, this ordinance requires contractors to notify the First Source Hiring Program of available entry-level jobs and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the FSHP is available on the web at www.sfgov.org/moed/fshp.htm and from the First Source Hiring Administrator, (415) 401-4960.

F. Conflicts of Interest

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the Agreement.

Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

VIII. Protest Procedures

A. Protest of Non-Responsiveness Determination

Within five working days of the City's issuance of a notice of non-responsiveness, any firm that has submitted a proposal and believes that the City has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth working day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

B. Protest of Contract Award

Within five working days of the City's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth working day after the City's issuance of the notice of intent to award.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

C. Delivery of Protests

All protests must be received by the due date. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered to:

DavidAssmann@sfgov.org

**Appendix B
Standard Forms**

The requirements described in this Appendix are separate from those described in Appendix A.

Before the City can award any contract to a contractor, that contractor must file three standard City forms (items 1-3 on the chart). Because many contractors have already completed these forms, and because some informational forms are rarely revised, the City has not included them in the RFP package. Instead, this Appendix describes the forms, where to find them on the Internet (see bottom of page 2), and where to file them. If a contractor cannot get the documents off the Internet, the contractor should call (415) 554-6248 or e-mail Purchasing (purchasing@sfgov.org) and Purchasing will fax, mail or e-mail them to the contractor.

If a contractor has already filled out items 1-3 (see note under item 3) on the chart, **the contractor should not do so again unless the contractor's answers have changed.** To find out whether these forms have been submitted, the contractor should call Vendor File Support in the Controller's Office at (415) 554-6702.

Item	Form name and Internet location	Form	Description	Return the form to; For more info
1.	Request for Taxpayer Identification Number and Certification www.sfgov.org/oca/purchasing/forms.htm www.irs.gov/pub/irs-fill/fw9.pdf	W-9	The City needs the contractor's taxpayer ID number on this form. If a contractor has already done business with the City, this form is not necessary because the City already has the number.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702

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Item	Form name and Internet location	Form	Description	Return the form to; For more info
2.	Business Tax Declaration www.sfgov.org/oca/purchasing/forms.htm	P-25	All contractors must sign this form to determine if they must register with the Tax Collector, even if not located in San Francisco. All businesses that qualify as “conducting business in San Francisco” must register with the Tax Collector.	Controller’s Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702
3.	S.F. Administrative Code Chapters 12B & 12C Declaration: Nondiscrimination in Contracts and Benefits www.sfgov.org/oca/purchasing/forms.htm – In Vendor Profile Application	HRC-12B-101	Contractors tell the City if their personnel policies meet the City’s requirements for nondiscrimination against protected classes of people, and in the provision of benefits between employees with spouses and employees with domestic partners. Form submission is not complete if it does not include the additional documentation asked for on the form. Other forms may be required, depending on the answers on this form. Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

Where the forms are on the Internet

Office of Contract Administration

Homepage: www.sfgov.org/oca/
Purchasing forms: Click on “Required Vendor Forms” under the “Information for Vendors and Contractors” banner.

Human Rights Commission

HRC’s homepage: www.sfgov.org/site/sfhumanrights_index.asp
Equal Benefits forms: Click on “Forms” under the “Equal Benefits” banner near the bottom.
LBE certification form: Click on “Forms” under the “LBE” banner near the bottom

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Appendix C

RFP for Energy and Climate Professional Services

Agreement for Professional Services

Where the forms are on the Internet

City Contract Form: Agreement for Professional Services

<http://www.sfenvironment.com>

**Our SFEnvironment /Employment, Grants & Volunteers
Grants and Requests for Proposals (RFP's)
Sample of a Contract Agreement**

This link is included so that bidders will have the opportunity to review the City's contract requirements. Bidders are not required to complete this document.