



August 18, 2009

SUBJECT: REQUEST FOR PROPOSALS (RFP) F-10-02

The City of San Bernardino (City) invites Proposals from qualified vendors for:

Energy Efficiency Consultant

Parties interested in obtaining a complete copy of this RFP F-10-02 may do so by accessing the City of San Bernardino Web Page at www.sbcity.org > **Request for Bids > City Finance, beginning August 18, 2009**, or by faxing their request to (909) 384-5043, attention Deborah R. Morrow. Please include the following information in your request: name and address of firm; name, telephone and facsimile number of contact person; specify RFP F-10-02.

Copies of the RFP may also be obtained by calling Deborah Morrow at (909) 384-5086, Sylvia at (909) 384-5348, or in person at City Hall, 300 N. "D" St., 4th floor Finance Department, San Bernardino, CA 92418.

Closing Date: Proposals must be submitted at or before **3:00 PM, PST, September 22, 2009**, at the address listed above.

Issuance of this RFP and/or receipt of Proposals does not commit the City to award a contract.

Sincerely,
Deborah R. Morrow, C.P.M.
Purchasing Manager

SECTION I.
INSTRUCTIONS TO OFFEROR(S)

City of San Bernardino, Finance Department
Purchasing Division

Bid Documents to Be Returned

RFP F-10-02

Energy Efficiency Consultant

- ☐ Title Page
- ☐ Cover Letter / Letter of Introduction
- ☐ Project Approach
- ☐ Project Staffing
- ☐ Vendor Qualifications and Project Experience
- ☐ References
- ☐ Firm Fixed Price Proposal ^{Vendor Form}
- ☐ Authorized Binding Signature(s)
- ☐ Proof of Insurance
- ☐ Addendum Received (City Form) ^{IV Forms}
- ☐ Non-Collusion Affidavit (City Form) ^{IV Forms}
- ☐ Listing of Proposed Subcontractor (City Form) ^{IV Forms}
- ☐ 60 Day Minimum Proposal Validity Statement ^{III Additional Requirements, VI General Specifications#4}
- ☐ Copy of Manufacturer's and/or dealer warranty and/or guarantee (if applicable) ^{VI General Specifications #10}
- ☐ Copy of Contractor License ^{VI General Specifications #35}

Offeror(s) are requested to submit this checklist completed with all bid documents.

I. GENERAL INSTRUCTIONS TO OFFEROR(S)

A. Non-Mandatory Pre-Proposal Meeting

N/A

B. Examination of Proposal Documents

1. By submitting a proposal, the Offeror(s) represents that it has thoroughly examined and become familiar with the items required under this RFP and that it is capable of quality performance to achieve the City's objectives.
2. The City reserves the right to remove from its mailing list for future RFPs, for an undetermined period of time, the name of any Offeror(s) for failure to accept a contract, failure to respond to two (2) consecutive RFPs and/or unsatisfactory performance. Please note that a "No Proposal" is considered a response.

C. Addenda

Any City changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Purchase Order. The City will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instruction.

For electronic notifications, please visit our website and sign-up for e-Notify.

D. Clarifications

1. Examination of Documents

Should an Offeror(s) require clarifications of this RFP, the Offeror(s) shall notify the City in writing in accordance with Section D.2 below. Should it be found that the point in question is not clearly and fully set forth, the City will issue a written addendum clarifying the matter which will be sent to all persons who have requested the RFP.

2. Submitting Requests

- a. All questions, clarifications or comments shall be put in writing and must be received by the City no later than **September 1, 2009** and be addressed as follows:

City of San Bernardino
300 North "D" Street
4th floor, Attn: Deborah R. Morrow

San Bernardino, CA 92418

- b. The exterior envelope of all requests for clarifications, questions and comments must be clearly labeled, "Not an Offer." The City is not responsible for failure to respond to a request that has not been labeled as such.

The City will also accept questions sent by facsimile machines or email, however, all faxed or emailed questions must be received by the City no later than 5:00 PM, PST, September 1, 2009. Send facsimile transmissions to (909) 384-5043, attention Deborah R. Morrow, and emails to morrow_de@sbcity.org.

- c. Inquiries received after September 1, 2009 will not be accepted.

3. **City Responses**

Responses from the City will be communicated in writing to all recipients of this RFP, and may be faxed, postmarked, or posted to our website, www.sbcity.org by the close of business **September 10, 2009**. For electronic notifications, please visit our Homepage and sign-up for e-Notify.

E. **Submission of Proposals**

1. **Date and Time**

All Proposals are to be submitted to City of San Bernardino, Attention: Deborah R. Morrow. Proposals received after **3:00 PM PST, September 22, 2009**, will be rejected by the City as non-responsive.

2. **Address**

Proposals shall be addressed as follows:

**City of San Bernardino
Finance Department
300 N. "D" Street, 4th floor
San Bernardino, CA 92418.**

Proposals may be delivered in person to the Purchasing Division, 4th floor of the above address.

3. **Identification of Proposals**

Offeror(s) shall submit a SEALED proposal package consisting of:

- a) **one (1) signed original of Offeror Proposal and**

- b) four (4) copies and
- c) one (1) original “PRICE FORM” in a separate SEALED envelope.

The proposal package shall be addressed as shown above, bearing the Offeror(s) name and address and clearly marked as follows:

**“RFP F-10-02:
Energy Efficiency Consultant**

4. Acceptance of Proposals

- a. The City reserves the right to accept or reject any and all Proposals, or any item or part thereof, or to waive any informalities or irregularities in Proposals.
- b. The City reserves the right to withdraw this RFP at any time without prior notice and the City makes no representations that any contract will be awarded to any Offeror(s) responding to this RFP.
- c. The City reserves the right to postpone proposal opening for its own convenience.

F. Pre-Contractual Expenses

Pre-contractual expenses are defined as expenses incurred by the Offeror(s) in:

- 1. preparing its proposal in response to this RFP;
- 2. submitting that proposal to City;
- 3. negotiating with City any matter related to this proposal; or
- 4. any other expenses incurred by the Offeror(s) prior to date of award, if any, of the Agreement.

The City shall not, in any event, be liable for any pre-contractual expenses incurred by Offeror(s) in the preparation of its proposal. Offeror(s) shall not include any such expenses as part of its proposal.

G. Contract Award

Issuance of this RFP and receipt of Proposals does not commit the City to award a Purchase Order. The City reserves the right to postpone proposal opening for its own convenience, to accept or reject any or all Proposals received in response to this RFP, and to negotiate with other than the

selected Offeror(s) should negotiations with the selected Offeror(s) be terminated. **The City also reserves the right to apportion the award among two or more OFFEROR(S).**

A signed Vendor (Contractor) / Consultant Service Agreement (VSA/CSA), along with a pre-performance meeting, outlining additional terms and conditions relating to performance, warranty, materials, goods, services, or other items as deemed necessary by the City, may be required prior to the commencement of the job.

H. Acceptance of Order

The successful Offeror(s) will be required to accept a Purchase Order in accordance with and including as a part thereof the published Request for Proposals, and the RFP documents including all requirements, conditions and specifications contained therein, with no exceptions other than those specifically listed in the written purchase order.

I. Business License

The City's Business Ordinance requires that a Business doing business with the City, obtain and maintain a valid City Business Registration Certificate during the terms of the Agreement. Bidder agrees to obtain such Certificate prior to undertaking any work under this Agreement.

J. Local Vendor Preference

The City of San Bernardino gives any formal or informal bid submitted by a local bidder a one percent (1%) credit for goods and materials, where labor and/or installation is incidental; and a five percent (5%) credit on Contractual services, for comparison purposes with other bidders, as authorized in the San Bernardino Municipal Code Section 3.04.125, and Executive Order 2003-1, respectively.

For the purposes of this section, "local bidders" shall be bidders for which the point of sale of the goods or materials shall be within the City of San Bernardino.

**REQUEST FOR PROPOSAL
RFP F-10-02**

For

Professional Services for Energy Efficiency Consultant

To Develop and Prepare an Energy Efficiency and Conservation Strategy for
The City of San Bernardino

Presented By:

CITY OF SAN BERNARDINO

Purchasing Division – 4th Floor
300 North D Street
San Bernardino, CA 92418

August 18, 2009

REQUEST FOR PROPOSAL
(RFP)

City of San Bernardino
for the
Facilities Management Department

Professional Services
To Develop and Prepare an Energy Efficiency and Conservation Strategy

The City of San Bernardino, through its Facilities Management Department, invites sealed proposals from qualified firms or individuals for professional consulting services to assist the City develop and prepare an Energy Efficiency and Conservation Strategy.

EQUAL EMPLOYMENT OPPORTUNITY: Contractor will be required to comply with all applicable federal and state equal opportunity, affirmative action and minority representation laws.

INELIGIBLE BIDDERS: All respondents will be required to certify that they are not on the U.S. Comptroller General's List of Ineligible Contractors, nor any firm, partnership, or association in which they have substantial interest nor any other person, both natural and corporate, having substantial interest in their business is designated as an ineligible bidder or on the U.S. Comptroller General's List of Ineligible Contractors. All respondents must also remain current and not be in default of any obligations due the City of San Bernardino including, but not limited to, the payment of taxes, fines, penalties, licenses or other monies due to the City of San Bernardino.

The City of San Bernardino is an Equal Opportunity Employer.

BACKGROUND

The purpose of this Request for Proposal (RFP) is to obtain proposals for consulting services to assist the City of San Bernardino in the development of an Energy Efficiency and Conservation Strategy (EECS).

On March 26, 2009 Vice President Joe Biden and Energy Secretary Steven Chu announced plans to invest \$3.2 Billion in energy efficiency and conservation projects. The Energy Efficiency and Conservation Block Grant program, funding by President Obama's American Recovery and Reinvestment Act of 2009, Public Law 111-5, appropriates funding for the Department of Energy (DOE) to issue/award formula-based grants to states, U.S. territories, units of local government, and Indian tribes under the Energy Efficiency and Conservation Block Grant (EECBG) Program. The Department of Energy's authorization for this program is set forth in Title V, Subtitle E of the Energy Independence and Security Act (EISA) of 2007.

Projects under this announcement will be funded, in whole or in part, with funds appropriated by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act or Act). The Recovery Act's purposes are to stimulate the economy and to create and retain jobs. The Act gives preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds made available by it for activities. Accordingly, special consideration will be given to projects that promote and enhance the objectives of the Act, especially job creation, preservation and economic recovery, in an expeditious manner.

The City of San Bernardino was allocated \$1,900,000 in funds for local energy efficiency improvements. The uses of the Energy Efficiency and Conservation funds include:

- Energy audits and retrofits of residential and commercial buildings;
- The development and implementation of advanced building codes and inspections;
- The creation of financial incentive programs for energy efficiency improvements;
- Transportation programs that conserve energy;
- Projects that reduce and capture greenhouse gas emissions;
- Renewable energy installation on government buildings;
- Energy efficient traffic signals and lights; and deployment of Combined heat and power and district heating and cooling systems.

The distribution and uses of the Energy Efficiency and Conservation Block Grant funds must meet the reporting requirements of Attachment C of the U.S. Department of Energy; including

1. Jobs created and/or retained;
2. Energy saved;
3. Renewable energy capacity;
4. GHG emissions reduced; and
5. Funds leveraged.

The City of San Bernardino submitted an application for funding from a Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant before June 25, 2009. The City is requesting consultant assistance to develop its Energy Efficiency and Conservation Strategy and prepare a funding application to the U.S. Department of Energy.

Part I CONSULTANT REQUIREMENTS

I-A. Purpose:

The City of San Bernardino (hereinafter referred to as the “City”), a California Municipal Corporation, is seeking proposals from qualified firms or individuals to provide professional services to assist the City with preparation and submission of its Energy Efficiency and Conservation Strategy to the United States Department of Energy hereinafter referred to as the “Project”. In order to expedite this process, this RFP is being faxed, emailed and posted to the City’s website.

I-B. Scope of Services:

The scope of services for the Project is outlined below. However, respondents should note that these work items are the basis for the technical assistance and are not intended to be inclusive of all of the tasks required to prepare a complete proposal. Respondents should expand and modify these items, as needed; to assure a complete, comprehensive proposal for the technical assistance required to deliver the work products in the Project.

It shall be noted that all work products for the Project and its scope of services shall be provided to the City in hard copy form. The City shall own all work products and documents resulting from this RFP and shall approve consultant’s choice of software utilized for this Project.

The scope of services for the Project is:

- Development of a strategy for the implementation of energy efficient Programs and Projects.
- Collect and analyze data that will prioritize energy efficiency and conservation projects for the fastest, cleanest, and cheapest ways to

meet demand, have long term benefit, and link efforts to long terms priorities in areas of economic development, community stabilization, and poverty reduction.

- Design Programs and Projects for investment that creates and/or retains jobs, stimulates the economy, and meets long term energy goals.
- Evaluate Programs and Projects that will provide substantial, sustainable, and measurable energy savings, job creation, and economic stimulus effects.
- Develop a clear, concise work plan to carry out the activities and objectives detailed in the applicant's proposal and any subsequent grant agreement.
- Coordinate to every extent possible with local government and other organizations involved in similar initiatives to expand the potential for the completion of a successful Project.
- Prepare Budget with justification.
- Identify alternative public and private funding sources for the Project.
- Ensure that the City of San Bernardino NSP program meets all requirements of Recovery and Reinvestment Act of 2009.
- Assist in the preparation of all required components of the City's Energy Efficiency and Conservation Strategy and Block Grant Application.

I-C. Contract Time Frame

The contract time frame for this project will be for a period of one (1) year from the date of contract award.

I-D. Type of Contract

It is proposed that, if a contract is entered into as a result of this RFP, it will be a time and materials contract based on a fixed price contract. Negotiations may be undertaken with those consultants whose proposals, as to price and other factors, as determined by the City, show them to be qualified, responsible and capable of performing the work. The contract that may be entered into will be one most advantageous to the price and other factors considered. The City reserves the right to consider proposals or modifications thereof received at any time before award is made, if such action is in the best interest of the City. The determined price of contract shall be adhered to and at no time will the contractor be allowed to bill for work not agreed upon.

I-E. Rejection of Proposals

The City reserves the right to reject all proposals received as a result of this RFP, or to negotiate separately with any source whatsoever in any manner necessary to serve the best interest of the City.

I-F. Incurring Costs

The City is not liable for any costs incurred by consultants prior to issuance of a contract.

I-G. Inquiries

Questions that arise prior to submission of bids must be directed to Deborah Morrow, Purchasing Manager. (See Section I. General Instructions, #D.2. of the bid package.)

I-H Addenda to RFP

In the event it becomes necessary to revise any part of this RFP, addenda will be provided to all consultants who receive the RFP. (See Section I. General Instructions #C of the bid package.)

I-I. Response Date

To be considered, proposals must arrive at the address designated by the City on or before the date and time specified in the bid package. Consultants mailing proposals should allow normal delivery time to ensure receipt of their proposal. All proposals shall be received by the Facilities Management Department by 3:00 p.m., local time, on **September 22, 2009**. (For complete details See Section I. General Instructions, #E. 1 - 4 of the bid package.)

I-J. Proposals

To be considered, consultants must submit a complete response to this RFP using the format provided in Part II. One original and four copies of the proposal must be submitted to the City of San Bernardino, Purchasing Division, Finance Department, 4th Floor, 300 North D Street, San Bernardino, California 92418. Proposals must be signed by an official authorized to bind the consultant agency to its provisions. Proposals must include a statement as to the period during which the proposal remains valid. For this RFP, this period must be at least sixty (60) days. (See Section VII. General Specifications #4 pg. 30 of the bid package.)

I-K. Acceptance of Proposal Content

The contents in the proposal of the successful bidder may become contractual obligations if a contract is issued. Failure of the successful bidder to accept these obligations may result in cancellation of the award.

I-L. Economy of Preparation

Proposals should be prepared simply and economically, providing a straightforward, concise description of the bidder's ability to meet the requirements of this RFP.

I-M. Prime Contractor Responsibilities

The selected consultant will be required to assume responsibility for all services offered in his/her proposal, regardless of who produces them. Furthermore, the City will consider the selected consultant to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.

I-N. Contract Payment Schedule

Monthly invoices are submitted to the City of San Bernardino Facilities Management Department, to the attention of Jim Sharer, or designee. Payment for contract services entered into as a result of this RFP will be made within thirty (30) days of receipt of an invoice.

I-O. Independent Price Determination

By submission of a proposal, the Offeror certifies and, in the case of a joint proposal, each party thereto certifies as to its own organization in connection with this proposal that:

The prices in the proposal have been arrived at independently, without consultation, communication or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other offer or with any competitor; and

Unless otherwise required by law, the prices which have been quoted in the proposal have not been knowingly disclosed by the Offeror and will not knowingly be disclosed by the Offeror or to any competitor; and

No attempt has been made or will be made by the Offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

Each person signing the proposal also certifies that:

He/She is the person in the Offeror's organization responsible within that organization for the decision as to the prices being offered in the proposal; and

He/She is not the person in the Offeror's organization responsible

within that organization for the decision as to the prices being offered in the proposal but that he/she has been authorized in writing to act as agent for the persons responsible for such decision.

I-P. Equal Opportunity Affirmative Action

The consultant shall adhere to all federal and state regulations in respect to equal opportunity, affirmative action and minority representations. Minority firms are encouraged to apply.

If the bidder is certified as a minority or female-owned business by the California Department of Civil Rights pursuant to Public Act 428, then such documentation shall be included in the proposal.

I-Q. Ownership of Work Products

It is explicitly understood that all work products and documents resulting from this RFP and contract shall become the property of the City of San Bernardino.

I-R. Liability Insurance

The selected bidder will be required to provide general liability, workmen's compensation insurance, and professional liability insurance coverage in the amount of One Million Dollars. Said proof of liability insurance shall be included as part of the contract document.

PART II INFORMATION REQUIRED FROM BIDDERS

The content of the bidder's proposal shall include information for the items listed below:

II-A. Firm or Organization Identification

State the full name and address of your firm or organization and, if applicable, the branch office or other subordinate element that will perform or assist in performing the work of the Project. Indicate whether you operate as an individual or partnership or corporation and include the state in which your firm or organization is incorporated. If a joint venture is contemplated, name the firms involved. Also, subcontractors to be used for the Project must be identified in a similar manner.

II-B. Statement of Understanding

State in precise terms your understanding of the scope of services presented in this RFP and your role in accomplishing these services.

II-C. Management Staffing

Staffing - Provide the names, qualifications, and background information (resumes) of your Project Team, including Project Manager, and other professional staff who will be associated with the Project. Estimate the percent of the time each individual will devote to the work. Include a Project Organizational Chart.

Sub-Consultant - Discuss the nature and extent of sub-contracting
Other services pertinent to the Project.

Responsiveness - Discuss how your firm will respond quickly on a day-to-day basis to Project needs. Discuss how you will maintain close and effective communications with the City and its staff.

Bidder must be able to staff a project team that is experienced in community development and affordable housing projects.

II-D. Work Plan

Present in detail your proposed work plan for this project, including major tasks to be achieved and related work products. Also, present in detail any "Additional Recommended Items" that you deem appropriate to be included as part of the technical assistance. Provide a work schedule outlining the time frame for your firm to complete the work including "Additional Recommended Items" and the estimated time required for the completion of each major task.

Your work plan must also define what your firm will need from the City to complete the scope of services, work products, or documents, etc. for the Project.

II-E. Qualifications and Prior Experience

The qualified proposer needs to provide the following:

Provide a description of the organizations' experience in conducting the type of work proposed prior to submission of this proposal. Include a summary of any other involved organizations, funding sources, and accomplishments.

Discuss your firm's experience in the provision of these types of services and provide examples of similar projects that your firm has (or major principals of your firm) been involved with. Include at least three (3) references, identifying the following information

Client
Contact person and phone number
Services provided
Original estimate or project costs
Actual project cost

II-F. Authorized Negotiators

Include the names and phone numbers of personnel of your organization authorized to negotiate the proposed contracts with the City of San Bernardino Facilities Management Department.

II-G. Cost of Services Level of Effort

In this section of the proposal, provide an estimate of the total not-to-exceed cost for the Project. This cost shall also include a breakdown for labor, overhead rates, fringe benefits, profit and other pertinent costs. Demonstrate the level of effort for the Project by listing, by position, the number of hours necessary to complete this Project, including a detailed outline of professional personnel. The level of effort a subcontractor will provide, as well as any "Additional Recommended Items" the Consultant deems appropriate to be included in the technical assistance, shall also be represented in a similar format. Also, the Consultant shall submit its rate schedule. The rate schedule shall include your firm's rates (including labor, overhead, fringe benefits and profit) for each position that will be assigned to the Project as well as any other costs related to the provision of these services. The Consultant will be reimbursed on a time and materials basis with a not to exceed cost presented as an upper limit for the Project.

The information requested in this section is required to support the reasonableness of your quotation. The data will be held in confidence and will not be revealed to or discussed with competitors until after a contract is awarded to successful bidder(s). After contract award, all bids are subject to the Freedom of Information Act. This portion of the proposal must be bound and sealed separately from the remainder of the proposal.

Use the following format:

1. Itemize so as to show the following for each category of personnel with a Different rate per hour:
 - a. Category: e.g., project manager, senior architect, draftsman, etc
 - b. Estimated number of man hours
 - c. Rate per hour
 - d. Total cost of each category and for all labor needs
2. Fringe Benefit Costs - ITEMIZE
3. Cost of supplies and materials -ITEMIZE
4. Other direct costs - ITEMIZE
5. General and administrative burden of overhead- Indicate percentage and total

6. Transportation costs - Show travel costs and per diem separately
7. Printing costs - State separately the price for printing work products of documents
8. Profit
9. Overhead Rates - (or any other type of cost plus percentage of cost) shall only be allowed if bidder uses an overhead or indirect cost rate for its firm that has been approved by a federal agency. Such documentation must be included in the bid package.
10. Total price quote for project

PART III EVALUATION CRITERIA OF PROPOSALS

The criteria that will be considered in the evaluation of the proposals for this RFP shall include, but not necessarily be limited to, the following factors:

III-A. Price

Analysis of cost, including level of effort allocated to each major task.

III-B Prior experience and familiarity with the topic

This refers to the nature and extent of prior experience, including the years that the firm or organization has been in business, level of experience in community-based planning relating to Energy Efficiency Programs/plans and project development and management. Also, a past record of performance on similar projects, including such factors as control of cost, quality of work and ability to meet schedules urban, economic, commercial, residential, industrial and other related development projects, project management, etc.

II-C. Capability and Qualifications

This criterion includes consideration of bidder's capability and ability to meet the terms of the RFP. Emphasis will be placed on the soundness of the bidder's approach to carrying out all tasks as presented in the scope of services and bidder's ability to perform the work within the required time limits as stated in Part 1-A.

III-D. Understanding of the nature of work to be performed and perception Of issues to be addressed

This refers to proposer's understanding of the scope of services presented in this RFP and selected firm's role in accomplishing these services.

III-E. Professional Personnel

This refers to the competence of the professional personnel who would be assigned to the job by the consulting firm or individual consultant. Qualifications of professional personnel will be measured by education and experience, with reference to experience on projects similar to that described in this RFP. Emphasis will also be placed upon the qualifications of the project manager and the amount of dedicated management planned for this project by the contractor. Past record of performance on similar projects including such factors as control of cost, quality of work, and ability to meet schedules, project organization and management, including staffing, management control, and subcontractor utilization.

III-F. Local Preference

All respondents shall be advised that the City of San Bernardino gives a five (5) percent advantage of bidders located within the corporate City limits of San Bernardino, California. For example, if the lowest qualified bid represents a City of San Bernardino non-resident business and the second higher lowest qualified bid represents a City of San Bernardino resident business whose bid is up to 5 percent higher than the lowest qualified bid, then the contract can be awarded to the second lowest qualified bidder whose business is located in the City of San Bernardino.

III-G. Other Factors

The criteria that will be considered in the evaluation of the Proposals shall include, but not necessarily be limited to, the following:

1. Avoidance of personal and organizational conflicts of interest.
2. Responsiveness to RFP requirements- quality of the information Submitted in the proposal based on completeness, relevance, conciseness and organization of material presented.
3. The perception of the Project and your firm's expertise for the Project.
4. Extent of utilization of local firms and types of work to be performed.
5. Compliance with equal opportunity and affirmative action regulations.

SECTION V.
BID CONTENT AND FORMS

Are there any other additional or incidental costs that will be required by your firm in order to meet the requirements of the Proposal Specifications? Yes / No (circle one). If you answered "Yes", please provide detail of said additional costs:

Please indicate any elements of the Proposal Specifications that cannot be met by your firm. _____

Have you included in your proposal all informational items and forms as requested? Yes / No (circle one). If you answered "No", please explain:

This offer shall remain firm for 90 days from RFP close date.

Terms and conditions as set forth in this RFP apply to this proposal.

Cash discount allowable % days; unless otherwise stated, payment terms are: Net thirty (30) days.

In signing this proposal, Offeror(s) warrants that all certifications and documents requested herein are attached and properly completed and signed.

From time to time, the City may issue one or more addenda to this RFP. Below, please indicate all Addenda to this RFP received by your firm, and the date said Addenda was/were received.

Verification of Addenda Received

Addenda No: _____	Received on: _____
Addenda No: _____	Received on: _____
Addenda No: _____	Received on: _____

FIRM NAME: _____

ADDRESS: _____

Phone: _____

Email: _____

Fax: _____

Authorized Signature: _____

Print Name: _____

Title: _____

IF SUBMITTING A "NO PROPOSAL", PLEASE STATE REASON (S) BELOW:

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NON - COLLUSION AFFIDAVIT

TO: THE COMMON COUNCIL, CITY OF SAN BERNARDINO

In accordance with Title 23, United States Code, Section 112, the undersigned hereby states, under penalty of perjury:

That he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive proposal in connection with RFP F-10-02.

Business Name_____

Business Address_____

Signature of Offeror(s) X_____

Place of Residence

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public in and for the County of _____, State of California.

My commission expires _____, 20__.

SUBCONTRACTOR'S LIST

As required by California State Law, the General Contractor bidding will hereinafter state the subcontractor who will be the subcontractor on the job for each particular trade or subdivision of the work in an amount in excess of one-half of one percent of the General Contractor's total bid and will state the firm name and principal location of the mill, shop, or office of each. If a General Contractor fails to specify a subcontractor, or if he specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of one percent, he agrees that he is fully qualified to perform that portion himself and that he shall perform that portion himself.

DIVISION OF WORK OR TRADE	NAME OF FIRM OR CONTRACTOR	LOCATION CITY

Print Name

Signature of Bidder

Company Name: _____

Address: _____

REJECTION OF BIDS

The undersigned agrees that the City of San Bernardino reserves the right to reject any or all bids, and reserves the right to waive informalities in a bid or bids not affected by law, if to do seems to best serve the public interest.

SECTION VI.
GENERAL EVALUATION CRITERIA

VI. GENERAL EVALUATION CRITERIA

A. EVALUATION CRITERIA

1. Capabilities of Firm to Effectively Complete the Project Requirements - 35%

Depth of Offeror(s)'s understanding of, and ability to manage, City's requirements; ability to meet task deadlines; utility of suggested enhancements or technical innovations.

2. Qualifications of Firm/Related Experience - 45%

Experience in providing services similar to those requested herein; experience working with public agencies; strength and stability of the firm; strength, stability, experience and technical competence of subcontractors; assessment by client references; qualifications of project staff; key personnel's level of involvement in performing related work; logic of project organization; adequacy of labor commitment.

3. Reasonableness of Cost and Price - 10%

Reasonableness of the individual firm-fixed prices and competitiveness of quoted prices with other proposals received; adequacy of the data in support of figures quoted; basis on which prices are quoted.

4. Completeness of Response - 5%

Completeness of response in accordance with RFP instructions; exceptions to or deviations from the RFP requirements which the Offeror(s) cannot or will not accommodate; other relevant factors not considered elsewhere.

5. Local Vendor Preference - 5%

As approved in Executive Order 2003-01--Offeror(s)'s which possess a fixed office or distribution point with at least one owner or employee located within the City of San Bernardino, and possessing all valid and current permits, and licenses required to transact such business, including, but not limited to a City Business Registration Certificate shall receive a five percent (5%) preference. [Unless contrary to Federal, State or Local Law (such as contracts for the construction of public works projects), or unless contrary to the requirements mandated by the funding source for such contractual services (such as the Federal Government or other source which requires award to the lowest responsible Offeror(s.))

B. EVALUATION PROCEDURE

All proposals received as specified will be evaluated by City staff in accordance with the above criteria. Additional sub-criteria beyond those listed may be considered by the evaluators in applying the major criteria to the proposals. During the evaluation period, the City may require an on-site visit and/or tour of the Offeror(s)'s place of business. OFFEROR(S) should be aware, however, that award may be made without vendor visits, interviews, or further discussions.

C. AWARD

Depending on the dollar amounts of the offers received, City staff will either select the vendor best meeting the above-specified criteria or submit to City Council, for consideration and selection, the offer(s) judged by staff to be the most competitive.

The City reserves the right to withdraw this RFP at any time without prior notice and, furthermore, makes no representations that any contract(s) will be awarded to any OFFEROR(S) responding to this RFP. The City expressly reserves the right to postpone proposal opening for its own convenience, to waive any informality or irregularity in the proposals received, and to reject any and all proposals responding to this RFP without indicating any reasons for such rejection.

The City also reserves the right to award its total requirement among two or more OFFEROR(S) as City staff may deem to be in its best Interests. In addition, negotiations may or may not be conducted with OFFEROR(S); therefore, the proposal submitted should contain the OFFEROR(S) most favorable terms and conditions, since the selection and award may be made without discussion with any Offeror(s).

D. TIE PROPOSALS

If the final evaluation scores (after applying the local preference allowance) result in a tie score, then the recommendation for award will be given to the local vendor.

E. NOTIFICATION OF AWARD

OFFEROR(S) who submit a proposal in response to this RFP shall be notified regarding the firm(s) who was awarded the agreement. Such notification shall be made within a reasonable time after the date the agreement is awarded.

SECTION VII.
GENERAL SPECIFICATIONS

VII. GENERAL SPECIFICATIONS

1. Each proposal shall be in accordance with **Request for Quotes (RFP) Number RFP F-10-02**. All specifications are minimum. Offeror(s) are expected to meet or exceed these specifications as written. Offeror(s) shall attach to their proposal a complete detailed itemization and explanation for each and every deviation or variation from the RFP specifications and requirements. Conditional Proposals, or those that take exception to the RFP specifications and requirements, may be considered non-responsive and may be rejected.
2. The City reserves the right to accept or reject any and all Proposals and to award a contract to the Offeror(s) whom best meets the City's requirements. This may include waiver of minor irregularities or discrepancies, or nonconformity to specifications in appropriate circumstances. Purchase shall be on a best buy basis after due consideration of all relevant factors, including but not limited to, workmanship, accessibility of parts and service, known evidence of manufacturer's responsibility and record, durability and known operational record of product and suitability as well as conformity to City needs and requirements. In all cases the best interest of the City shall prevail in all contract awards.
3. The City of San Bernardino reserves the right to purchase more or less than the quantities specified at unit prices proposal.
4. Proposals shall be firm offers, subject to acceptance or rejection within 60 days minimum of the opening thereof.
5. Regular dealer. No Offeror(s) shall be acceptable who is not a reputable manufacturer or dealer of such items as submitted for proposal consideration.
6. All materials, workmanship and finish entering into the construction of the equipment must be of the best of these respective kinds and must conform to the character of the equipment and the service for which it is intended to be used and shall be produced by use of the current manufacturing processes. "Seconds", factory rejects, and substandard goods are not acceptable.
7. Each Offeror(s) shall submit with their proposal a copy of the proposed product specifications, complete detailed drawings, and other descriptive matter in sufficient detail to clearly describe the equipment, materials and parts offered.
8. Manufacturer and/or Contractor shall defend any and all suits and assume all liability for any and all claims made against the City of San Bernardino, or any of its officials or agents for the use of any patented process, device or article forming a part of equipment or any item furnished under the contract.
9. Each Offeror(s) must state in their proposal the guaranteed delivery date of product and/or services in number of calendar days from the date of contract execution by the City of San Bernardino, time is of the essence relative to this contract. Contractor shall prosecute the work continuously and diligently and shall deliver the items at the earliest possible date following the award of the contract.

10. Each Offeror(s) shall list in their proposal all factory, manufacturer's and/or dealer's warranty and/or guarantee coverage and shall submit such written documents evidencing the same attached to the proposal.
11. Successful Offeror(s) (Contractor) shall furnish and deliver to the City complete equipment as proposed and awarded, ready for installation and fully equipped as detailed in these specifications.
12. Price shall be quoted F.O.B. San Bernardino (all transportation charges shall be fully prepaid), and shall include all discounts. Proposal shall include California sales tax, where applicable, computed at the rate of **(effective April 1, 2009)** computed at the rate of **9%**, this will normally be shown as a separate line item on the price form.
13. City shall make payment within thirty (30) days after the complete delivery and acceptance of the specified items by the City of San Bernardino and receipt of the Contractor's priced invoice.
14. All "standard equipment" is included in any proposal. OFFEROR(S) furnishing Proposals under these specifications shall supply all items advertised as "standard" equipment even if such items are not stipulated in the specifications, unless otherwise clearly excepted in the proposal.
15. The items which the Offeror(s) proposes to furnish the City must comply in all respects with the appropriate safety regulations of all regulatory commissions of the Federal Government and the State of California, whether such safety features and/or items have been specifically outlined in these specifications or not.
16. Contractor delivering equipment pursuant to this RFP specifications shall guarantee that equipment meets specifications as set forth herein. If it is found that equipment delivered does not meet requirements of these specifications the Contractor shall be required to correct the same at their own expense.
17. By submitting a proposal, each Offeror(s) agrees that in the event complete delivery is not made within the time or times set forth pursuant to this specification, damage will be sustained by the City, and that it is, and will be impractical and extremely difficult to, ascertain the actual damage which the City will sustain in the event of and by reason of such delay.
18. In case the delivery of the items under this contract is delayed due to strikes, injunctions, government controls, or by reason of any cause or circumstance beyond the control of the Contractor, the time for delivery may be extended (in the City's sole discretion) by a number of days to be determined in each instance by mutual written agreement between the Contractor and the Purchasing Division of the City of San Bernardino. The City shall not unreasonably refuse such extension.
19. Contract. Each proposal shall be submitted and received with the understanding that acceptance by the City of San Bernardino of proposal in response to this solicitation shall constitute a contract between the Contractor and the City. This shall bind the Contractor to furnish and deliver at the prices proposed and in complete accordance with all provisions of **RFP F-10-02**. In

most cases the basis of award will be the City's standard purchase order that may or may not incorporate this solicitation by reference.

20. Prohibited interest. No member, officer, or employee of the City or of any agency of the City during his tenure or for one year thereafter shall have any interest, direct or indirect in this contract or the proceeds thereof. Furthermore, the parties hereto covenant and agree that to their knowledge no board member, officer or employee of the City has any interest, whether contractual, non-contractual, financial or otherwise, in this transaction, or in the business of the contracting party other than the City, and that if any such interest comes to the knowledge of either party at any time, a full and complete disclosure of all such information will be made in writing to the other party or parties, even if such interest would not be considered a conflict of interest under Article 4(commencing with Section 1090) or Article 4.6 (commencing with Section 1120) of Division 4 of Title I of the Government Code of the State of California.
21. One Document. These specifications, the Request for Proposal, RFP F-10-02, the Contractor's proposal, any written agreement executed by the parties, the purchase order and all documents referred to in the complete specifications and purchase order, and all written modifications of said documents shall be construed together as one document. Anything called for in any one of said documents shall be deemed to be required equally as if called for in all. Anything necessary to complete the work properly shall be performed by the contractor, whether specifically set out in the contract or not. All sections of the specifications shall be read as constituting a whole and not as an aggregation of individual parts, and whatever is specified in one section shall be construed as applying to all sections.
22. The City of San Bernardino reserves the right to accept or reject any and all Proposals.
23. Prompt payment. Each Offeror(s) may stipulate in their proposal a percentage prompt payment discount to be taken by the City in the event the City makes payment to the Contractor within ten (10) working days of receipt of material and approval of invoice. For the purpose of this provision, payment is deemed to be made on the date of mailing of the City check. **NOTE: prompt payment discounts will only be used during proposal evaluation in the case of ties.**
24. Inquiries. Direct all inquiries to Deborah R. Morrow at 909-384-5086. Technical questions may be sent via fax to 909-384-5043, or email: morrow_de@sbcity.org. The answers to material questions will be provided in writing by Addendum(s) to all potential Offeror(s).
25. Proposal/Price forms. No proposal will be acceptable unless prices are submitted on the pricing forms furnished herein, and all required forms are completed and included with proposal. Deliver all Proposals, SIGNED and SEALED, to the Purchasing Division, Finance Department at 300 North "D" Street, 4th Floor, City Hall, San Bernardino, California 92418. **CLEARLY MARK THE RFP SPECIFICATION TITLE: Energy Efficiency Consultant and NUMBER RFP F-10-02 ON THE OUTSIDE OF THE ENVELOPE.**

26. **Time.** All Proposals must be received in the Purchasing Division no later than **3:00 PM, PST, SEPTEMBER 22, 2009**, where at such time and said place Proposals will be publicly opened, examined and declared. Any proposal may be withdrawn by Offeror(s) prior to the above scheduled time for the opening of Proposals. Any proposal received after that time and date specified shall **NOT** be considered.
27. The City of San Bernardino reserves the right at its own discretion to award separate contracts for each category, or to award multiple contracts, or to award one contract for furnishing and delivering of all equipment and/or services in all categories.
28. **Equipment.** In the purchase of equipment, Contractor shall be required to furnish one (1) OPERATORS MANUAL and one (1) PARTS MANUAL for all equipment proposal.
29. In submitting a proposal to a public purchasing body, the Offeror(s) offers and agrees that if the proposal is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (U.S.C. Sec 15) or under the Cartwright Act (Chapter 2, commencing with Section 16700 of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the Offeror(s) for sale to the purchasing body pursuant to the proposal. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the Offeror(s).
30. Contractor shall indemnify, defend and hold City, its officers, employees and agents harmless from any claim, demand, liability, suit, judgment or expense (including, without limitation, reasonable costs of defense) arising out of or related to Contractor's performance of this agreement, except that such duty to indemnify, defend and hold harmless shall not apply where injury to person or property is caused by City's willful misconduct or sole negligence. The costs, salary and expenses of the City Attorney and members of his office in enforcing this Agreement on behalf of the City shall be considered as "attorney's fees" for the purposes of this paragraph.
31. While not restricting or limiting the foregoing, during the term of this Agreement, Contractor shall maintain in effect policies of comprehensive public, general, and automobile liability insurance, in the amount of \$1,000,000 combined single limit, and statutory worker's compensation coverage, and shall file copies of said policies with the City's Risk Division prior to undertaking any work under this Agreement. The policies shall name the City as an additional insured and shall provide for ten- (10) day notification to the City if said policies are terminated or materially altered.
32. ~~FAITHFUL PERFORMANCE BOND. **Not required.** The Contractor will be required to furnish a cashier's check, certified check or faithful performance bond made payable to the City of San Bernardino in an amount equal to 100% of the proposal price to insure the contractor's faithful performance of this contract. Said surety shall be subject to the approval of the City of San Bernardino, bonds shall be in accordance with Ordinance No. 821, Section~~

~~2400, and the corporation issuing said bond~~ shall have a rating in Best's most recent insurance guide of "A" or better.

33. Written contract documents, duly authorized and signed by the appropriate authority, constitute the complete and entire agreement(s) that may result from the RFP.
34. City may, at its discretion, exercise option year renewals for up to 2 years, in one-year increments.
35. By submitting a proposal, Offeror(s) warrants that any and all licenses and/or certifications required by law, statute, code or ordinance in performing under the scope and specifications of this RFP are currently held by Offeror(s), and are valid and in full force and effect. Copies or legitimate proof of such licensure and/or certification shall be included in Offeror(s)'s response.
Proposals lacking copies and/or proof of said licenses and/or certifications may be deemed non-responsive and may be rejected.
36. Once the award has been made and prior to the commencement of the job, the City's Municipal Code (M.C. 5.04.005) requires that a Business doing business with the City, obtain and maintain a valid City Business Registration Certificate during the term of the Agreement.
37. Vendor (Contractor)/ Consultant services agreement(s) (VSA/CSA). A signed vendor/Consultant service agreement may be required between both parties prior to commencement of the job.

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