

State of Arkansas
OFFICE OF STATE PROCUREMENT
1509 West Seventh Street, Room 300
Little Rock, Arkansas 72201-4222

REQUEST FOR QUALIFICATIONS

Bid Number: SP-08-0378

Buyer: Jenny DeSalvo

Commodity: Qualify Energy Service Companies for Energy
Savings Projects
Date: May 20, 2008

Bid Opening Date: July 9, 2008

Bid Opening Time: 2:30 p.m.

QUALIFICATIONS WILL BE ACCEPTED UNTIL THE TIME AND DATE SPECIFIED ABOVE. THE BID ENVELOPE MUST BE SEALED AND SHOULD BE PROPERLY MARKED WITH THE BID NUMBER, DATE AND HOUR OF THE OPENING AND VENDOR'S RETURN ADDRESS. IT IS NOT NECESSARY TO RETURN "NO BIDS" TO THE OFFICE OF STATE PROCUREMENT.

MAILING ADDRESSES:
Office of State Procurement
1509 West Seventh Street, Room 300
Little Rock, AR 72201-4222

BID OPENING LOCATION:
Office of State Procurement
1509 West Seventh Street, Room 300
Little Rock, AR 72201-4222

TELEPHONE NUMBER: 501-324-9321

Company Name: _____

Name (type or print): _____

Title: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-Mail Address: _____

Signature: _____

USE INK ONLY; UNSIGNED BIDS WILL NOT BE CONSIDERED

Identification:

*

*

Federal Employer ID Number

Social Security Number

FAILURE TO PROVIDE TAXPAYER IDENTIFICATION NUMBER MAY RESULT IN BID REJECTION

Business Designation
(check one):

Individual

*

Sole Proprietorship

*

Public Service Corp

*

Partnership

*

Corporation

*

Government/ Nonprofit

*

GENERAL DESCRIPTION: Submit qualifications of company to perform audit to identify energy deficiencies; services and/or equipment, propose Energy Conservation Measures to reduce energy cost with possible development of Guaranteed Energy Savings Projects.

TYPE OF CONTRACT: Term.

BUYER: Jenny DeSalvo

MINORITY BUSINESS POLICY

Minority participation is encouraged in this and all other procurements by state agencies. "Minority" is defined by Arkansas Code Annotated § 1-2-503 as "black or African American, Hispanic American, American Indian or Native American, Asian, and Pacific Islander". The Arkansas Economic Development Commission conducts a certification process for minority businesses. Vendors unable to include minority-owned business as subcontractors "may explain the circumstances preventing minority inclusion".

ALTERATION OF ORIGINAL RFQ DOCUMENTS

The original written or electronic language of the RFQ shall not be changed or altered except by approved written addendum issued by the Office of State Procurement. If Vendors/Contractors submittal is discovered to contain alterations/changes to the original written or electronic documents, the Vendors response shall be declared as "non-responsible" and the response shall not be considered.

REQUIREMENT OF AMENDMENT

THIS RFQ MAY BE MODIFIED ONLY BY AMENDMENTS WRITTEN AND AUTHORIZED BY THE OFFICE OF STATE PROCUREMENT.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

In compliance with Act 2157 of 2005, the Office of State Procurement is required to have a copy of the bidder's Equal Opportunity Policy prior to issuing a contract award. EO Policies may be submitted in electronic format to the following email address: eeopolicy.osp@dfa.state.ar.us or as a hard copy accompanying the bid response. The Office of State Procurement will maintain a file of all vendor EO Policies submitted in response to solicitations issued by this office. The submission is a one time requirement but vendors are responsible for providing updates or changes to their respective policies and of supplying EO Policies upon request to other state agencies that must also comply with this statute.

Vendors that do not have an established EO Policy will not be prohibited from receiving a contract award, but are required to submit a written statement to that effect.

ACT 157 OF 2007 EMPLOYMENT OF ILLEGAL IMMIGRANTS

Pursuant to Act 157 of 2007, all bidders must certify prior to award of the contract that they do not Employ or contract with any illegal immigrants in its contract with the State. Bidders shall certify online at: http://www.arkansas.gov/dfa/procurment/pro_index.html

ANTICIPATION OF AWARD

After complete evaluation of the Request for Qualifications, qualified vendors may be posted on the Office of State Procurement website (www.arkansas.gov/dfa/procurement) and/or the legal section of a newspaper of statewide circulation. The purpose of the posting is to establish a specific time in which vendors and agencies are aware of the qualified vendors. The results may be posted for a period of fourteen (14) days.

SECTION I GENERAL INFORMATION

1.0 INTRODUCTION:

This is a Request for Qualifications (RFQ) issued by the State of Arkansas for the purpose of qualifying vendors for possible guaranteed energy savings projects with various state agencies in accordance with all applicable state laws, regulations and policies.

1.1 ISSUING AGENCY

The Office of State Procurement (OSP) is responsible for this RFQ on behalf of the State of Arkansas. The issuing office is the sole point of contact in the state for the selection process. Vendor's questions for this RFQ should be directed to the State's buyer, Jenny DeSalvo, at jenny.desalvo@dfa.state.ar.us.

1.2 CAUTIONS TO VENDORS

- A. For a RFQ to be considered, an official authorized to bind the vendor must sign the original proposal that is submitted.

- B. The State Procurement Official reserves the right to reject a RFQ, if it is in the best interest of the State.

Submissions will be rejected for one or more reasons not limited to the following:

- 1) Failure of the vendor to submit information on or before the deadline established by the issuing office.
- 2) Failure to supply vendor references.
- 3) Failure to sign the Official Proposal.

1.3 PROPRIETARY INFORMATION

Proprietary information submitted in response to this RFQ will be processed in accordance with applicable State of Arkansas procurement procedures. Documents pertaining to the RFQ become the property of the state and shall be open to public inspection subsequent to proposal opening. **It is the Vendor's responsibility to identify and mark any and all proprietary information.** The State shall make the final determination for the release of information pursuant to a Freedom of Information Act request.

1.4 RESERVATION

This RFQ does not commit the State Procurement Official to award a contract or to procure services or supplies.

1.5 SCHEDULE OF EVENTS

June 02, 2008	Written questions are due via email to Jenny DeSalvo by close of business
June 11, 2008	Response to written questions will be posted on OSP web site
July 09, 2008	Request For Qualifications are due no later than 2:30 p.m.

1.6 CLARIFICATION OF RFQ AND QUESTIONS

If additional information is necessary to enable vendors to better interpret the information contained in this RFQ, written questions will be accepted until the close of business on **June 02, 2008**. Vendor questions submitted via the OSP website form will be consolidated and responded to by the State. The consolidated written State response will be posted on the OSP website, www.arkansas.gov/dfa/procurement, on or before the close of business on **June 11, 2008**. Answers to verbal questions may be given as a matter of courtesy and must be evaluated at vendor's risk. All questions should be sent to the OSP website under Clarification of RFQ and Questions.

1.7 PROPOSAL OPENING DATE AND LOCATION

To be considered, qualification proposals must be received prior to the time and date specified on page one of the RFQ at the following address:

Dept. of Finance and Administration
Office of State Procurement
1509 West 7th Street, 3rd Floor
Little Rock, Arkansas 72201-4223

Proposals shall be opened and evaluated by the OSP and become public information under the laws of the State of Arkansas.

1.8 PUBLICITY

News releases pertaining to this RFQ or the services, study, data, or project to which it relates will not be made without prior written approval of the State Procurement Director, and then only in accordance with the explicit written instructions from the Director. No results of the program are to be released without prior written approval from the State Procurement Director, and then only to persons designated.

1.9 VENDOR REFERENCES: ATTACHMENT A

Vendors must provide five (5) reference accounts (including company name, persons to contact, email addresses, and telephone numbers) in the United States with services as proposed under this RFQ. The services must have been performed by the vendor during the last five (5) years or have energy savings contracts currently in place. The State Procurement Official reserves the right to request or obtain additional information.

SECTION II SYSTEM REQUIREMENTS

2.0.0 SCOPE OF WORK:

The Vendor must be a Qualified Provider and shall submit company information that shows qualifications to perform Energy Cost Savings as defined by Arkansas law.

A "**Qualified Provider**" means a person or business, including all subcontractors and employees of that person or business and third party financing companies, that:

1. Is properly licensed in the State of Arkansas;
2. Is experienced in the design, implementation, financing, and installation of energy cost savings measures; and
3. Has demonstrated at least five (5) years of experience in the analysis, design, implementation, and installation of energy efficiency and facility improvements.

2.0.1 VENDOR PROFILE

A. The vendor must supply the following information in your response about your organization:

- 1)Business Name
- 2)Home office address
- 3)Nearest sales/support office address
- 4)Primary Contact Name,
- 5)Primary Contact Title,
- 6)Primary Contact Telephone,
- 7)Primary Contact Fax, and
- 8)Primary Contact E-mail address

B. The Vendor shall detail how many years the organization has been in this type of business.

C. The Vendor shall include with their response a copy of the previous years' audited financial statements.

D. The Vendor shall submit documentation showing experience of personnel.

E. The Vendor shall submit proof of registration with the Arkansas Board of Professional Engineers and Land Surveyors for each individual professional engineer (copies of the Board issued wallet card will be sufficient).

F. The Vendor shall provide a copy of the Board issued Certificate of Authorization (COA) if the firm is incorporated, a partnership, or otherwise required to have a COA.

G. The Vendor must be licensed by the State of Arkansas Contractor's Board.

H. The Vendor must be a member of the National Association of Energy Service Companies (NAESCO)

SECTION III
EVALUATION

3.0 EVALUATION & SELECTION

Responses will be reviewed by the Office of State Procurement.

3.1 EVALUATING CRITERIA

The vendor should address each item listed in this section to be guaranteed a complete evaluation.

1. Qualifications and Capability	Total Points: 75
A. General Firm Information	
B. Scope of Services – Comprehensiveness of management, maintenance/monitoring services	
C. Financial Soundness – Stability, financial viability	
D. Licenses/Certifications	
E. Experience of Firm – General experience in energy related/performance contracting	
2. Experience and Expertise	Total Points: 25
A. Project History – Quality of past projects completed with respect to scope and documented savings.	
B. Personnel Information – Qualifications and relevant experience of the staff in engineering, project management.	
All Vendors achieving a minimum score of 85 shall be listed on the OSP website as a qualified vendor to provide energy services. No state agency shall contract for energy services with a vendor who is not listed on the OSP website.	
TOTAL POSSIBLE POINTS: 100	

STANDARD TERMS & CONDITIONS

1. General: Any special terms and conditions included in the Request for Qualifications override these standard terms and conditions. The standard terms and conditions and any special terms and conditions become part of any contract entered into if any or all parts of the bid are accepted by the State of Arkansas.

2. Acceptance and Rejection: The State reserves the right to accept or reject all or any part of a proposal or any and all bids, to waive minor technicalities, and to award the bid to best serve the interest of the State.

3. Bid Submission: Bids must be submitted to the Office of State Procurement on this form, with attachments when appropriate, on or before the date and time specified for bid opening. If this form is not used, the bid may be rejected. Each bid should be placed in a separate envelope completely and properly identified. The bid must be typed or printed in ink. Late bids will not be considered under any circumstances. SIGNATURE: FAILURE TO SIGN THE BID WILL DISQUALIFY IT. THE PERSON SIGNING THE BID SHOULD SHOW TITLE OR AUTHORITY TO BIND HIS FIRM IN A CONTRACT. THE SIGNATURE MUST BE IN INK.

4. Amendments: The bid cannot be altered or amended after the bid opening except as permitted by regulation.

5. Award: Term Contracts: It is the intent of the State to award a contract. A Request for Qualifications does not commit the State Procurement Official to award a contract or to procure services or supplies. A term contract results in a binding obligation without further action by either party. This award does not authorize shipment. Shipment against a term contract is authorized by the receipt of a Purchase Order from the ordering Agency.

6. Firm Contracts: A written State Purchase Order mailed, or otherwise furnished, to the vendor within the time of acceptance specified by Agency.

7. State Property: Any specifications, drawings, technical information, dies, cuts, negatives, positives, data or any other commodity furnished to the contractor hereunder or in contemplation hereof or developed by the contractor for use hereunder shall remain property of the state, be kept confidential, be used only as expressly authorized and returned at the contractor's expense to the FOB point properly identifying what is being returned.

8. Patents or Copyrights: The contractor agrees to indemnify and hold the state harmless from all claims, damages and costs including attorneys' fees, arising from infringement of patents or copyrights.

9. Assignment: neither any contract entered into pursuant to this request for proposal is not assignable nor the duties thereunder delegable by either party without the written consent of the other party of the contract.

10. Other Remedies: In addition to the remedies outlined herein, the contractor and the state have the right to pursue any other remedy permitted by law or in equity.

11. Lack of Funds: The state may cancel this contract to the extent funds are no longer legally available for expenditures under this contract. Any delivered, but unpaid for, goods will be returned in normal condition to the contractor by the state. If the State is unable to return the commodities in normal condition and there are no funds legally available to pay for the goods, the contractor may file a claim with the Arkansas Claims Commission. If the contractor has provided services and there are no longer funds legally available to pay for the service, the contractor may file a claim.

12. Discrimination: In order to comply with the provision of Act 954 of 1977, relating to unfair employment practices, the vendor agrees as follows:

- a) The vendor will not discriminate against any employee or applicant for employment because of race, sex, color, age, religion, handicap, or national origin;
- b) In all solicitations or advertisements for employees, the vendor will state that all qualified applicants will receive consideration without regard to race, color, sex, age, religion, handicap, or national origin;
- c) The vendor will furnish such relevant information and reports as requested by the Human Resources Commission for the purpose of determining compliance with the statute;
- d) Failure of the vendor to comply with the statute, the rules and regulations promulgated thereunder and this nondiscrimination clause shall be deemed a breach of contract and it may be cancelled, terminated or suspended in whole or in part;

e) the vendor will include the provisions of items (a) through (d) in every subcontract so that such provisions will be binding upon such subcontractor or vendor.

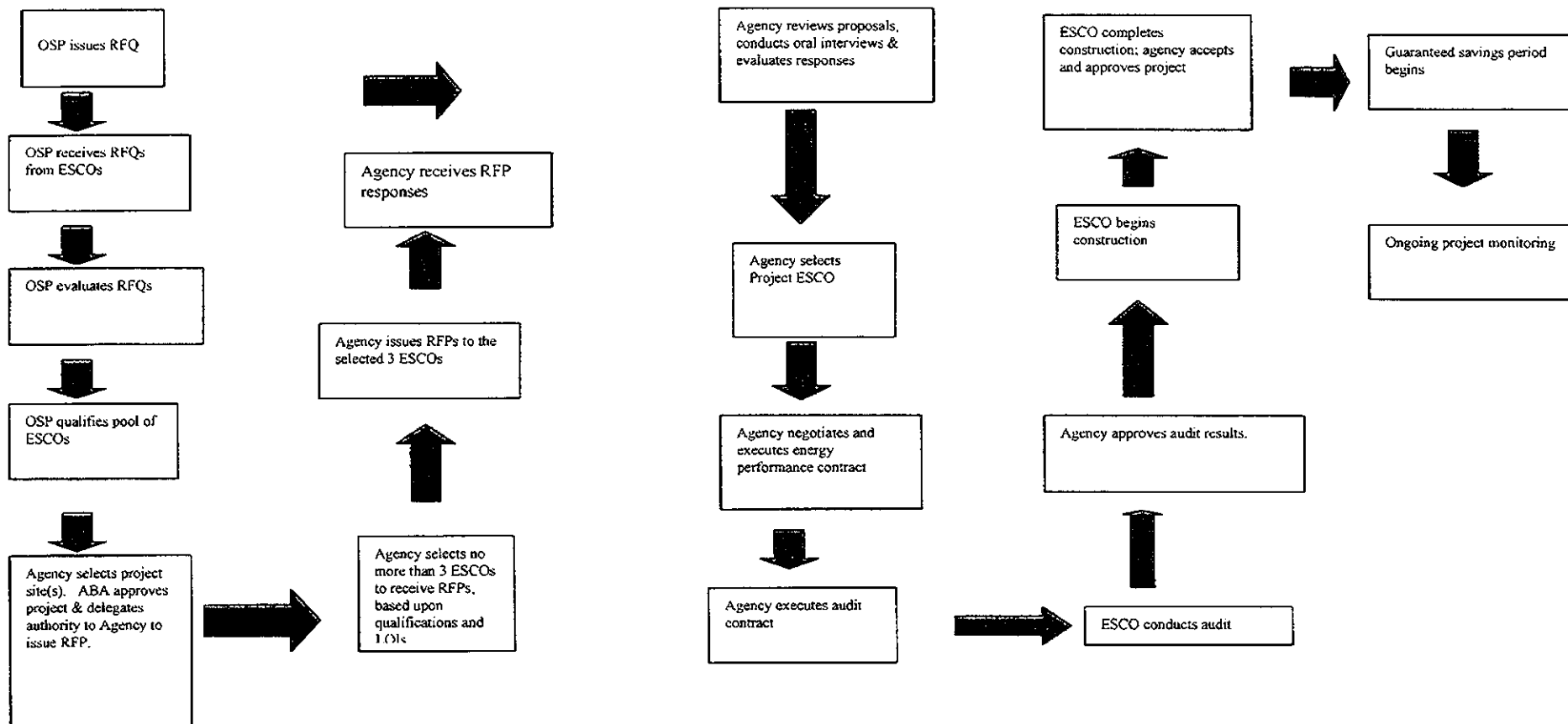
13. Contingent Fee: The vendor guarantees that he has not retained a person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies maintained by the vendor for the purpose of securing business.

14. Antitrust Assignment: As part of the consideration for entering into any contract pursuant to this request for proposal, the vendor named on the front of this request for proposal, acting herein by the authorized individual or its duly authorized agent, hereby, assigns, sells and transfers to the State of Arkansas all rights, title and interest in and to all causes of action it may have under the antitrust laws of the United States or this state for price fixing, which causes of action have accrued prior to the date of this assignment and which relate solely to the particular goods or services purchased or produced by this State pursuant to this contract.

15. Disclosure: Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the Agency.

Terms
 OSP - Office of State Procurement
 RFQ - Request for Qualifications
 ESCO - Energy Saving Company
 LOI - Letter of Interest
 RFP - Request for Proposals
 ABA - Arkansas Building Authority

STATE OF ARKANSAS STANDARD GUARANTEED ENERGY SAVINGS PROJECTS ENERGY PERFORMANCE CONTRACTING (RFQ PROCESS TO MONITORING)



CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

Failure to complete all of the following information may result in a delay in obtaining a contract, lease, purchase agreement, or grant award with any Arkansas State Agency.

SOCIAL SECURITY NUMBER _____ **FEDERAL ID NUMBER** _____ **SUBCONTRACTOR:** _____ **SUBCONTRACTOR NAME:** _____
TAXPAYER ID #: — — **OR** — ☐ Yes ☐ No

TAXPAYER ID NAME: _____ **IS THIS FOR:** ☐ Goods? ☐ Services? ☐ Both?

YOUR LAST NAME: _____ **FIRST NAME:** _____ **M.I.:** _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** — **COUNTRY:** _____

AS A CONDITION OF OBTAINING, EXTENDING, AMENDING, OR RENEWING A CONTRACT, LEASE, PURCHASE AGREEMENT, OR GRANT AWARD WITH ANY ARKANSAS STATE AGENCY, THE FOLLOWING INFORMATION MUST BE DISCLOSED:

For Individuals *

Indicate below if: you, your spouse or the brother, sister, parent, or child of you or your spouse is a current or former: member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee:

Position Held	Mark (✓)		Name of Position of Job Held [senator, representative, name of board/ commission, data entry, etc.]	For How Long?		What is the person(s) name and how are they related to you? [i.e., Jane Q. Public, spouse, John Q. Public, Jr., child, etc.]	
	Current	Former		From MM/YY	To MM/YY	Person's Name(s)	Relation
General Assembly							
Constitutional Officer							
State Board or Commission Member							
State Employee							

☐ None of the above applies

For an Entity (Business) *

Indicate below if any of the following persons, current or former, hold any position of control or hold any ownership interest of 10% or greater in the entity: member of the General Assembly, Constitutional Officer, State Board or Commission Member, State Employee, or the spouse, brother, sister, parent, or child of a member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee. Position of control means the power to direct the purchasing policies or influence the management of the entity.

Position Held	Mark (✓)		Name of Position of Job Held [Senator, representative, name of board/commission, data entry, etc.]	For How Long?		What is the person(s) name and what is his/her % of ownership interest and/or what is his/her position of control?		
	Current	Former		From MM/YY	To MM/YY	Person's Name(s)	Ownership Interest (%)	Position of Control
General Assembly								
Constitutional Officer								
State Board or Commission Member								
State Employee								

☐ None of the above applies

Contract and Grant Disclosure and Certification Form

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency. As an additional condition of obtaining, extending, amending, or renewing a contract with a state agency I agree as follows:

1. Prior to entering into any agreement with any subcontractor, prior or subsequent to the contract date, I will require the subcontractor to complete a **CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM**. Subcontractor shall mean any person or entity with whom I enter an agreement whereby I assign or otherwise delegate to the person or entity, for consideration, all, or any part, of the performance required of me under the terms of my contract with the state agency.
2. I will include the following language as a part of any agreement with a subcontractor:
Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this subcontract. The party who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the contractor.
3. No later than ten (10) days after entering into any agreement with a subcontractor, whether prior or subsequent to the contract date, I will mail a copy of the **CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM** completed by the subcontractor and a statement containing the dollar amount of the subcontract to the state agency.

I certify under penalty of perjury, to the best of my knowledge and belief, all of the above information is true and correct and that I agree to the subcontractor disclosure conditions stated herein.

Signature _____

Title _____

Date _____

Vendor Contact Person _____

Title _____

Phone No. _____

Attachment A
Vendors References

1. Company Name: _____
2. Contact Name: _____
3. Contact's Title: _____
4. Contact Email Address: _____
5. City: _____ State: _____
6. Telephone Number and Area Code: _____
7. Description of Services Furnished: _____

-
1. Company Name: _____
 2. Contact Name: _____
 3. Contact's Title: _____
 4. Contact Email Address: _____
 5. City: _____ State: _____
 6. Telephone Number and Area Code: _____
 7. Description of Services Furnished: _____

-
1. Company Name: _____
 2. Contact Name: _____
 3. Contact's Title: _____
 4. Contact's Email Address: _____
 5. City: _____ State: _____
 6. Telephone Number and Area Code: _____
 7. Description of Services Furnished: _____
-

Attachment A
Vendors References

1. Company Name: _____
2. Contact Name: _____
3. Contact's Title: _____
4. Contact Email Address: _____
5. City: _____ State: _____
6. Telephone Number and Area Code: _____
7. Description of Services Furnished: _____

1. Company Name: _____
2. Contact Name: _____
3. Contact's Title: _____
4. Contact Email Address: _____
5. City: _____ State: _____
6. Telephone Number and Area Code: _____
7. Description of Services Furnished: _____

1. Company Name: _____
2. Contact Name: _____
3. Contact's Title: _____
4. Contact's Email Address: _____
5. City: _____ State: _____
6. Telephone Number and Area Code: _____
7. Description of Services Furnished: _____