REQUEST FOR PROPOSAL

FOR A

PERFORMANCE BASED ENERGY EFFICIENCY IMPROVEMENT PROJECT

STREET LIGHTING TRANSFER TO OWNERSHIP AND LED CONVERSION

For

The City of Oneida, NY
Letter of Public Notice
The City of Oneida

The City of Oneida (CITY) gives public notice that it is requesting proposals from interested and qualified energy service companies (ESCO’s) for the following project:

THE CITY OF ONEIDA
REQUEST FOR PROPOSAL (RFP) FOR
ENERGY PERFORMANCE CONTRACTING SERVICES
STREETLIGHT TRANSFER TO OWNERSHIP AND LED CONVERSION

The City of Oneida plans to select the most qualified ESCO for the purpose of implementing comprehensive energy efficiency improvements.

NOTE: Throughout this RFP the term “Owner” shall refer to the City of Oneida, NY.

Responses must be received by March 27, 2017 no later than 2:00 PM., after which time and date they will no longer be accepted. Responses must be delivered to:

Mr. Jon Rauscher, PE., LEED AP
City Engineer
The City of Oneida
City Hall
109 North Main Street
Oneida, NY 13421

1. INTRODUCTION AND BACKGROUND

1. The objective of this Request for Proposals (RFP) is to solicit proposals for a performance project to assist the City of Oneida (the CITY) in making the CITY’s street lighting infrastructure as efficient as practical through the installation of new energy efficiency equipment, controls, and related upgrades. The CITY wishes to implement the proposed energy project on an energy performance contract basis. (See State Energy Law, Article 9), attached as Appendix A.

Below is a summary of National Grid owned street lighting within the City. The City anticipates converting all these facilities to LED.

<table>
<thead>
<tr>
<th>Luminaire Description (W)</th>
<th>EA</th>
</tr>
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<tbody>
<tr>
<td>70 W</td>
<td>6</td>
</tr>
<tr>
<td>100 W</td>
<td>512</td>
</tr>
<tr>
<td>150 W</td>
<td>23</td>
</tr>
<tr>
<td>175 W</td>
<td>28</td>
</tr>
<tr>
<td>250 W</td>
<td>196</td>
</tr>
<tr>
<td>400 W</td>
<td>44</td>
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</table>

Total: 809
Along with obtaining ownership and retrofitting approximately 762 of the 809 streetlights, the City is looking to remove and replace 47 of the existing cobra head style street light poles in the downtown area (See Appendix B). The existing poles are in poor condition and are mostly overhead fed. As part of the energy performance contract the City would be looking to replace these street lights with new underground fed lighting based on a photometric study. We anticipate new sidewalk, curbing and roadway pavement will also need to be included in the project scope associated with the new conduit installation.

2. Comprehensive energy services at facilities which the CITY is responsible for utility (electricity, natural gas, etc.) consumption. These include but are not limited to street lights. The selected ESCO will be expected to perform comprehensive energy services listed below:

a. energy audits,

b. photometric analysis where needed,

c. negotiate with the Utility the sale of street lighting assets,

d. perform necessary engineering and design to install energy efficient equipment and deliver guaranteed savings,

e. provide the CITY options for the maintenance and servicing of the installed energy conservation measures,

d. meet dark sky requirements, new fixtures installed must be dark sky compliant, and demonstrate a familiarity with dark sky initiatives and regulations, as well as other environmental regulations, and incorporate them into the design approach,

e. the provision of measurement and verification of guaranteed savings, and

f. the training, support and education of CITY staff.

2. Structure the terms of the CITY’s payment obligations for these improvements and services on a performance contracting basis and negotiate an energy services agreement which specifically meets the needs of the CITY.

The CITY will consider energy conservation improvements such that the costs of the improvements are paid from the project benefits produced by the improvements, in accordance with Article 9 of the New York State Energy Law.

Upon review of responses to this RFP, the CITY will select a single ESCO to provide facilities improvements, and at the CITY’s discretion, energy efficiency improvements and services for other facilities.

A. Purpose

This Request for Proposal requests the services of an Energy Performance Contracting company (ESCO), to develop and implement a comprehensive energy efficiency program and to provide the necessary design, engineering, construction, commissioning, on-going operational support and training required to implement the program, and employee education and communications services.

B. Statement of Intent

The intent of this project is to provide the CITY with the means to realize maximum efficiency improvements to the CITY’s street lighting facilities. The CITY may wish to add additional projects to the successful ESCO’s scope of work if the need arises.

C. Type of Contract
It is required that if a contract is entered into as a result of this RFP, it will be a performance-based energy efficiency contract. Negotiations may be undertaken with the ESCO whose understanding, proposal, and experience show them to be qualified, responsible and capable of performing the work and addressing the needs of the CITY. The CITY reserves the right to consider responses or modifications thereof, received at any time before award is made to the selected ESCO, if such action is in the best interest of the CITY. The CITY reserves the right to reject any and all responses.

D. Performance Contracting Defined

For the purposes of this document, "performance-based energy services contract," means a contract for energy efficiency services and equipment in which the payment obligation is guaranteed by the person or company under contract to be less than the project benefits attributable to the services or equipment under the contract, for the term of the agreement.

E. Issuing Office

This RFP is issued for and by the CITY. The CITY will coordinate all phases of the project and will provide names of contact persons and other information as required.

II. THE SELECTION PROCESS

A. Timetable

The CITY expects to undertake the selection process described below according to the following schedule:

<table>
<thead>
<tr>
<th>Submission of Responses</th>
<th>March 27, 2017</th>
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</thead>
<tbody>
<tr>
<td>Selection of ESCO</td>
<td>April 18, 2017</td>
</tr>
</tbody>
</table>

Each of these steps in the selection process is described in the selections that follow.

B. Submission of Responses

Interested ESCOs will submit Responses as described in Sections III and IV below.

C. Evaluation

The Selection Committee will evaluate all Responses. The Committee may conduct interviews with finalists to clarify information provided in the responses. The Selection Committee will make a final selection based upon factors that are deemed to be in its best interests.

Responses will be evaluated and scored on the basis of the following criteria, which will be accorded the relative weight indicated in parentheses:

1. **Experience and Qualifications (maximum 40 points)**

   Preference will be given to respondents demonstrating strong capabilities, experience and reputation in undertakings similar to those described in this RFP, and providing authoritative documentation of the respondent's financial condition and stability. Specifically, the respondents shall list public entities where similar projects have been successfully implemented and monitored. Preference will be given to respondents who have demonstrated excellence with
energy efficiency, and streetlighting projects as a component of performance-based energy services projects.

2. Technical Approach (maximum 20 points)

Responses should provide a general description of the technical approach to meeting the CITY’s energy efficiency objectives. Responses should also outline the respondent's project development process and how it collaborates with and maximizes financial benefit to the CITY and minimizes risk. Respondents should include a description of their responsibilities for maintenance and repair of equipment and systems following installation, and should demonstrate the ability of the respondent to provide service on both a routine and emergency basis. Respondents should demonstrate their capabilities and methodologies regarding the savings guarantee, measurement and verification, training, staff support, management and associated programs proposed for the CITY.

3. Staff Rating (maximum 20 points)

Points will be awarded based on documented technical and project administration skills and experience of the proposed project team. Only those individuals proposed to work directly on the subject project should be included in the Staffing Plan.

4. Financial Capability Rating (maximum 20 points)

Points will be awarded based on the demonstrated financial strength of the proposer, which will include the proposer’s bonding/Letter of Credit dollar and time limit, total bonding capacity, and the most recent year ending financial statement.

III. RFP PROCEDURES

A. Point of Contact

Questions concerning this RFP and the procedures for responding to the RFP should be directed to:

    Mr. Jon Rauscher, PE., LEED AP
    City Engineer
    The City of Oneida
    City Hall
    109 North Main Street
    Oneida, NY 13421

B. Submission of Responses

Respondents should submit an original and two (2) copies of their submittal in sealed and labeled packages per the Letter of Public Notice. Responses must be received by 2:00 PM, March 27, 2017 at the following address:

    Mr. Jon Rauscher, PE., LEED AP
    City Engineer
    The City of Oneida
    City Hall
    109 North Main Street
    Oneida, NY 13421
The Selection Committee will disqualify from consideration responses received after the time and date specified above.

C. Proprietary Information

If a submittal includes any proprietary data or information that the respondent does not want disclosed to the public, such data or information must be specifically identified as such on every page on which it is found. Data or information so identified will be used by the CITY solely for the purposes of evaluating responses and conducting contract negotiations.

D. Right to Reject

In submitting this response, it is understood by the respondent that the right is reserved by the CITY to accept any response, to reject any and all responses, and to waive any irregularities or informalities when to do so is in the best interest of the CITY.

IV. RESPONSE FORMAT AND CONTENTS

Responses must be submitted in the format outlined in this section, with each of the described forms and sections completed in full (except those sections described as optional). Respondents not utilizing this format will be considered non-responsive. Each response will be reviewed to determine if it is complete prior to actual evaluation. The CITY reserves the right to eliminate from further consideration any submittal deemed to be substantially or materially unresponsive to the requests for information contained herein.

Each of the forms and sections described below should begin on a separate page, and each page should clearly state the name of the respondent in the upper right corner.

A. Respondent Background and Qualifications

Section A of the proposal should contain the following information about the respondent:

1. Information about the respondent (addresses, telephone numbers, and names of contact persons and of the Staffing Team) should be provided on Form I.

2. Resumes for each of the individuals listed as lead personnel for the respondent’s project team on Form I should be included in the proposal. Identify the project team members who have direct experience with street light projects.

3. Prior relevant work experience of the respondent should be included in the proposal and should include the following information (if more than five projects are relevant to this RFP, remaining examples of experience may be briefly summarized):

   a) customer's name;
   b) total project cost;
   c) type of contract (e.g., sales, lease, shared savings, etc.);
   d) name and telephone number of reference for the project; and
   e) brief description of the project (including type of facility at which project was implemented).
4. Include a list of projects that have included, streetlights, and indicate which of those are located in New York State.

5. Additional information about the Staffing team, its personnel, financial condition, or qualifications may be included in the proposal as a Section A-3 (optional).

B. Technical Aspects of the Proposal

Section B of the proposal should contain the following information about the respondent's technical approach to meeting The CITY’s energy efficiency objectives:

1. Description of the respondent’s project development process and typical schedule.

2. Information about how the specific measures the respondent proposes will be identified.

3. A description of the respondent's approach to operations and maintenance (service) of the installed equipment, insuring project benefits will be achieved.

5. A description of the method to be used to measure guaranteed project benefits achieved in the CITY’s facilities through the efforts of the respondent (including any methods to be used to adjust for factors such as weather, or changes in the use or structure of buildings).

6. A description of how the respondent intends to train, support, manage and work with the existing staff with regards to servicing and maintaining of the equipment.

C. Financial Capabilities

1. For the last three years identify the largest dollar value for an energy performance contract where your firm was the prime contractor.

2. Indicate your firm’s bonding/Letter of Credit (LOC) dollar and time limit per project, the firm’s bonding capacity, the name of the present bonding agent or bank with contact person and telephone number.

3. Provide a copy of the most recent year-ending statements of financial condition, certified by a public accountant, including balance sheet and income statement, dated within twelve months of filing. If the financial statements are not the sole source of credit support for projects, supply pertinent additional information.

D. Additional Information

Any additional information the respondent believes to be relevant to the CITY’s selection efforts may be included in the response.

E. Outline of Submittal Contents

The following is an outline of the requirements for submittal contents described in this section:
Section A: ESCO Background and Qualifications

Form I: General Information: ESCO
Section A-1: Project Team Resumes
Section A-2: Work Experience
Section A-3: Additional Information (optional)

Section B: Technical Approach

Section B-1: Project Development Process
Section B-2: Survey and Analysis Methodology
Section B-3: Project Management Methodology
Section B-4: Service and Maintenance Procedures
Section B-5: Methodology for Measurement and Verification of Guaranteed Energy Savings
Section B-6: Training and Support Information

Section C: Financial Capability

Section C-1: Largest Project Implemented Over Last Three Years
Section C-2: Bonding/LOC Information
Section C-3: Annual Reports or Financial Statements

Section D: Additional Information
FORM I

GENERAL INFORMATION: ESCO

1. Name of firm: ____________________________________________

2. Address: ________________________________________________
   ________________________________________________

3. Name and Title of Contact person for this project: ____________

4. Telephone number of contact person: ________________________

5. Lead personnel for this project (persons who will have supervisory or other responsibility for the work to be performed):

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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6. Number of years the firm has been in business: ______________

7. Number of years the firm in performance contracting business: ______________

8. Approximate number of Energy Performance Contract projects implemented by the firm: _______
Appendix A – Article 9 NYS Energy Law
§ 9-101. Purpose

The purpose of this article is to obtain long-term energy and cost savings for agencies and municipalities by facilitating prompt incorporation of energy conservation improvements or energy production equipment, or both, in connection with buildings or facilities owned, operated or under the supervision and control of agencies or municipalities, in cooperation with providers of such services and associated materials from the private sector. Such arrangements will improve and protect the health, safety, security, and welfare of the people of the state by promoting energy conservation and independence, developing alternate sources of energy, and fostering business activity.

§ 9-102. Definitions

For the purposes of this article, the following words and phrases shall have the following meanings unless a different meaning is plainly required by the context.

1. "Owner" means any state department, agency, board, commission, office, or division.

2. "Municipality" means a municipal corporation, as defined in section two of the general municipal law, school district, board of cooperative educational services, fire district, district corporation or special improvement district governed by a separate board of commissioners.

3. "Public authority" means any public authority, public benefit corporation, or the port authority of New York and New Jersey, to the extent its facilities are located within the state of New York.

4. "Energy performance contract" means an agreement for the provision of energy services, including but not limited to electricity, heating, ventilation, cooling, steam or hot water, in which a person agrees to install, maintain or manage energy systems or equipment to improve the energy efficiency of, or produce energy in connection with, a building or facility in exchange for a portion of the energy savings or revenues.

§ 9-103. Energy performance contracts

1. Notwithstanding any other provision of law, any agency, municipality, or public authority, in addition to existing powers, is authorized to enter into energy performance contracts of up to thirty-five years duration, provided, that the duration of any such contract shall not exceed the reasonably expected useful life of the energy facilities or equipment subject to such contract.

2. Any energy performance contract entered into by any agency or municipality shall contain the following clause: "This contract shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the contract, and no liability on account therefor shall be incurred beyond the amount of such monies. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate or make available monies for the purpose of the contract."

3. In the case of a school district or a board of cooperative educational services, an energy performance contract shall be an ordinary contingent expense, and shall in no event be construed as or deemed a lease or lease-purchase of a building or facility, for purposes of the education law.

4. Agencies, municipalities, and public authorities are encouraged to consult with and seek advice and assistance from the New York state energy research and development authority concerning energy performance contacts.

5. Notwithstanding any other provision of law, in order to convey an interest in real property necessary for the construction of facilities or the operation of equipment provided for in an energy performance contract, any agency, municipality or public authority may enter into a lease of such real property to which it holds title or which is under its
administrative jurisdiction as is necessary for such construction or operation, with an energy performance contractor, for the same length of time as the term of such energy performance contract, and on such terms and conditions as may be agreeable to the parties thereto and are not otherwise inconsistent with law, and notwithstanding that such real property may remain useful to such agency, municipality or public authority for the purpose for which such real property was originally acquired or devoted or for which such real property is being used.

6. In lieu of any other competitive procurement or acquisition process that may apply pursuant to any other provision of law, an agency, municipality, or public authority may procure an energy performance contractor by issuing and advertising a written request for proposals in accordance with procurement or internal control policies, procedures, or guidelines that the agency, municipality, or public authority has adopted pursuant to applicable provisions of the state finance law, the executive law, the general municipal law, or the public authorities law, as the case may be.

7. Sections one hundred three and one hundred nine-b of the general municipal law shall not apply to an energy performance contract for which a written request for proposals is issued pursuant to subdivision six of this section.

8. In the case of a school district or a board of cooperative educational services, an energy performance contract shall be developed and approved pursuant to the requirements of this section and pursuant to regulations promulgated by the commissioner of education in consultation with the New York state energy research and development authority. Such regulations shall include, but shall not be limited to: a list of the appropriate type of projects that qualify as energy performance contracts; an approval process that includes review of the type and nature of the proposed project, the scope and nature of the work to be performed, and a detailed breakdown of the energy savings to be derived each year and for the duration of the energy performance contract; and a process for ensuring that districts have obtained financing at the lowest cost possible. Such regulations shall require that all energy performance contracts which contain maintenance and monitoring charges as part of the energy performance contract price state such maintenance and monitoring charges separately in the contract in a clear and conspicuous manner. Such regulations shall not apply to energy performance contracts entered into prior to the effective date of such regulations, nor shall they apply to energy performance contracts for which a request for proposals was issued prior to such effective date.

Appendix B – Concept Downtown Lighting Replacement Scope
CITY OF ONEIDA
ENGINEERING DEPARTMENT

DOWNTOWN STREET LIGHT REPLACEMENT SCOPE
SCALE: 1"=150'

- **APPROXIMATE LIMIT OF DOWNTOWN WORK**
- **REMOVE EXISTING NATIONAL GRID STEEL POLES LIGHTING**
  - INSTALL NEW LED LIGHTING PER PHOTOMETRIC STUDY, TYP.
- **REMOVE AND REPLACE SIDEWALK, CURBING AND PAVEMENT TO ACCOMMODATE NEW BURIED CONDUIT INSTALLATION**
- **CITY OWNED ORNAMENTAL LIGHTING TO BE REMOVED, TYP.**