

# **EL TEJON UNIFIED SCHOOL DISTRICT**



## **REQUEST FOR STATEMENTS OF QUALIFICATIONS FOR Planning and Implementing Proposition 39 Energy Conservation and Clean Energy Projects**

### **STATEMENT OF QUALIFICATIONS SUBMITTAL DEADLINE**

**May 12, 2017, 3:30pm**

#### **SUBMIT TO**

EL TEJON UNIFIED SCHOOL DISTRICT  
Attention: Patrice Barnes  
4337 Lebec Rd  
Lebec, CA 93243  
661-248-6247  
pbarnes@el-tejon.k12.ca.us

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NOTICE IS HEREBY GIVEN that the El Tejon Unified School District (ETUSD) acting by and through its Governing Board, is soliciting and issuing this Request for Statements of Qualifications (RFQ) and will receive up to, but no later than **May 3, 2017, 3:30pm**, statements of qualifications from interested, established and experienced Firms for consulting services (“Firms”).

This solicitation is intended to establish a pool of qualified third party consultants with whom District will enter into a Master Service Agreement .The selected consultant(s) will facilitate the cost-effective development of energy projects for District’s facilities and ***shall be free from conflicts of interest arising from financial relationships with potential suppliers, constructors, financiers, or owners of related projects or products.***

## **PART 1: DISTRICT ENERGY AND SUSTAINABILITY PROGRAMS BACKGROUND**

The El Tejon Unified School District (ETUSD) is a public school district located in Kern County, California. The District’s territory is located in the southern mountain communities of Kern County. ETUSD serves approximately 786 students at three existing schools. The District’s other facilities include one administrative office and Support Buildings. ETUSD total area includes 79.71 acres (ground property) and approximately 161,016 square feet of buildings.

ETUSD has been engaged in the replacement of lower efficiency lights for LED lights at all school sites. They have already been replaced at El Tejon School, but the replacement has not yet been completed at Frazier Mountain High School or Frazier Park Elementary School.

## **PART 2: SOLICITATION BACKGROUND**

The District will continue the existing programs and anticipates extending energy programs at existing facilities in conjunction with potential funding and guidelines from Proposition 39. The District was allocated \$226,490.

Given the potential magnitude of the District’s energy program, the District intends to contract with Firms that have, among other qualifications, all of the following:

- A. Extensive experience in the successful development of large commercial or public energy programs, energy efficiency measures and clean systems; including, design specification, construction oversight, operations, maintenance and management;
- B. Experience working with school districts in regard to energy efficiency programs;
- C. Experience in securing any and all necessary project financing, as well as credits and incentives available through Federal, State, local and Utility Company programs;
- D. Experience in working with the California Division of State Architect (DSA) in regard to plan approvals;
- E. Knowledge and understanding of applicable California Building Codes;
- F. Ability to provide timely, effective communication and support to the District through multiple means;

The District intends to use the responses that it receives to assist in possible selection of one or more Firms for District's potential energy projects. The District will evaluate each Firm based on the information set forth in the Response submitted, together with other information available to the District from any other sources. In addition to any other criteria specified in this RFQ, the evaluation criteria will include, among others, the Firm's experience, qualifications and ability to meet District criteria and project costs range, the Firm's ability to develop a rapport and working relationship with District personnel.

District will have the discretion to select one or more Firms after receipt of Responses; the District also reserves the right to not select any Firm. ETUSD may request that one or more Firms participate in an interview process or the District may implement a combination of these and/or other methods for selection.

This RFQ is solely a solicitation for Responses. Neither this RFQ, nor any Response to this RFQ shall be deemed or construed to: (i) create any contractual relationship between District and any Firm; (ii) create any obligation for District to enter into a contract with any Firm or other party; or (iii) serve as the basis for a claim for reimbursement for costs associated with submittal of any Response.

If the District selects a Firm for District's potential energy projects, the District shall have the right to negotiate any and all of the final terms and conditions of any agreement with the Firm and nothing in this RFQ or any Response shall be deemed or construed as a limitation of such rights.

### **PART 3: DISTRICT GOALS AND OBJECTIVES**

The District intends to achieve the following goals and objectives through, and in connection with, the implementation of energy programs and installation of energy efficiency measures and clean systems at District facilities:

- A. To identify alternatives for financing (other than potential Prop 39 funding, if applicable), designing, and implementing energy programs, and installing energy efficiency measures and clean energy systems that will reduce costs and maximize the net economic benefit to District
- B. To reduce the cost of developing energy projects by investing in multiple systems
- C. To facilitate the investment in energy projects by industries and businesses within the region, to increase energy diversity and to reduce dependence on fossil fuels
- D. To enhance the economic value of District assets by developing the assets in a manner that supports District goals
- E. To provide structures aesthetically compatible with District facilities and surrounding neighborhoods
- F. To educate students and community about the benefits of energy conservation and renewable energy generation
- G. To improve environmental quality in the southern Kern County mountain communities

## **PART 4: CONTENT OF RESPONSES**

- A. **General:** Each Response must be in writing and should be concise, well organized, tailored to this RFQ and demonstrate the Firms understanding of District goals and objectives for the District's energy projects. Firms will be evaluated based on the information submitted in accordance with this Part 4, together with other information as may be available to the District. Responses must include all of the information specified below in this Part 4, and must set forth such information in the same order set forth below.
- B. **Executive Summary:** Include an overview of the Response (not in excess of two pages) describing the highlights of Response and specifying the name, title, address, telephone number, and e-mail address of a single Firm representative to contact regarding the Response. The overview also should summarize how the Firm will develop a comprehensive energy conservation and alternative-energy generation program to meet the needs and goals of the District.
- C. **Firm Information:** Specify or provide all of the following information:
- Legal name and address of Firm
  - Name and address of the Firm's principal place of business
  - Firm's legal form of entity (sole proprietorship, partnership, corporation, joint venture, etcetera) and State of incorporation or other organization. If Firm is a joint venture or partnership, identify all members of the joint venture or partnership and provide all information required pursuant to this Paragraph C for each member
  - Firm's engagement model and fee structure (including process, scope, and commitment points)
  - Number of years Firm has been engaged in energy projects
  - Evidence that Firm is authorized to conduct business in the State of California
  - If company is a subsidiary or affiliate of another company or companies, identify such other company or companies
- D. **Firm's Relevant Experience:** Provide all of the following information, as applicable. Please mark "N/A" only if such information/experience is non-existent:
- List all energy service agreements Firm negotiated on behalf of its clients (either in conjunction with a third-party investor or otherwise) during the last ten years and applicable to energy projects of California school districts, specifying for each the name of the school district, the date of the agreement, and the type and general scope of the project
  - List the energy conservation measures implemented in connection with past projects
  - Total cost in dollars of commercial energy projects installed by or through the Firm's efforts, as well as total cost of commercial energy projects financed through energy

service agreements (including power purchase agreements) during the last three years, including a brief breakdown for each fiscal quarter during such period

- Total capacity in kilowatt hours (“kWh”) saved or generated of energy projects implemented or installed to date through projects developed by the Firm at K-12 public schools or reasonably equivalent commercial facilities
- Overview of the Firm’s commercial grid-connected Photovoltaic (PV) experience, if any (do not include residential PV experience, please); including,
  - Total Megawatts (“MW”) and MW of California-based Public Utilities and MW pursuant to power purchase agreements of commercial grid-connected PV installed to date
  - Breakdown by application (roof mounted, ground mounted, carport, etc.) installed to date
  - Average commercial grid-connected PV system size installed during the last three years

E. **Project References:** List all commercial energy projects in California over the last five years that exceed \$1 M in cost, including for each:

- Exact role Firm performed for project
- Type of project
- Location of project
- Customer name and contact information
- Date installed and date deemed operational
- Project cost (includes construction cost and all applicable soft costs)
- Kilowatt hours (“kWh”) produced or saved since project designed and/or installed
- Provide any known customer-satisfaction surveys relating to your completed projects, especially those from the public sector

F. **Proposed Firm Team:** Provide all of the following information:

- Name of Firm’s proposed project manager and a description of such person’s experience as relevant to the District’s proposed energy projects
- Names of team members who would be dedicated to the District’s energy projects
- Roles and responsibilities of team members, including an organizational chart
- Brief description of team’s ability to implement a successful energy program (history, performance of similar scope of services, etcetera)
- History of past projects undertaken and completed by the team as a group or individually while employed by the Firm

- Resumes for key members of the Firm's proposed team, including key personnel of any subcontractors that Firm proposes to use
- Describe each circumstance in which the Firm ever had a contract terminated for cause or convenience and include the reasons for termination

G. **Firm's History:** Indicate whether there has been, within the preceding five years, any occurrence of the situations described below and, if yes, then describe in detail the circumstances surrounding each such situation and the outcome. Failure by a Firm to disclose any such situations may result in a determination that the Firm is ineligible to bid on, contract for, or perform any work in connection with any future District projects. Each Firm must disclose each:

- Debarment (of either the Firm or any of its principal officers or owners) by any Federal, State, county, municipal or other local agency
- Involvement as a party in any litigation, arbitration or mediation associated with an energy project (not including any action filed to validate a transaction)
- Any convictions of the Firm or any of its principal officers or owners for violation of any Federal or State antitrust law (by, e.g., bid rigging, collusion, or otherwise restricting competition between bidders) or other law relating to bidding or performance of public works
- Determination by a governmental or public authority, which became final or unappealable, that the Firm or any of its principal officers or owners: (i) knowingly concealed any deficiency in the performance of any contract or project; (ii) falsified any information or made deceptive or fraudulent statements in connection with any contract or project; or (iii) willfully disregarded applicable laws, regulations, rules or contractual requirements in connection with any contract or project

H. **Firm's Claims and Litigation History:** Indicate whether, in the preceding five years, the Firm has filed any claims and/or lawsuits against any public agencies in connection with any contracts or projects of such public agencies and, if yes, identify the public agency and describe the nature and the outcome of such claim and lawsuit. Failure by a Firm to disclose any such claims and/or litigation may result in a determination that the Firm is ineligible to bid on, contract for, or perform any work in connection with District projects.

I. **Firm's Engagement Model and Fee Structure:** Including process, scope, and commitment points.

## PART 5: ADDITIONAL RFQ INFORMATION

A. **Schedule of Events:** The District anticipates that the schedule of events in connection with this RFQ will be as set forth below. However, District reserves the right, in its sole discretion and at any time prior to entering into an agreement for a District energy project, to alter its anticipated schedule as related to this RFQ or any project.

<u>Event</u>	<u>Anticipated Date</u>
RFQ Available:	April 19, 2017
Response Due:	May 12, 2017
Firm Presentations:	Week of May 15, 2017 (by invitation only)
Recommendations to District Board:	Special Board Meeting (possibly May 18, 22, 23, or 24, 2017)
Contract Approval:	Special Board Meeting (possibly May 18, 22, 23, or 24, 2017)

\*In coordination with Prop 39 scheduling

- B. **Addenda to RFQ:** The District in its discretion may, at any time, issue one or more addenda to this RFQ and the District will provide such addenda to each Firm that is known by the District to have received a copy of this RFQ. Each Firm is solely responsible for and must, in its Response, acknowledge each addendum that it has received. The District will send each addendum to the last known addresses of the Firms, but in no event shall the District be responsible or liable for any failure of a Firm to receive any such addendum.
- C. **No Guarantee of Award of Contract:** This RFQ does not create any obligation whatsoever, either express or implied, for the District to award any contract to any Firm or other party. The District at all times retains the sole and absolute right to select the Firm that best meets the District's needs, or to not select any Firm based on Responses to this RFQ. The award of any contract to a Firm is subject to approval by the Governing Board of the District ("Board").
- D. **Privacy:** The District will open and review Responses privately to assure confidentiality and to avoid disclosure of the contents to competing Firms prior to and during the review, evaluation and negotiation process. However District may, upon applicable request, disclose any Response to the extent it is a public record in accordance with California law.
- E. **Confidential Information:** It is understood that information submitted in response to this RFQ and subsequent presentations may contain technical, financial, or other data that would constitute trade secrets, the public disclosure of which possibly could injure the Firm's competitive position. To the extent the Firm reasonably determines that information in its Response constitutes trade secrets in accordance with applicable law, the Firm may seek to protect such trade secrets from disclosure by specifically identifying the pages of its Response that contain such information by properly marking such pages and inserting the following notice in its Response:

NOTICE: *[Insert Firm name]* believes that information on pages \_\_\_ of this Response identified by an asterisk (\*) or marked along the margin with a vertical line constitute trade secrets, disclosure of which possibly could injure the competitive position of *[insert Firm's name]*. *[Insert Firm's name]* requests that such information be used only in connection with evaluation of the Response or otherwise in connection with any agreement entered into by *[insert Firm's name]* and the District, but *[insert Firm's name]* understands that disclosure may nonetheless occur to the extent the District determines disclosure is proper in accordance with federal, state and/or local law.

The District may disclose or use any information included in a Response that is not so marked and made subject to such notice. In the event the District receives a request for information that is properly identified and for which notice is given in accordance with the

foregoing, the District will advise the Firm of the request. If the Firm objects to disclosure of such information, the Firm, within a reasonable time, but in no event in excess of five business days, shall submit to the District a detailed statement indicating the reasons the Firm believes disclosure is not proper in accordance with Federal, State and/or local law. The District will review such statement in determining whether disclosure is proper in accordance with applicable law. If the Firm requests that the District resist disclosure of such information, the District may agree to such request if the District determines that requested information likely is exempt from disclosure pursuant to Federal, State or local law, but subject to the Firm in each such event agreeing to assume responsibility for and to pay any and all costs incurred by the District, including, without limitation, attorney fees and expenses. The District will exercise reasonable care in applying the requirements of this Paragraph F, but in no event shall the District be responsible or liable for any damage or injury that may result from any disclosure that may occur of information the Firm believes constitutes a trade secret.

- F. **Ownership of Documents:** All Responses and other materials submitted in response to this RFQ shall become the property of the District.
- G. **Responsibility for Costs:** Each Firm (and not the District) shall be responsible for any and all costs that it incurs in connection with this RFQ, including, without limitation, costs associated with preparation and submission of a Response, and expenses associated with travel to any presentation, interview or other meeting. In no event will the District reimburse any Firm for any such costs or expenses.
- H. **Modification or Withdrawal of Response:** A Firm may at any time withdraw its Response by providing written request for withdrawal to the District. At any time prior to the deadline for submittal of Responses specified in this RFQ, a Firm may modify its Response by submitting the modified Response together with a written request to withdraw the original Response and replace it with the modified Response.
- I. **Insurance Requirements:** The District will require that the selected Firm have insurance in effect at all times during the term of this agreement and that the Firm provide certificates of insurance indicating the District, its employees, agents, and consultants as additional insured, and copies of policies as evidence that the insurance is in effect. The applicable insurance requirements and limits will be established by the District during negotiations with the Firm.
- J. **Other Contractual Requirements:** The contract(s) for each of the District's energy projects will set forth additional provisions applicable to work on the project by the selected Firm, including, without limitation, requirements for: (i) compliance with District policies, such as those prohibiting use of alcohol and illegal drugs on District property; and (ii) fingerprinting and background checks in accordance with California Department of Justice (DOJ) procedures.
- K. **Unethical Behavior:** By submitting a Response, a Firm shall be deemed to represent and warrant that neither it nor any of its agents or other representatives gave or offered to give any gratuity (in the form of entertainment, gifts, or otherwise) to any District officer or employee with the intent or goal of obtaining favorable treatment with respect to the selection of a Firm for the District's Clean energy projects. If the District determines that a Firm has breached or violated such warranty, the District may terminate any agreement with such Firm, in whole or in part, and the Firm shall be responsible and liable for any associated losses and/or damages incurred by the District. The rights and remedies of the District pursuant to this paragraph are not exclusive and

are in addition to any other rights and remedies the District may have pursuant to law or contract.

## **PART 6: SUBMITTAL REQUIREMENTS**

- A. **Number of Copies:** Each Firm must submit one (1) unbound original and four (4) bound copies of its Response, along with a digital copy of its Response.
- B. **Response Length:** A Response must be no more than 24 single-sided pages, or 12 double-sided pages, in total length, (not including cover page, attachments, tab pages, dividers, etc.) Each attachment must not exceed two single-sided pages or one double-sided page, with the exception of the resume package. The font size of the text included in a Response must not be less than 11 points.
- C. **Responses Must be Sealed:** Responses must be provided in a sealed envelope or box, and only District recipient information, the Firm's name, the title of the Response, and the submittal deadline visible on the outside of the envelope or box.
- D. **Address for Submitting Responses:** Responses must be addressed and sent or delivered to the address specified on the cover page to this RFQ.
- E. **Method of Delivery:** Provide five (5) "hard" copies and one (1) data CD of Responses to the District by any method desired prior to the due date and time; provided that the District will not accept any submittal sent by facsimile transmission, e-mail, or other electronic means.
- F. **Responsibility for Delivery of Responses:** Each Firm shall be solely responsible for ensuring that its Response is received by the District prior to the deadline specified in this RFQ. The District will not be required to consider any Response received by the District after the submittal deadline specified in this RFQ.
- G. **Deadline for Submitting Responses:** The deadline for submitting Responses in response to this RFQ is the date and time set forth in Part 5, Section A of this RFQ.

## **PART 7: REQUESTS FOR INFORMATION ("RFI") REGARDING THIS RFQ**

- A. **RFIs:** Questions regarding this RFQ should be set forth in writing and sent via e-mail to **Patrice Barnes at pbarnes@el-tejon.k12.ca.us**. The e-mail subject line of each such question should be specified as "Question Regarding RFQ for Energy Conservation and Clean Energy Consultant Services.
- B. **Authorized person to receive RFIs:** No person other than Patrice Barnes is authorized to receive questions relating to this RFQ, and the District shall have no obligation to respond to questions sent to any person or entity other than Patrice Barnes. In its discretion, the District may disregard the Response of any Firm that, in connection with this RFQ, contacts any District representative other than Patrice Barnes, including, without limitation, any member of the District Board, Superintendent, Business Manager, Administrators, Consultants, or any other District personnel.
- C. **Responses to RFIs:** The District will, to the best of its ability, respond to RFIs regarding this RFQ. The District will send each question and response to the last known e-mail

addresses of the Firms known by the District to have received this RFQ, but in no event shall the District be responsible or liable for any failure of a Firm to receive any such question and response.

- D. **Deadline for RFIs:** The deadline for submitting questions regarding this RFQ is **May 5, 2017, at 3:30 pm**. The District, in its discretion, may determine not to respond to questions submitted after the deadline or may extend the deadline for submittal of Responses so that all Firms will have the benefit of responses to questions submitted after the deadline.

## **PART 8: EVALUATION, AWARD AND AGREEMENT**

### **Statements of Qualifications Evaluation:**

The District Evaluation Committee will determine which, if any, statements of qualifications are in the District's overall best interest to accept. During the evaluation process, the District may request additional information, clarifications, explanations and answers from any respondent. The District may request any or all respondents to participate in a presentation and/or interviews in regard to their qualifications. The invited respondents must be able to be available for the presentation and/or interviews within two days of the request, unless another date has been agreed upon.

The District reserves the right to conduct negotiations with any number of respondents, as determined by the District, for entering into contract agreements.

### **Evaluation Criteria:**

The evaluation of statements of qualifications will include but not be limited to the following criteria:

- A. **Qualification Packet** – Completeness and clarity of qualification content as listed in Part 3.
- B. **Statements of Qualifications** – Company size, years in business, licenses, certifications and litigation, etc.
- C. **Personnel and Staffing Resources** – Professional statements of qualifications and specialized experience of the proposed staff including the quality of the respondent's professional personnel to be assigned to District projects and the quality of the respondent's management support personnel to be available for technical consultation and/or assistance.
- D. **Experience & References** – Experience and expertise of the respondent in providing similar services to other school district and public entities of comparable size and scope.
- E. **Firm's Engagement Model and Fee Structure:** Including process, scope, and commitment points.