



REQUEST FOR QUALIFICATIONS
SBC PROJECT NO. 529/000-01-2023
AMENDMENT No. Two
FOR Energy Savings Performance Contracting Services
Secondary Procurement

DATE: January 23, 2024

RFQ SBC Project No.: 529/000-01-2023 IS AMENDED AS FOLLOWS:

1. **This RFQ Schedule of Events updates and confirms scheduled RFP dates.** Any event, time, or date containing revised or new text is highlighted.

	EVENT	TIME (Central Time)	DATE	UPDATED / CONFIRMED
1	RFQ Issued		December 19, 2023	CONFIRMED
2	Disability Accommodation Request Deadline		December 27, 2023	CONFIRMED
3	Pre-Response Conference (VIRTUAL ONLY – PLEASE REFER TO RFQ SECTION 1.9)	10:00am	January 10, 2024	CONFIRMED
4	Notice of Intent to Respond Deadline		January 11, 2024	CONFIRMED
5	Written “Questions & Comments” Deadline	2:00pm	January 17, 2024	CONFIRMED
6	State Response to Written “Questions & Comments”		January 23, 2024	CONFIRMED
7	Response Deadline	2:00pm	January 31, 2024	CONFIRMED
8	Technical Response Evaluation Period		February 1 - 12, 2024	CONFIRMED
9	Interviews (if applicable)		February 13 – 26, 2024	CONFIRMED
10	State Issues Notice of Intent to Award and RFQ Files Opened for inspection		At the conclusion of the evaluation period including interviews if applicable.	CONFIRMED
11	Protest Period Ends		Seven calendar days after Notice of Intent is issued.	CONFIRMED
12	Anticipated State Building Commission (SBC) Approval		March 14, 2024	CONFIRMED

2. **State responses to questions and comments in the table below amend and clarify this RFQ.**

Any restatement of RFQ text in the Question/Comments column shall NOT be construed as a change in the actual wording of the RFQ document.

QUESTION / COMMENT	STATE RESPONSE
<p>1 Please confirm that this solicitation is for companies (ESCOs) to become certified by the State of TN for Energy Services Performance Contracting.</p>	<p>The intent of this solicitation is to add to the State of Tennessee’s qualified pool of ESCOs. ESCOs who are awarded a contract through this solicitation will become a party to the qualified ESCO pool and thus become eligible to submit qualifications in response to ESPCP project solicitations. ESCOs who are not awarded a contract through this solicitation will not become a party to the qualified ESCO pool and thus will not be eligible to respond to ESPCP project solicitations.</p>
<p>2 We are not licensed in the State of Tennessee yet. Are we required to have a General Contractor License to respond to the RFQ? If so, are there any options and/or exceptions that will allow us to respond to the RFQ (SBC Project No. 529/000-01-2023).</p>	<p>Please refer to Amendment One that was released on January 9 and posted to the STREAM website below with a revision to RFQ Section 4.6.1.</p> <p>https://www.tn.gov/generalservices/real-estate-/redirect-stream/contractors/requests-for-qualification--rfqs-.html</p>
<p>3 The SBC Project No. 529/000-01-2023 (release date 12/19/23) question B.8 asks “Does your company hold an Indefinite Delivery Indefinite Quantity (IDIQ) contract for the 2017 U.S> Department of Energy (DOE) ESPC program?” Please note that the 2023 U.S. Department of Energy (DOE) Energy Savings Performance Contract (ESPC), Generation 4 (Gen4) indefinite-delivery, indefinite-quantity (IDIQ) contract list has been released. This contract is the latest IDIQ. https://www.energy.gov/femp/doe-esp-generation-4-gen4-idiq-energy-service-companies. Recommend the solicitation be updated as follows: <u>“Does your company hold an Indefinite Delivery Indefinite Quantity (IDIQ) contract for the 2023 U.S> Department of Energy (DOE) ESPC program?”</u></p>	<p>The State is aware that the 2023 list has been released. However, to keep the requirements of this second procurement consistent with the requirements of the first procurement, the language was left the same.</p> <p>Please refer to item #3 below. The State has revised Question B.8 as follows:</p> <p>“Did or does your company hold an Indefinite Delivery Indefinite Quantity (IDIQ) contract for the 2017 and/or 2023 U.S. Department of Energy (DOE) ESPC program?”</p>
<p>4 We note that the successful Respondents are required to sign the Master Contract that is contained in the RFQ (Attachment 6.4). We have no concerns with that contract and will execute it. However, we would like the ability to negotiate certain terms and conditions of</p>	<p>The State is willing to consider proposed language changes to the terms and conditions of the draft ESPC contract included in the Master Contract. However, the State cannot commit to making any language changes to the terms and conditions of the draft ESPC contract prior to January 23, 2024 nor</p>

QUESTION / COMMENT	STATE RESPONSE
the ESPC and AIA General Conditions with the State on specific projects. An example would be making the limitation of liability provision in Section 15.1.7 of the General Conditions mutual (this language was mutual but the State changed it). Would the State negotiate certain terms of the ESPC and AIA General Conditions on a project by project basis?	will the State agree to project specific terms and conditions.
5 How many ESCOs will be selected for this program?	The State has not defined a limit for the qualified ESCO pool.
6 What are the requirements, if any, for the third-party M&V services company?	Refer to Master Contract Attachment E, Section 13 and Tenn. Code Ann. § 12-4-118. The ESCO is responsible for providing M&V services that comply with the provisions of the contract.
7 Attachment E: Exhibit C Table C1 and Exhibit D all seem to indicate 5 years of savings. Is this the minimum M&V period?	No. The M&V Term is defined in Master Contract Attachment E, Section 13. The use of five rows in Attachment E, Exhibit C Table C1 and Exhibit D does not indicate a minimum term.
8 Attachment E: Master Contract section L iv. Final Audit Report. Please clarify that this section is for records related to this contract only.	Master Contract Attachment E and the requirements therein refer to the Energy Savings Performance Contract.
9 Attachment D: Exhibit A section M iv. Please clarify the intent of this section.	Attachment D, Exhibit A, Section 1 M. defines Energy Savings Performance Contract (ESPC).
10 From various sections of the RFP it appears that the state agency is not obligated to pay the ESCO for services prior to the Effective Date of the contract. In the event an agency has an ESCO conduct an IGA and then elects to not implement the project, is the ESCO paid for the IGA services?	No. The ESCO will not be paid for any IGA services that do not result in a ESPC project.
11 Does DGS use the same reviewers for every procurement cycle that you issue?	No. Evaluator selection is based on multiple factors including, but not limited to, subject matter knowledge and availability.
12 Will the Q&A for this RFQ be shared with reviewers when scoring so they are updated with particular concerns of the respondents?	The questions and responses associated with this procurement will be made available to the evaluators.
13 In this application (due 1-31-24), are applicants only agreeing <u>to the percentage</u> of utilizing M/WBE+ subcontractors?	The language in the RFQ is simply to evaluate the ESCO's commitment to diversity. The State is looking for the ESCO's to provide an estimated participation percentage should the ESCO be awarded work within the ESPCP. The percentage is in no way binding and should be inclusive of any and all work the ESCO could perform as a result of any contract awarded to them within the ESPCP. The percentage should include enterprises owned by minorities,

QUESTION / COMMENT	STATE RESPONSE
	women, service-disabled veterans, persons with disabilities, and small business enterprises who offer a diverse workforce.

- 3. Please delete RFQ Attachment 6.2., Section B in its entirety and replace with the following (changes are highlighted in yellow):

TECHNICAL RESPONSE & EVALUATION GUIDE

SECTION B - GENERAL QUALIFICATIONS & EXPERIENCE. The Respondent shall address all items detailed below and provide, in sequence, the information and documentation as required (referenced with the associated item references). The Respondent shall also detail the response page number for each item in the appropriate space below.

Question B.11 will be evaluated by the Governor’s Office of Diversity Business Enterprise. Proposal Evaluation Team members will independently evaluate and assign one score for all other responses to Section B which will be added to the scoring of B.11, to provide a total score for Section B.

RESPONDENT LEGAL ENTITY NAME:		
Proposal Page # (Respondent completes)	Item Ref.	Section B— General Qualifications & Experience Items
	B.1	<p>Provide a personnel roster listing the names of the proposed individuals who will have responsibilities under the ESCO Master Contract and any other identifiable project principals or key personnel who the Respondent will assign to meet the scope of services provided in RFQ Section 1.2. At a minimum, this should include all team members who will be involved in all ESCO projects regardless of scope or size. Follow the personnel roster with a resume for each of the people listed detailing the individual’s title, education, current position with the Respondent, and employment history. Provide the anticipated project organizational structure identifying the key personnel. If a member of the project team is a subcontractor, provide a statement specifying that each proposed subcontractor has expressly assented to being proposed as a subcontractor in the Respondent’s response to this RFQ.</p>
	B.2	<p>For the individuals included in the personnel roster listing provided under B.1 submit a narrative outlining their experience on relevant ESCO projects performed by the Respondent including qualifications and description of involvement/experience. This should include the degree of apparent relevant competencies of the principal professional(s) and lead staff relevant to the project and services required, and evidence of competence.</p> <p>Include the Respondent’s experience and qualifications in a consultant role while working with designers and contractors during phases of planning, preconstruction, design, construction, branding and successful operation for similar projects. Include information on your team’s performance with an emphasis on adherence to schedules and budgets.</p> <p>Include any certifications, industry ratings, and national or international achievement recognitions, etc., to attest to the level of experience and success.</p> <p>Identify any challenges experienced while running the multiple concurrent tasks and the approaches made to overcome these challenges.</p>

RFQ Attachment 6.2. Section B

RESPONDENT LEGAL ENTITY NAME:														
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	B.3	<p>Indicate which accreditation category the Respondent has obtained (if any) through the National Association of Energy Service Companies (NAESCO):</p> <ul style="list-style-type: none"> • Energy Service Company (ESCO) • Energy Service Provider (ESP) • Energy Efficiency Contractor (EEC) 												
	B.4	<p>Provide an Executive Summary providing a brief overview of your company's expertise, qualifications, experience, and why you should be included on the State's pre-qualified ESCO list. Include highlights from your responses including company background and market sectors served. Also include your company's strengths, areas of expertise, and your general approach to performance contracting.</p>												
	B.5	<p>Describe your company's recent ESCO expertise (within the past eight years) in each of the following types of facilities (no more than one page per item).</p> <ul style="list-style-type: none"> • General Office • Correctional • Educational • Healthcare • Historical • Military • Parks • Other 												
	B.6	<p>List in one table the Energy Savings Performance Contracting projects (as described in RFQ Section 1) developed and implemented by your company within the past eight years.</p> <table border="1" data-bbox="428 1417 1385 1566"> <thead> <tr> <th>Project Name</th> <th>Facility Type</th> <th>City & State</th> <th>Project Size (Dollars)</th> <th>Project Size (Square Feet)</th> <th>Year Completed</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>If projects were performed by staff members of your team, while they were an employee of another company, clearly identify the company with overall responsibility for that project, the individual's name, and their role in the project.</p>	Project Name	Facility Type	City & State	Project Size (Dollars)	Project Size (Square Feet)	Year Completed						
Project Name	Facility Type	City & State	Project Size (Dollars)	Project Size (Square Feet)	Year Completed									
	B.7	<p>Provide detailed information for a maximum of three ESPC projects listed in B.6 which can be used for references. Projects must be with non-K-12 government customers (including state, local, and higher education). Preference will be given to experience located in any of the following regional states: Georgia, Alabama, Mississippi, Arkansas, Kentucky, Ohio, Virginia, North Carolina, or South Carolina. Include the following information on each project as a minimum.</p>												

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		<p>Project Identification: Owner name, city/state, and facility type (hospital, school, college, city, county, etc.).</p> <p>Contact Information: Names and contact information of owner(s) representatives who can serve as references.</p> <p>Project Size: Number of buildings and total project square footage.</p> <p>Project Dollar Amount: Total contract amount and the total project capital expenditure amount.</p> <p>Source of Funding: A description of the source of funding used for the project and the company's role (if any) in securing that funding.</p> <p>Project Dates: Actual dates of audit start and acceptance; actual construction starting and ending dates.</p> <p>Contract Terms: A description of the type of contract, financing arrangement, and contract term.</p> <p>Project Personnel: A list of the name(s) of individuals involved in the project, their role(s) and if these personnel will be assigned to projects in this program. (Attach their resumes in the personnel and staffing section).</p> <p>Project Schedule: Indicate if project was completed on schedule and an explanation if not.</p> <p>List of Improvements: The types of retrofits and operational improvements implemented related to energy, water, and other cost savings.</p> <p>Project Performance: The amounts of projected annual savings, guaranteed annual savings, and at least one year of actual annual savings for each project, as applicable, in a table as shown below.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 12.5%;">Projected Annual Savings</th> <th style="width: 12.5%;">Guaranteed Annual Energy Savings</th> <th style="width: 12.5%;">Actual Energy Savings Year 1</th> <th style="width: 12.5%;">Actual Energy Savings Year 2</th> <th style="width: 12.5%;">Actual Energy Savings Year 3</th> <th style="width: 12.5%;">Actual Energy Savings Year 4</th> <th style="width: 12.5%;">Actual Energy Savings Year 5</th> </tr> </thead> <tbody> <tr> <td>Units</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>kWh</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>kW</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>MMBTU</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Gallons</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>(Other)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Measurement and Verification (M&V): A brief description of the M&V approach for each project including which savings were stipulated, if any.</p> <p>Performance Guarantee: A description of the savings guarantee for each project and, if the guaranteed savings were not achieved, how the company compensated</p>		Projected Annual Savings	Guaranteed Annual Energy Savings	Actual Energy Savings Year 1	Actual Energy Savings Year 2	Actual Energy Savings Year 3	Actual Energy Savings Year 4	Actual Energy Savings Year 5	Units								kWh								kW								MMBTU								Gallons								(Other)							
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		<p>the facility owner for any annual shortfall (e.g., pay funds to meet the guarantee, etc.).</p> <p>Project Status: Post M&V, Closed (M&V term completed), ESPC Phase in Progress (audit or construction), non-ESPC work in progress, other (explain).</p> <p>Additional Comments: Comments on any special features, services, conditions, creative approaches, special needs of customer, etc. that may be relevant to this program.</p>														
	B.8	Did or does your company hold an Indefinite Delivery Indefinite Quantity (IDIQ) contract for the 2017 and/or 2023 U.S. Department of Energy (DOE) ESPC program?														
	B.9	<p>Does your company hold any other industry qualifications such as:</p> <ul style="list-style-type: none"> • ISO 50,001 for Energy Management • ISO 9001 for Quality Management <p>Or any others?</p>														
	B.10	<p>Provide a table to show your personnel pool of individuals who will potentially be assigned responsibility for each task and phase of a project under this program. Also include any added expertise and capability of staff available through other branch offices, subcontracts, etc., that you can provide back-up strengths.</p> <table border="1" data-bbox="428 1180 1442 1329"> <thead> <tr> <th>Name</th> <th>Title</th> <th>Staff or Sub-contractor</th> <th>Potential Role</th> <th>Academic / Professional Qualifications</th> <th>Level of Expertise</th> <th>Base Location</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>Legend: <i>Potential role: technical analysis, engineering design, construction management, construction, training, post-construction M&V, support, and other services.</i> <i>Level of expertise: years in industry or other brief description.</i> <i>Base Location: Permanent office in Tennessee; On assignment from other state; Out-of-state support.</i></p>	Name	Title	Staff or Sub-contractor	Potential Role	Academic / Professional Qualifications	Level of Expertise	Base Location							
Name	Title	Staff or Sub-contractor	Potential Role	Academic / Professional Qualifications	Level of Expertise	Base Location										
	B.11	<p>Commitment to Diversity (5 points)</p> <p>Provide documentation of the Respondent’s commitment to diversity as represented by the following:</p> <p>1) <u>Business Strategy</u>. Provide a description of the Respondent’s existing programs and procedures designed to encourage and foster commerce with business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises. Please also include a list of the Respondent’s certifications as a diversity business, if applicable.</p>														

RFQ Attachment 6.2. Section B

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		<p>2) <u>Business Relationships</u>. Provide a listing of the Respondent’s current contracts with business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises. Please include the following information:</p> <ul style="list-style-type: none"> a) contract description; b) contractor name and ownership characteristics (<i>i.e.</i>, ethnicity, gender, service-disabled veteran-owned or persons with disabilities); and c) contractor contact name and telephone number. <p>3) <u>Estimated Participation</u>. Provide an estimated level of participation by business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities and small business enterprises if a contract is awarded to the Respondent pursuant to this RFQ. Please include the following information:</p> <ul style="list-style-type: none"> a) a percentage (%) indicating the participation estimate. (Express the estimated participation number as a percentage of the total estimated contract value that will be dedicated to business with subcontractors and supply contractors having such ownership characteristics only and DO NOT INCLUDE DOLLAR AMOUNTS); b) anticipated goods or services contract descriptions; c) names and ownership characteristics (<i>i.e.</i>, ethnicity, gender, service-disabled veterans, or disability) of anticipated subcontractors and supply contractors. <p><i>NOTE: In order to claim status as a Diversity Business Enterprise under this contract, businesses must be certified by the Governor’s Office of Diversity Business Enterprise (Go-DBE). Please visit the Go-DBE website at Go-DBE Online Certification for more information.</i></p> <ul style="list-style-type: none"> d) <u>Workforce</u>. Provide the percentage of the Respondent’s total current employees by ethnicity and gender. <p><i>NOTE: Respondents that demonstrate a commitment to diversity will advance State efforts to expand opportunity to do business with the State as contractors and subcontractors. Response evaluations will recognize the positive qualifications and experience of a Respondent that does business with enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises and who offer a diverse workforce.</i></p>
		<p>SCORE (for all Section B—Qualifications & Experience Items above): (maximum possible score = (60))</p>
State Use – Evaluator Identification:		

End of Section B