



**Request for Proposal (RFP)  
Windsor Efficiency PAYS®  
Certification Agent**

Released by  
Sonoma County Regional Climate Protection Authority  
490 Mendocino Avenue, Suite 206  
Santa Rosa, CA 95401  
(707) 565-5373

On behalf of the  
Town of Windsor, California

**KEY RFP DATES**

Issued: November 30, 2011  
Telephone or written questions: December 12, 2011  
Pre-Submittal Meeting: December 14, 2011  
Optional Letter of Interest: Any time before January 13, 2012  
Submit Proposals: January 13, 2012  
Interview Dates: January 23-26, 2012

November 18, 2011

## **NOTICE OF REQUEST FOR PROPOSALS**

### **Windsor Efficiency PAYS® Certification Agent**

The Sonoma County Regional Climate Protection Authority (RCPA) has issued this Request for Proposal on behalf of the Town of Windsor (Windsor) with the intent to select a firm to act as a Certification Agent for its Windsor Efficiency PAYS® pilot program. The Certification Agent will be an independent program operator managing all aspects of this pilot.

**Proposals must be submitted at or before 5:00 p.m., Pacific Time, on January 13, 2012.** An electronic copy of the complete proposal should be emailed to:

**Mike Sandler:** [msandler@sctainfo.org](mailto:msandler@sctainfo.org)

Proposals, and amendments to proposals, received after the date and time specified will not be considered. Parties interested in obtaining a copy of this Request for Proposal should e-mail a request to [msandler@sctainfo.org](mailto:msandler@sctainfo.org), call, or find online at [www.sctainfo.org/rfp.htm](http://www.sctainfo.org/rfp.htm).

A pre-submittal meeting will be held from 1:00-3:30 pm on December 14 at the RCPA conference room to provide an overview of needs and expectations and to provide an opportunity to answer questions of applicants. This meeting may also be broadcast via webinar.

Organizations planning to attend this meeting (in person or via webinar) are asked to RSVP to [msandler@sctainfo.org](mailto:msandler@sctainfo.org).

Those responding to the RFP will be required to comply with all applicable equal opportunity laws and regulations.

Sincerely,

Mike Sandler

Climate Protection Program Manager

## Table of Contents

OVERVIEW .....	4
Qualifications .....	4
Duties .....	5
Payments .....	7
Oversight.....	7
Timeline .....	7
HOW TO APPLY .....	8
Criteria for Selection.....	10
Additional Information .....	10
Submittal Procedure.....	11
Joint Offers.....	12
Levine Act.....	12
Respect in the Workplace .....	12
Debarment.....	13
Reservation of Rights.....	13
ATTACHMENT A.....	15
ATTACHMENT B.....	16

## OVERVIEW

The Sonoma County Regional Climate Protection Authority (RCPA) has issued this Request for Proposal on behalf of the Town of Windsor (Windsor) with the intent to select a firm to act as a Certification Agent for its Windsor Efficiency PAYS<sup>®</sup> pilot program. The Certification Agent will be an independent program operator managing all aspects of this pilot.

The Windsor Efficiency PAYS<sup>®</sup> pilot is scheduled to start on March 1, 2012. If successful, in one year or less, the pilot will help up to 2,000 Windsor customers purchase and install a variety of water and energy saving technologies using the Pay As You Save<sup>®</sup> system as explained in the attached September 9, 2011, Program Concept Paper (Attachment A). The Certification Agent will oversee the work in Windsor customers' homes by multiple contractors and multiple types of contractors including Core Measure, Appliance Suppliers/Installers, and Dry-Summer, Drought-Tolerant Landscaping providers.

A detailed program design including all aspects of the pilot including protocols, forms, and contracts is scheduled to be completed by or before January 2012. The program will run for one year or until 2,000 customers install measures, whichever comes first. There is the potential for expansion of the pilot in Windsor, in Sonoma County, and throughout California.

The Certification Agent will need to make program staff and managers available for an RCPA training program in February 2012. The date of this training program will be announced in January 2012. All staff interacting with customers must successfully complete this training program.

## Qualifications

Parties interested in submitting a proposal to become the Windsor Efficiency PAYS<sup>®</sup> Certification Agent should have at least two years' experience (or the equivalent):

- Operating successful residential resource efficiency programs;
- Hiring and managing trained field and office staff;
- Working with and overseeing work by residential contractors;

- Interacting directly with residential program participants in a resource efficiency program (e.g., contacting residents when they are available, fielding inquiries, inspecting homes, explaining measures and protocols, resolving complaints and disputes); and
- Using spreadsheets and/or databases, and managing and maintaining program and financial records (including checking accounts).

Additionally, a prospective Certification Agent should be able to demonstrate that it and its staff have:

- The ability to communicate clearly both verbally and in writing;
- The ability to evaluate and discuss water and energy measure cost effectiveness;
- The ability to mediate conflicts between parties, especially residents and contractors;
- Excellent customer service skills;
- Familiarity with California laws and regulations relating to home improvements;
- Knowledge of resource efficiency policy and challenges or the ability to be trained quickly and become proficient in these matters; and
- Familiarity with the American Reinvestment and Recovery Act (ARRA) and U.S. Department of Energy reporting requirements.

RCPA and Windsor reserve the right to reject any or all of the proposals, to investigate the qualifications of all proposers under consideration, to confirm any part of the information furnished by a respondent, or to obtain additional evidence of managerial, financial or other capabilities, which are considered necessary.

## **Duties**

The Certification Agent's duties, the forms and contracts to be used, and the protocols to be followed will be finalized as part of the Windsor Efficiency PAYS<sup>®</sup> Program Design. However, at this time it is expected that the Certification Agent will be responsible for:

1. Handling all customer and contractor inquiries about the pilot program including calls from customers who want to opt out of the program or those who previously opted out of the pilot and now want to participate, and referring those who want to participate, or their contact information, to Certified Contractors. (NOTE: Most contractors will be assigned customer lists by Windsor and/or RCPA to whom they can market program measures.)
2. Certifying (or de-certifying) contractors once the pilot is operational (initial certifications will be performed by RCPA).

3. Acting as Windsor customer agent for the installation of program-eligible measures by verifying by telephone (or the inspections described in #4 below) that the resource efficiency measures proposed for installation by a Certified Contractor are suitable for the customer's end uses and are estimated to result in sufficient savings in water and/or energy usage to qualify for the pilot.
4. Completing on-site inspections prior to authorizing work (in order to verify Certified Contractors' performance and compliance with all program protocols) for at least 5-percent of customer installations (i.e., 100 inspections based on 2,000 completed projects).
5. Ensuring all program forms are complete, accurate, properly recorded using Windsor Efficiency PAYS<sup>®</sup> Data Sheets and/or RCPA supplied spreadsheets; forwarded in a timely manner (electronic and paper copies of files of completed projects) to the Town of Windsor.
6. Ensuring complete, accurate, and proper data entry of customer surcharges and Data Sheet information into Windsor's management and information system using CITRIX remote client software.
7. Setting up and maintaining the program checking account and managing finances.
8. Verifying by telephone (or the inspections described in #9 below) that, upon notification by a contractor or customer that work has been completed, the customer is satisfied with the installation and that the contractor(s) has properly installed the correct program measures; has instructed the customer on their proper use, operation, and maintenance; and has completed all program responsibilities.
9. Providing on-site inspections of completed work for at least 10-percent of projects (i.e., 200 based on 2,000 completed projects).
10. Working to obtain a mutually satisfactory resolution in the event of disputes between customers and contractors and participating in any complaint resolution process in accordance with signed agreements between the parties.
11. Determining whether contractors' work is acceptable, in accordance with the Contractor Installation Agreement, Federal, State, and Local codes, and manufacturers' installation standards, and, if necessary, taking steps to ensure problems are corrected. Steps will include charging contractors penalty fees for failed inspections and arranging for independent subcontractors, selected and trained by the Certification Agent, to make additional inspections of that contractor's work.
12. Making payments to contractors, suppliers, Windsor, and itself once the work has been completed and accepted, and instructing the Town of Windsor to initiate billing surcharges.
13. Evaluating any report of a failed Windsor Efficiency PAYS<sup>®</sup> measure, and causing the measure to be repaired or replaced unless repairs would require the payment term to be extended (as described in #14 below) beyond the estimated useful life of the measure(s).
14. Notifying the Town of Windsor in the event that an installed measure is repaired or replaced and repair costs are not covered by warranty to extend the number of billing periods subject to the surcharge as required to recover all repair or replacement costs including Certification Agent's administrative costs. If Certification Agent

- determines repairs cannot be made, it will notify Windsor to stop billing surcharges at that location.
15. Re-calculating minimum customer usage thresholds used to qualify measures in the event that the Capital Provider increases interest rates.
  16. Supplying the Town of Windsor or RCPA with information and assistance as needed to prepare the required monthly ARRA reports on this project and with copies of any materials otherwise required for their oversight or pilot evaluation upon their request.
  17. Implementing all assigned duties as described in the Windsor Efficiency PAYS<sup>®</sup> Program Design and upon identifying any conflict between the Windsor Efficiency PAYS<sup>®</sup> Program Design and the Certification Agent contract or this RFP, seeking written clarification from the Town of Windsor or RCPA.
  18. Participating in good faith in any RCPA or Windsor evaluation of this pilot program, including requiring staff to participate in any focus groups, surveys, or interviews.

## **Payments**

The Windsor Efficiency PAYS<sup>®</sup> Certification Agent will use program funds to pay itself its bid price (a fixed fee up to \$100 maximum per customer) upon each project's completion and also be responsible for:

- Paying contractors for acceptable completed projects;
- Collecting penalty fee payments from contractors for failed work;
- Paying subcontractors to perform penalty inspections;
- Paying itself its bid fixed fee for handling repairs not covered by warranty;
- Paying Windsor for charges in excess of select measure costs; and
- Maintaining documentation and accounts for all payments.

## **Oversight**

The Certification Agent will be required to sign an Agreement (Attachment B) with Windsor and a Capital Provider selected for this pilot. This agreement will outline each entity's responsibilities and establish oversight roles.

## **Timeline**

The following is the timeline for a March 1, 2012, pilot start date. RCPA and Windsor reserve the right to modify and or reschedule any of activities in order to ensure a successful pilot.

- RFP issued November 30, 2011
- Written questions submitted to RCPA by December 12, 2011
- Pre-Submittal Meetings held in person and via webinar December 14, 2011
- Optional Letter of Interest submitted to RCPA any time before January 13, 2012
- Proposals due January 13, 2012
- Interviews January 23, 2012, to January 26, 2012
- Certification Agent selected February 1, 2012
- Training TBA
- Start operations March 1, 2012
- Cease pilot operations February 28, 2013, or after 2,000 projects are completed unless the Agreement is renewed

## HOW TO APPLY

Parties interested in applying to become the Windsor Efficiency PAYS<sup>®</sup> Certification Agent should submit a letter of interest to RCPA if they have not already done so. Their letter should include contact information (i.e., telephone number(s) and mailing and email addresses). This will ensure the prospective applicant receives copies of all communications relevant to this RFP process.

Parties must submit their complete proposal to RCPA by email (or, if necessary first class mail) at the address below no later than January 13, 2012. The proposal should not exceed 25 pages (excluding cover letter, proposal cover, table of contents, forms and supplemental information, such as brochures and resumes). Formatting should be done using 8-1/2" X 11" pages with a minimum font size of 12. Proposals must:

1. Include a Cover Letter. Identify the prime consultant and describe any subcontract arrangements. Please identify the person who is authorized to negotiate, and indicate that the proposal represents a firm binding offer for 90 days. The cover letter should include the following information:
  - Consultant Name
  - Name and title of authorized representative
  - Address
  - Telephone Number

- Fax Number
  - Email Address
2. Clearly document the applicant's qualifications. Describe the bidder organization, including the qualifications of the prime consultant and any sub-consultants included in the proposal. Please provide evidence of experience in each of the areas identified in this proposal.
  3. Provide a narrative of no more than six single-spaced pages addressing how the bidder meets all Qualifications, its willingness and ability to fulfill all Certification Agent Duties for its per-completed-job bid fee, and any other information that would support applicant's proposal given the criteria for selection described below.
  4. Propose the fixed fee bidders will be paid for each completed project (i.e., up to a maximum of \$100) and the fee they will be paid for each completed repair in cases where they must oversee any non-warranty (i.e., owner or customer damage to measures) repairs. It is not anticipated that during the first year of operation that there will be any non-warranty repairs. The bidder should also propose the fixed fee it will charge if the contract is renewed and it must oversee post warranty repairs.
  5. Include resumes for key staff and three letters of reference from people who can comment from experience on how the bidder meets the qualifications for this work.
  6. Provide insurance documentation with the following minimum limits:
    - (a) General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
    - (b) Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
    - (c) Workers' Compensation statutory limit and Employer's Liability: \$1,000,000 per accident for bodily injury or disease.
    - (d) Errors and Omissions Liability: \$1,000,000 per occurrence.

One or more qualified applicants will be requested to interview with RCPA, Windsor, or their agents during January 2012. As noted above, RCPA and Windsor hope to complete the selection process by February 1, 2012, so the Certification Agent can arrange for its staff to attend the February training session (date to be announced later).

## Criteria for Selection

RCPA and Windsor will evaluate proposals and select up to four finalists for interviews from among the bidders that appear to meet the above criteria. They will then select one bidder for negotiations based on the bidder's ability to create confidence that:

1. The bidder has the resources, experience and skills to successfully operate the pilot.
2. The bidder has a viable plan to provide sufficient trained staff to manage customer and contractor demand for oversight services regardless of the actual number of participants or when demand for services occurs and that its plan will work with the proposal to reimburse the Certification Agent based on a fixed fee for each completed project.
3. The bidder is able to provide excellent customer service acting as the customers' agent for projects and, at the same time, work effectively with Certified Contractors to ensure high quality installations.
4. The bidder's records and bookkeeping will be satisfactory and kept in accordance with Generally Accepted Accounting Principles (GAAP).
5. The bidder's reputation will enhance the credibility of the program offer.

In the event multiple bidders equally meet all of the above criteria, bidders who indicate that they are willing and able to expand their services to Windsor, other Sonoma County water utilities, or other interested California utilities will receive preference.

## Additional Information

Examination of Documents: All relevant documents pertaining to this RFP can be found at [www.sctainfo.org/rfp.htm](http://www.sctainfo.org/rfp.htm) or by emailing [msandler@sctainfo.org](mailto:msandler@sctainfo.org).

An optional letter of interest for all or a portion of the scope of work may be submitted in accordance with the following requirements:

1. The letter of interest shall be sent electronically to: [msandler@sctainfo.org](mailto:msandler@sctainfo.org)

Requests for clarification and other additional questions must be put in writing and must be received by the RCPA no later than 5 p.m. on December 12, 2011. Thereafter RCPA will enforce a Blackout period where communications between applicants and reviewers are strictly limited.

Any of the following methods of delivering written questions are acceptable as long as the

questions are addressed with the subject of “Windsor Efficiency PAYS® RFP”, and are received no later than the date and time specified above:

- E-Mail: [msandler@sctainfo.org](mailto:msandler@sctainfo.org)
- U.S. Mail/Personal Courier: Mike Sandler, Sonoma County Transportation Authority, 490 Mendocino Avenue, Suite 206, Santa Rosa, California 95401
- Facsimile: The RCPA’s fax number is (707) 565-5370

Copies of these questions and their answers will be emailed to all parties that submitted a letter of interest and will be posted on the RCPA website at [www.sctainfo.org/rfp.htm](http://www.sctainfo.org/rfp.htm) no later than 5:00 p.m. on December 21, 2011.

A pre-submittal meeting will be held on December 14 from 1:00-3:30 p.m. in the RCPA offices at 490 Mendocino Ave., Suite 206, Santa Rosa, CA. The intent of the pre-submittal meeting is to provide an overview of the RCPA’s needs and expectations and to provide an opportunity to answer questions of applicants. This meeting may also be hosted via a webinar. Organizations planning to attend this meeting (in person or via webinar) are asked to RSVP to [msandler@sctainfo.org](mailto:msandler@sctainfo.org).

RCPA and Windsor shall not, in any event, be liable for any pre-contractual expenses incurred by proposer in the preparation of a proposal. Proposer shall not include any such expenses as part of the proposal.

## **Submittal Procedure**

The proposal shall be submitted in accordance with the following requirements:

1. The proposal shall be transmitted with a cover letter as described above.
2. The proposal shall be received via one of the following means no later than 5:00 p.m. on January 13, 2012. Late proposals will not be accepted.
  - E-Mail: [msandler@sctainfo.org](mailto:msandler@sctainfo.org)
  - U.S. Mail/Personal Courier: Mike Sandler, Sonoma County Transportation Authority, 490 Mendocino Avenue, Suite 206, Santa Rosa, California 95401
  - Facsimile: The RCPA’s fax number is (707) 565-5370

RCPA will notify proposers of its selection, or selection for interview, on or after January 26, 2012.

### **Joint Offers**

Where two or more proposers desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. Parties signing contracts related to this RFP will be asked to do so as a single firm and not as multiple entities doing business as a joint venture. Proposers wishing to provide fewer than the required number of services should submit a letter of interest to be shared with all members during the pre-bid meeting.

### **Levine Act**

The selected proposer will be required to disclose on the record any contribution of \$250.00 or more that they have made to a Windsor Town Councilmember or an RCPA Board member within the twelve-month period preceding submission of the RFP. This applies to your company, any member of your staff, any agents for you or other staff members and to the major shareholders of any closed corporation, which is part successful proposal. If you have made a contribution which needs to be disclosed, you must provide written notice of the date, amount, and receipt of the contribution(s) in writing to the RCPA Executive Director, Suzanne Smith.

### **Respect in the Workplace**

During the performance of services under an Agreement, the successful proposer and any and all sub-consultants shall not discriminate or permit harassing or discriminating behavior against any persons or group of persons whether on the basis of race, color, religion, age, national origin, ethnic group, gender, marital status, disability status, or sexual orientation. The successful proposer and any and all sub-consultants shall take affirmative actions to ensure respect in the workplace and that applicants and employees are treated justly, without regard to their race, religion, sex, color, or national origin.

In the event the successful proposer or any sub-consultant fails to comply with this clause of an executed contract, said contract may be canceled, terminated or suspended, in whole or in part,

and the successful proposer any and all sub-consultants may be declared ineligible for further contracts.

## **Debarment**

Proposer must disclose any debarment or other disqualification as a vendor for any federal, state, or local entities. Proposer must describe the nature of the debarment/disqualification, including where and how to find such detailed information.

## **Reservation of Rights**

The issuance of this RFP does not constitute an agreement by the RCPA or the Town of Windsor that any contract will actually be entered into by the RCPA or the Town of Windsor. The RCPA and Windsor expressly reserve the right at any time to:

- Waive or correct any defect or informality in any response, proposal, or proposal procedure,
- Reject any or all proposals,
- Reissue an RFP,
- Prior to the submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals,
- Procure any materials, equipment or services specified in this RFP by any other means, or determine that no project will be pursued.

All proposals submitted in response to this request shall be deemed public records. In the event that a Proposer desires to claim portions of its proposal exempt from disclosure, it is incumbent upon the Proposer to clearly identify those portions with the word "confidential" printed on the lower right-hand corner of the page. RCPA and Windsor will consider a Proposer's request for exemption from disclosure; however, the RCPA and Windsor will make a decision based upon applicable laws. Assertions by a Proposer that the entire proposal or large portions are exempt from disclosure will not be honored. All responses to this Request for Proposals shall become the property of the RCPA and Windsor and will be retained or disposed of accordingly.

The RCPA and Windsor shall not be liable for any precontractual expenses incurred by any Proposer. The RCPA and Windsor shall be held harmless and free from any and all liability,

claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this RFP.

All data and information furnished by RCPA and Windsor or referred to in this RFP are furnished for the Proposer's convenience. The RCPA and Windsor do not guarantee that such data and information are accurate and assumes no responsibility whatsoever as to its accuracy or interpretation. Proposers shall satisfy themselves as to the accuracy or interpretation of all such information and data.

By submitting a proposal in response to this RFP, the proposer waives all rights to seek any legal remedies regarding any aspect of this RFP, the RCPA and Windsor's selection of a consultant, and the RCPA and Windsor's rejection of any and all proposals.

The RCPA and Windsor also reserve the right to negotiate any price or provisions and accept any part, or all parts of any or all proposals, whichever is in the best interest of the RCPA and Windsor.

# ATTACHMENT A

Program Concept Paper

This document may be found on the RCPA website at [www.sctainfo.org/rfp.htm](http://www.sctainfo.org/rfp.htm).

## ATTACHMENT B

### Certification Agent Agreement

All contracts and agreements related to the Windsor Efficiency PAYS® pilot are bound by an Intellectual Property Agreement signed by the Sonoma County Regional Climate Protection Authority and the Town of Windsor. The current DRAFT versions of the contracts/agreements specific to this RFP and mentioned above will be released to any interested bidder upon request to Mike Sandler, RCPA Climate Protection Manager at: [msandler@sctainfo.org](mailto:msandler@sctainfo.org).