



**Request for Proposal (RFP)
Windsor Efficiency PAYS®
Core Measures Manufacturer/Distributor**

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 PROPOSAL

Windsor Efficiency PAYS® Core Measures Manufacturer/Distributor

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 Core Measure Manufacturer/Distributor (Supplier) for its Windsor Efficiency PAYS® pilot program. The Supplier will be an independent program operator tasked with the duties outlined in this RFP.

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

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, call, or find online at www.sctainfo.org/rfp.htm.

A pre-submittal meeting will be held at 10:30 am - noon 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.

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

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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 Core Measure Manufacturer/Distributor (Supplier) for its Windsor Efficiency PAYS[®] pilot program. The Supplier will be an independent program operator arranging for supply of one or more Core Measures (i.e., high efficiency toilets, showerheads, aerators, and compact fluorescent light bulbs (CFLs)) to Certified Contractors who will install them at Windsor customers' homes through this pilot. Suppliers of residential on-demand hot water recirculation systems, while not a Core Measure, should reply to this RFP. Suppliers wanting to supply clothes washers, another Core Measure, may respond to the Windsor Efficiency PAYS[®] Appliance Supplier/Installer RFP.

The Windsor Efficiency PAYS[®] 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[®] (PAYS[®]) system as explained in the attached September 9, 2011, Program Concept Paper (Attachment A). A list of eligible Core Measures and their required specifications to qualify them for this program is attached (Attachment B).

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. Although RCPA and Windsor make no representations that any customers will participate or install measures, there is a potential for expansion of Windsor's pilot in Sonoma County and throughout California.

Qualifications

Parties interested in submitting a proposal to become the Windsor Efficiency PAYS[®] Core Measure Manufacturer/Distributor (Supplier) should have at least two years' experience (or the equivalent):

- Supplying one or more of the designated Core Measures (and/or residential on-demand hot water recirculation systems) to program contractors, preferably as part of

a resource efficiency program, at its bid price, in a timely manner, and without supply interruptions;

- Handling warranty issues such as drop shipping replacement products to Contractors or customers as appropriate;
- Providing Contractors and program managers with prompt customer service;
- Allowing contractors to return unsold products at no cost and, if requested, to send alternative replacement products for which there is high demand; and
- Managing and maintaining documents that enable tracking of program materials.

Additionally, a prospective Supplier should be able to demonstrate that it and its staff have excellent customer service skills and the ability to:

- Schedule deliveries to Contractors and arrange for returns and achieve high customer satisfaction;
- Communicate clearly and effectively with Contractors and customers; and
- Manufacture and/or distribute products in accordance with local and state codes, and California laws and regulations relating to resource efficiency measures.

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 Supplier'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[®] Program Design. However, at this time it is assumed that the Supplier will be responsible for:

1. Becoming a Core Measure Manufacturer/Distributor. Certification requires signing a Distributor's Agreement (Attachment C), and providing required certificates of insurance (with RCPA and Windsor listed as insureds).
2. Having an adequate supply of the Core Measures (and/or residential on-demand hot water recirculation systems) specified in its bid available for immediate delivery to Certified Contractors at its bid price, regardless of actual demand.
3. Arranging for the mutually convenient delivery of Core Measures to Contractors to enable them to meet demand from the Windsor Efficiency PAYS[®] pilot. The cost of delivery must be included in the unit price for materials in Supplier's bid.

4. Maintaining paperwork to ensure product tracking. Suppliers will be paid based on the number of their products installed in Windsor customers' homes. Products are considered to have been installed when payment is issued for a home installation by Windsor's program operator (Certification Agent). Contractors will only be responsible for payment of Core Measures that they lose or damage.
5. Responding quickly and effectively to Contractors' requests to return Supplier's products and/or resupply products that are in high demand at no cost to Contractor. Contractor, however, will be responsible for costs associated with resupply of products previously returned to Supplier.
6. Handling warranty issues. Suppliers are expected to handle product replacement for the duration of their bid warranty. When larger products or products that customers cannot be expected to replace (e.g., toilets and shower heads) fail, warranty must include replacement product installation for the specified bid warranty. Supplier is responsible for arranging for and completing all warranty replacement and installation if required at no charge to customers or Contractors.
7. Specifying protocols in the bid for determining measure failure and adhering to those protocols. While customer declaration of measure failure is preferred, failure determined during inspection by the Certification Agent, Windsor, or the Supplier will also be acceptable.
8. Providing proper product usage instructions and warranties for Certified Contractors to leave with the customer to ensure proper operation of the new equipment and maximization of resource efficiency (and hence customer savings).
9. Complying with all local and state codes, and California laws and regulations regarding manufacture and supply of bid resource efficiency products.
10. Providing Certification Agent with certificates of insurance for the limits noted in the Agreement (Attachment C), and meeting all other terms and conditions included in the Agreement.
11. Working to obtain a mutually satisfactory resolution in the event of disputes between customers and/or Contractors and the Supplier, and participating in any complaint resolution process described in its contracts with other parties.
12. Implementing all assigned duties in the Windsor Efficiency PAYS[®] Program Design and, if identifying any conflict with the Windsor Efficiency PAYS[®] Program Design, its contract or this RFP, seeking written clarification from Windsor or RCPA.
13. Participating in good faith in any RCPA or Windsor evaluation of this pilot program

Payment

The Windsor Efficiency PAYS[®] Certification Agent will use program funds to pay the Supplier its bid price (a fixed fee per unit) upon approved installation of its products by a Certified Contractor. Payments will be made twice each month (approximately every 15 days).

Oversight

The Supplier will be required to sign an Agreement (Attachment C). 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
- Training TBA
- Start operations March 1, 2012
- Cease 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[®] Core Measure Manufacturer/Distributor (Supplier) 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 Core Measure Manufacturer/Distributor for its bid fees for each Core Measure it wants to supply, and any other information that would support applicant's proposal given the criteria for selection described below. Bid prices must include all measure costs except installation: product costs, shipping to contractors or customers as appropriate, warranty, taxes, etc.
4. Propose the fixed fee bidder will be paid for each product they supply that is installed. The recommended maximum bid is noted in Attachment B (an amount known to be able to qualify each item for installation in this program). However, RCPA, Windsor, or their agents will screen each bid regardless of amount to verify if it is possible to maintain program offer with Supplier's bid price. If bidders have not previously done so, they may send samples of bid products to demonstrate their quality and performance to Mr. Paul Piazza, Water Conservation Program Coordinator, Town of Windsor, 9291 Old Redwood Highway, Windsor, CA 95492-0100.
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 that the Supplier can arrange for delivery of materials prior to March 1, 2011.

Criteria for Selection

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

1. The bidder meets all of the above qualifications and has the resources, experience, and skills to successfully fulfill its duties as described above.
2. The bidder's proposed products meet or exceed the water and energy usage savings and features of the unit specified in Attachment B and are deemed more desirable by Windsor.
3. The bidder's proposed bid prices are the lowest assuming all other criteria are met.
4. The bidder has a viable plan to provide for delivery of products in a timely and convenient fashion regardless of demand.
5. The bidder is able to provide high quality products and excellent customer service including the protocols bidder proposes for verification of measure failure.
6. The bidder's records and bookkeeping will be satisfactory and kept in accordance with Generally Accepted Accounting Principles (GAAP).
7. 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 provide all Core Measures and/or expand their services to other Sonoma County or other California water utilities will receive preference. Additionally, all other criteria being equal, preference will be given to local bidders. Windsor and RCPA reserve the right to

negotiate with more than one bidder to obtain the best terms for this pilot and to select none of the bidders if either determines the terms unsatisfactory.

Additional Information

Examination of Documents: All relevant documents pertaining to this RFP can be found at www.sctainfo.org/rfp.htm or by emailing 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

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 the RCPA will enforce a Blackout period, where communications between applicants and reviewers is 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
- 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 no later than 5:00 p.m. on December 21, 2011.

A pre-submittal meeting will be held on December 14 from 10:30 am to noon 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.

RCPA 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
 - 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. The 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.

ATTACHMENT B

Windsor Efficiency PAYS®

Core Measures

Bid prices must include all measure costs except installation: product costs, shipping to contractors or customers as appropriate, warranty, taxes, etc

High Efficiency Shower Heads. Both wall mounted and handheld units are required. Supplier should provide a bid price for two showerheads, each with a different flow rate, to allow Contractors to give customers a choice. Showerheads should have flow compensation or equivalent technology to minimize flow differentials accompanying sudden changes to pressure. Contractors will recommend customers choose the most efficient unit at 1.375 gallons-per-minute (gpm) or less and allow customers to opt for a 1.5 gpm unit. A single price will be used to measure cost effectiveness of this measure for customers so preference will be given to bidders with the lowest top price. The unit price assured to qualify showerheads for the pilot is \$8.00. However, Windsor and RCPA will consider all bid prices to determine if it is possible to structure the pilot in a way that allows Supplier's bid price to qualify the measure.

High Efficiency Flow Aerators. Bidder can specify inexpensive, dual thread, lead free aerators. Kitchen swivel aerators without pause levers with a flow rate of 1.5 gpm or less and bathroom pressure compensating aerators with a flow rate of 1.0 gpm. Models that allow customers to adjust the type of flow (e.g., bubble or needle) may also be specified. Aerators should have flow compensation or equivalent technology to minimize flow differentials accompanying sudden changes to pressure. A single price will be used to measure cost effectiveness of this measure for customers so preference will be given to bidders with the lowest average price and the lowest top price. The unit price assured to qualify low-flow aerators for pilot is \$1.75.

High Efficiency Toilets. EPA WaterSense certified toilets must have a maximum usage of less than one gallon per flush verified by IAPMO or equivalent with a minimum MaP rating of 600 grams (unless this MaP rating is waived by Windsor in lieu of the EPA Water Sense rating).. Preference will be given to bidders offering Americans with Disabilities Act (ADA) approved units as an option and both oval and round units (assuming round units require less space than oval models). Bidders are not required to bid toilet seats but may do so. A single price will be used to measure cost effectiveness of this measure for single-family customers (those residing in

1-to-3 family buildings) so preference will be given to bidders with the least price differential between residential and ADA models. Bidders can offer a higher bid for ADA approved units to be installed in multi-family units of 4 or more customers. The unit price assured to qualify toilets for pilot is \$125.

Compact Fluorescent Lights (CFL). Bidder may bid a variety of sizes of ENERGY STAR certified CFLs. However bidders must bid a CFL with the lumen equivalent of a 100-watt incandescent bulb as well as one or more low-lumen models (e.g., 9-, 13-, 18-, and 23-watt CFLs). Bidder must include one or more dimmable CFL in its bid. CFLs must be warranted for two years of use with free replacements dropped shipped to customers' premises. A single price will be used to measure cost effectiveness of non-dimmable and dimmable CFLs so preference will be given to bidders with the lowest top price(s). At this point, contractors will be limited to installing dimmable CFLs in no more than 25-percent of all fixtures. The average unit price assured to qualify CFLs for the pilot is \$3.00 (assumes 25-percent of CFLs are dimmable).

Residential On-Demand Hot Water Recirculation Pump. The program will offer residential water demand re-circulator pumps. The pumps must be able to be installed without a licensed plumber or electrician. They must come with an electric cord and any required hoses. They must be controlled by a switch that ensures water will not re-circulate forever (e.g., a timer or thermal shut off that requires the customer to activate the switch once the unit reaches temperature to turn the pump back on) if the customer is distracted and forgets to use the faucet or shower at the location the unit was installed. The unit must be warranted for five years from date of installation. This will be a co-pay measure (contractors will have to charge customers a significant portion of their cost). However, a portion of their cost can be financed with the surcharge if the price is at or below \$110 including tax and shipping.

ATTACHMENT C

Distributor 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.