



**Request for Proposal (RFP)
Windsor Efficiency PAYS®
Dry-Summer, Drought-Tolerant Landscaping Contractor**

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® Dry-Summer, Drought-Tolerant Landscaping Contractor

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 one or two firms to act as Landscaping Contractors (Contractors) for its Windsor Efficiency PAYS® pilot program. The Contractor(s) will be skilled at designing and installing Dry-Summer, Drought-Tolerant Landscaping (Landscaping). The Contractor(s) will be an independent program operator responsible for 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 from 3:30-5:30 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.

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 one or two firms to act as Landscaping Contractors (Contractors) for its Windsor Efficiency PAYS[®] pilot program. The Contractor(s) will be skilled at designing and installing Dry-Summer, Drought-Tolerant Landscaping (Landscaping) that once established can be maintained without supplemental irrigation including many California native or other Mediterranean climate adapted plant species. The Contractor(s) will be an independent program operator responsible for:

- Maintaining an inventory of bid landscaping plantings and materials sufficient to meet demand;
- Sale and installation of the basic Dry-Summer, Drought-Tolerant Landscaping packages at the homes of Windsor customers who agree to purchase them through this pilot at \$2.65 per square foot (including taxes);
- The sale and installation at the customer's option of upfront customer co-payment enhancements to the basic landscaping package in accordance with program protocols.

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 Program Design, which will be completed by or before January 2012, will provide all pilot details including protocols and all forms and contracts. 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 the pilot in Windsor, in Sonoma County, and throughout California.

The Contractor 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. All staff interacting with customers must successfully complete this training program or a comparable one administered by the pilot's Certification Agent.

Qualifications

Parties interested in submitting a proposal to become the Windsor Efficiency PAYS[®]

Landscaping Contractor should have at least two years' experience (or the equivalent):

- Installing dry-summer, drought-tolerant landscaping at customers' homes, preferably as part of a resource efficiency program;
- Replacing existing irrigation with limited drip irrigation with the ability to shut off the drip irrigation once Landscaping is established and watering is not required (except during excessive droughts);
- Holding a C27 license;
- Hiring and managing trained field and office support staff;
- Arranging for program materials to be delivered and installed at customers' homes at times convenient for residents including, if necessary, weekends;
- Managing and maintaining program forms and records and kept in accordance with Generally Accepted Accounting Principles (GAAP).

Additionally, the Contractor and its staff must have excellent customer service skills and the ability to:

- Schedule installations for customers and achieve high customer satisfaction;
- Communicate clearly and effectively with customers, especially regarding the sale of other contractors' products and making referrals to other programs;
- Educate customers about proper operation and scheduling of drip irrigation systems and maintenance of installed dry-summer, drought-tolerant landscaping to maximize resource efficiency; and
- Install Landscaping in accordance with best landscaping practices, local and state codes, and California laws and regulations relating to Landscaping purchases and installations.

The 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 Landscaping Contractor'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 Landscaping Contractor will be responsible for:

1. Becoming a Certified Landscaping Contractor. Certification requires signing a Contractor Agreement (Attachment B), providing required certificates of insurance (with RCPA and Windsor listed as insureds), providing either bonding or an irrevocable letter of credit to the Windsor Efficiency PAYS[®] Certification Agent and ensuring all staff interacting with customers attend and pass an RCPA training program.
2. Having an adequate inventory of the landscaping plants and supplies specified in its bid (or replacements approved in advance by the Certification Agent and customer) available for immediate installation at Windsor customers' homes to meet program demand.
3. Following up with only those Windsor customers assigned to it using a marketing approach approved in advance by the Certification Agent and in coordination with RCPA and Windsor marketing and outreach efforts. Landscaping Contractors will receive referrals from Core Measure Contractors. However, the Landscaping Contractor is encouraged to market its services, also in coordination with RCPA and Windsor marketing and outreach efforts, to enhance the likelihood of sales with each referral.
4. Determining eligibility of Windsor customers for program services by verifying that they are Windsor water customers with authority to make decisions for the home, own the building (or Contractor obtains a signed Owner Agreements from building owners), and report sufficient use of irrigation to qualify for the program. Attachment C provides a preliminary list of qualifying thresholds.
5. Explaining the program and its benefits once the Landscaping Contractor determines that a customer is eligible to receive a program offer and enrolling the customer in purchasing as much square footage of Landscaping to replace turf as is reasonable. The Landscaping Contractor is encouraged to demonstrate what the basic package and enhanced packages will look like using photos, drawings, or model sites if that facilitates sales. Basic packages must include drip irrigation with a separate, easy access shut off valve to help the new landscaping to become established and to survive excessive droughts. Customers must be educated regarding the irrigation system's use and proper scheduling and that excessive irrigation will damage the plantings and eliminate estimated customer savings.
6. Selling co-payment measures in accordance with protocols in the Windsor Efficiency PAYS[®] Program Design unless the customer notified the Core Measure Contractor that it did not want to receive opportunities to receive co-payment measures. Enhanced landscaping will be a co-payment measure.

7. Installing Landscaping. To avoid increased or comparable summer irrigation to that currently in place, Landscaping should be installed in the fall or winter (October through March). However, the Landscaping Contractor may install Landscaping at whatever time is preferred by him/her and the customer.
8. The Landscaping Contractor may install Landscaping during the initial visit if it obtains approval from the Certification Agent and needed signatures, and completes all required forms. Certification Agent will talk to the customer over the phone to verify eligibility and may opt to inspect the home prior to approval. If the Landscaping Contractor installs Landscaping at the time of the initial visit, the Contractor assumes any liability associated California's right of rescission. The Landscaping Contractor may also schedule work at a mutually convenient later time.
9. Complying with Russian River-Friendly Landscaping Guidelines (or seek waivers from Windsor), local and state codes, California laws and regulations regarding installation, and paying for and obtaining any permits required for installation.
10. Educating the customer to ensure proper operation of the installed Landscaping, maximize resource efficiency (and hence customer savings), and ensure the longevity of their Landscaping.
11. Supplying the customer with all warranty paperwork, and providing a sticker, magnet, or other form of notification with the program phone number and Landscaping Contractors' phone number in case the customer has questions about the installation.
12. Modifying the Windsor Efficiency PAYS[®] Data Sheet (reserved) for each contacted customer to correctly document the type of irrigation removed, installed, and used to determine savings.
13. Removing of all work-related debris from the worksite and arranging for proper disposal of removed plantings and turf (sheet composting is preferable).
14. Notifying the Certification Agent once installation has been completed and providing an invoice and all required program forms for payment.
15. Working to obtain a mutually satisfactory resolution in the event of a dispute between a customer and the Landscaping Contractor and participating in any complaint resolution process described in its contracts with other parties.
16. Arranging for and completing all warranty work as required at no charge to customers.
17. Meeting all other terms and conditions included in the Contractor Agreement and 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.
18. Participating in good faith in any RCPA or Windsor evaluation of this pilot program, including requiring staff to seek and record data about participants, non-participants, and measures during each customer contact.

Payment

Agent will use program funds to pay Landscaping Contractor for installations, which will include delivery, installation of any miscellaneous materials required for completing the job, and removal and proper disposal (including adhering to any local or California laws or regulations) of existing plantings (again, sheet composting is preferable), once the Certification Agent has determined that the work has been satisfactorily completed. The Landscaping Contractor is solely responsible for collecting any upfront co-payments from customers and that such co-payments are made and received in accordance with Windsor Efficiency PAYS[®] protocols.

Oversight

The Landscaping Contractor will be required to sign an Agreement (Attachment B). This agreement will outline each entity's responsibilities and establish Contractor 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 its contract is renewed

HOW TO APPLY

Parties interested in applying to become a Windsor Efficiency PAYS[®] Landscaping Contractor should submit a letter 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 Landscaping Contractor's Duties for its bid fee, and any other information that would support applicant's proposal given the criteria for selection described below.
4. Propose and itemize the basic package bidder will install for the \$2.65 per square foot price (including taxes) as well as the materials and labor warranty they will provide for each completed installation and provide photos and/or drawings. They must also bid the minimum square foot area they are willing to treat.
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 Landscaping Contractor 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 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 bidder'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 basic package for the \$2.65 price, which includes delivery, installation, and removal and proper disposal of the existing plantings, is the most attractive package and has the lowest square-foot minimum project area (assuming all other criteria are met).
3. The bidder has a viable plan to market services to assigned customers and to provide sufficient trained staff to manage customer demand for delivery and installation of measures even if all 2,000 customers participate.
4. The bidder is able to provide excellent customer service while providing high quality installations.

5. The bidder's ability to correctly complete and forward required program forms to the Certification Agent and its records and bookkeeping will be satisfactory.
6. The bidder's reputation will enhance the credibility of the program offer.

However, all other criteria being comparable, bidders who have staff who are California Landscape Contractors Association Certified Water Managers and/or bidders who are Qualified Water Efficient Landscapers will be given preference. 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 anywhere in California will also 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 3:30-5:30 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.

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
 - 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

Landscaping Contractor 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.

ATTACHMENT C

List of Thresholds.

Reserved; This information to be released at a later date.