



Town of Westerly Westerly Public Schools

REQUEST FOR PROPOSAL

2016-039

ENERGY CONSULTING SERVICES

April 2016

1 RFP INTRODUCTION AND GENERAL DESCRIPTION

Procurement Scope and Description

The Town of Westerly/Westerly Public Schools is seeking an energy consultant to assist the Town/School in becoming more energy efficient and utilize renewable energy where appropriate and to ultimately measure those efficiencies.

The Town of Westerly's Purchasing Agent, on behalf of the Department of Development Services, is soliciting Bidders for the acquisition of a wide range of energy and related facility consultant services described herein. The resulting Contract, Energy Consulting Services will be used by the Town of Westerly and/or Westerly Public Schools for energy related goods and services covered by the Contract.

Background information

The Town of Westerly, through the Department of Development Services (DoDS), is striving to reduce costs through energy efficiency measures. The Town had an ESCO contract several years ago and implemented several measures in various Town buildings to begin reducing costs. The Town has submitted a successful application to the RI Infrastructure Bank to implement some additional measures, convert our streetlights to LED, and install solar panels on the Department of Public Works building. As part of this program, the Town will be going through the process to purchase our streetlights from National Grid, going out for procurement for an operation and maintenance contract for the streetlights, and bidding all the projects previously listed. The Town also has a current request for qualifications out for virtual net metering. As a requirement of the RI Infrastructure Bank program, the Town will need to develop a Strategic Energy Plan within six months.

DoDS develops and implements statewide policies and programs aimed at ensuring the adequacy, security, diversity, and cost-effectiveness of the Town of Westerly/Westerly Public School's energy supply within the context of creating a cleaner energy future. To that end DoDS strives to:

- Accelerate and ensure the deployment of cost-effective energy efficiency
- Maximize development of clean energy resources
- Create and implement strategies to assure reliable supplies and improve the cost of clean energy relative to fossil-fuel based generation
- Support Rhode Island clean energy companies and spur Rhode Island clean energy employment.

DoDS, as well as other municipalities, are periodically in need of a wide range of energy consultant services, ranging from building audits, to in depth analytical studies, to review of innovative technologies, to name a few. DoDS intends to utilize Energy Consulting Services to procure the services needed by its own programs.

Applicable Procurement Law

This Bid is issued under the following law(s): RIGL § 45-55-5.

Standard Insurance Requirements

A certificate of insurance shall be required of a successful bidder within five (5) days of contract award. Town of Westerly/Westerly Public Schools shall be named *additionally insured* on all coverage except

workers compensation and professional liability in the title holder box of said certificate. The Town of Westerly/Westerly Public Schools shall be named as the certificate holder.

Vendors and contractors doing business with the Town/School or organizations using the Town/School's premises or facilities should carry their own insurance to protect their own interests from allegations of bodily injury or property damage liability caused by their own negligence. The successful responder shall, prior to commencing performance under the contract, attach and submit a certificate of insurance, in a form satisfactory to the School by which the successful responder will indemnify and hold harmless the School during the term of the contract from claims for personal injury or damages to property sustained by third person, or their agents, servants and/or claimed under them.

Certificates of Insurance, which provide evidence that such coverage is in place, should be requested from all departments before engaging their services or permitting them to use the Town/School premises or facilities.

Below are the minimum standard requirements. The Town of Westerly/Westerly Public Schools reserves the right to consider and accept alternative forms and/or limits of insurance.

Commercial General Liability	Limits
Bodily Injury	\$1,000,000 each occurrence \$2,000,000 general aggregate
Property Damage	\$500,000 each occurrence \$500,000 general aggregate
Medical Expense	\$10,000
Personal & Advertising Injury	\$1,000,000 (with Employee Exclusion deleted)
Automobile Liability Insurance-Combined Single limit Bodily Injury Property Damage, and in addition non-owned and/or hired vehicles and equipment	\$1,000,000 each occurrence
Worker's Compensation (Coverage B)	Statutory Limits
Professional Liability and Errors/Omissions	\$1,000,000

Insurance company must be licensed to do business in the State of RI. Deductibles and/or self-insured retentions as respects any loss or damage caused in whole or in part by the insured's acts or omissions and/or acts or omissions of those acting on behalf of the insured must be noted on the Certificate of Insurance. Insured is responsible for any deductibles and/or self-insured retentions as respects any loss or damage caused in whole or in part by the insured's acts or omissions and/or acts or omissions of those acting on behalf of the insured.

The Towns Risk Manager will be provided at least 30 days' written notice of any cancellation or significant changes to policies noted on the certificate of insurance.

Number of awards

The Town/School reserves the right to award to a single or multiple vendors from this RFP. The maximum number will depend on volume of submittals that meet the criteria established in this RFP. The Town/School may award more or fewer Contracts if it is in the best interests of the Town/School to do so.

Acquisition Method(s)

The acquisition method to acquire services from this Solicitation is Fee for Service. Please describe your applicable fee structure and how those fees are generated in detail. Provide also provide a lump sum total for the Strategic Energy Plan, if this project were tasked to the organization.

Contract Duration

The initial term of this Contract is three years. In addition, this Contract has two options to renew of up to one year each with a maximum Contract term of five years (including the initial term and all possible renewal options).

No goods may be ordered and no new leases, rentals, maintenance or other agreements for services may be executed after the Contract has expired.

2 ESTIMATED PROCUREMENT CALENDAR

EVENT	DATE
Bid Release Date	April 29, 2016
Deadline for submission of written questions	May 13, 2016 1:00 P.M. EST
Official answers published (Estimated)	May 16, 2016
Deadline for Bid Responses	May 23, 2016 3:00 P.M. EST
Estimated Contract Start Date	July 1, 2016

Questions

All Bidders' questions must be submitted via email to Eileen Cardillo, ecardillo@westerly.k12.ri.us no later than May 13, 2016 at 1:00 PM.

All answers posted as an addendum are final. Any subsequent revisions to previously provided answers will be dated. It is the responsibility of the bidder to frequently check the website for posted addendums.

3 SPECIFICATIONS

Scope of Services

The Town of Westerly/Westerly Public Schools would like to enter into an on-call contract with an Energy Consultant(s) to assist the Town in reviewing bid specifications, reviewing bids and contracts, guiding the Town in the most efficient and effective projects, and to assist in writing the Strategic Energy Plan. The successful bidder will be expected to:

- Identify all relevant energy related data to be gathered
- Review RFPs
- Review respondents and assist in evaluation process
- Assist the Town/School with negotiating and developing a contract with the successful bidder
- Advise as to the most advantageous time to enter into supply contracts
- Assist in the development of a Strategic Energy Plan

This RFP seeks the services of consultant firms qualified in one or more of the following Service Categories, including but not limited to: development and implementation of energy policies and programs, utility efficiency program design and implementation, energy policy and program research, energy markets financial analysis, renewable and efficiency technology research and analysis, energy regulation research and design, energy program outreach and education, or other energy related activities deemed necessary by user agencies to meet their energy obligations. Proponents may suggest additional fields for consideration.

Service Category Expertise

Bidders must provide a summary description (up to 250 words per service category) outlining their specialized service(s)/capabilities and provide detailed information on their expertise and core competencies for each applicable category of their bid response. This information will be made available to contract users to assist in the selection of companies that meet their needs.

Service Categories

Service is structured into seven (7) service categories; a bidder may bid on one, some, or all of the categories. Each category has its own specific requirements and each Category will be evaluated accordingly. The Town however, reserves the right to determine which category(s) will be awarded to the bidder.

List of Service Categories:

- Energy Research and Analysis Services
- Clean Energy Systems and Technology Analysis and Research
- Energy Programs Stakeholder Engagement Services
- Energy Project Advisory & Consulting Services
- Facility Maintenance and Operations Advisory Services

Energy Research and Analysis Services Category Summary & Specifications

Energy Research and Analysis Services: Under the Energy Research and Analysis Services Category, the Town seeks to establish pre-qualified vendors to provide energy research and analysis services to the Town/School. Bidders may submit responses for any number of the following Energy Research and Analysis Services Categories:

- Energy policy and program research and analysis consulting services
- Energy regulation research and design services
- Energy markets forecasting and analysis
- Utility efficiency program design and implementation
- Financial analysis - including but not limited to: long-term financing and impacts analysis, life-cycle cost analysis, internal rate of return, etc.
- Staffing research and analysis – including but not limited to recommendation of staffing models
- Capital investment and maintenance planning, Life Cycle Cost analysis
- Other Energy related data collection and analysis services

Required Bidder Qualifications

Required qualifications for bidders responding to the Energy Research and Analysis Services in the RFP include:

- Three years experience for company or principal(s) in one or more of the services described above
- Demonstrated ability to perform tasks assigned in this category

Preferred Bidder Qualifications

Preferred qualifications for bidders responding to the Energy Research and Analysis Services in the RFP include:

- Knowledge of Rhode Island energy laws, regulations, policies, and incentives
- Experience working with Federal, Rhode Island and Municipal government entities
- Experience with energy efficiency programs, renewable and alternative energy portfolio standards, and net metering and grid modernization initiatives

Clean Energy Systems and Technology Analysis and Research

Category Summary & Specifications

Clean Energy Systems and Technology Analysis and Research: The Town/School seeks to establish pre-qualified vendors to provide clean energy systems and technology analysis and research to the Town/School. Bidders may submit responses for any number of the following Clean Energy Systems and Technology Analysis and Research Categories:

- Renewable and efficiency technology research and analysis
- District energy systems, energy storage, grid interconnection, demand reduction and microgrid strategies
- Sustainable design and water conservation technology
- Other Clean energy technology analysis/review - including emerging and/or innovative technologies

Required Bidder Qualifications

Required qualifications for bidders responding to the Clean Energy Systems and Technology Analysis and Research in the RFP include:

- Three years experience for company or principal(s) in one or more of the services described above
- Demonstrated ability to perform tasks assigned in this category

Preferred Bidder Qualifications

Preferred qualifications for bidders responding to the Clean Energy Systems and Technology Analysis and Research in the RFP include:

- Experience assessing or evaluating clean energy technologies
- Experience working with Federal, Rhode Island and Municipal government entities
- Experience with energy efficiency programs (e.g., RI Infrastructure Bank; RI Office of Energy Resources), renewable and alternative energy portfolio standards, and net metering and grid modernization initiatives

Energy Programs Stakeholder Engagement Services Category Summary & Specifications

Energy Programs Stakeholder Engagement Services: The Town seeks to establish pre-qualified vendors to provide energy and sustainability programs stakeholder engagement services to the Town of Westerly/Westerly Public Schools and its eligible entities. Bidders may submit responses for any number of the following Energy Programs Stakeholder Engagement Services Categories:

- Managing public stakeholder processes, training, and education
- Stakeholder engagement, dialogue facilitation
- Development and implementation of behavior modification measures or programs
- Public hearings, outreach, facilitation, education,
- Social Networking
- Facility systems training including but not limited to BMS, HVAC, Mechanical systems, or other energy related systems
- Other Training and Stakeholder Outreach

Required Bidder Qualifications

Required qualifications for bidders responding to the Energy Programs Stakeholder Engagement Services of this RFP include:

- Three years experience for company or principal(s) in one or more of the services described above
- Demonstrated ability to perform tasks assigned in this category

Preferred Bidder Qualifications

Preferred qualifications for bidders responding to the Energy Programs Stakeholder Engagement Services of this RFP include:

- Demonstrated ability managing public engagement processes
- Experience with energy efficiency programs, renewable and alternative energy portfolio standards, and net metering and grid modernization initiatives
- Experience working with Federal, Rhode Island and Municipal government entities

Energy Project Advisory & Consulting Services Category Summary & Specifications

Energy Project Advisory & Consulting Services: The Town/School seeks to establish pre-qualified vendors to provide energy and water project consulting services to the Town of Westerly/Westerly Public Schools and its eligible entities. The Energy Project Advisory and Consulting Services Category under this contract shall include but not be limited to:

- energy and water audits, energy master planning, waste water planning, zero net energy analysis, energy modeling, performance specifications and scopes of work for Energy Conservation Measures (ECMs), and
- energy project management support.

Required Bidder Qualifications

Required qualifications for bidders responding to the Energy Project Advisory and Consulting Services of this RFP include:

- Energy Audits: Conduct ASHRAE Level 1 and ASHRAE Level 2 audits
- Energy Conservation Measures: Performance specifications and scopes of work development
- Energy Project Management Support: Provide project management support on energy projects including oversight and assisting with RFP development
- Energy Engineer and or Certified Energy Manager (CEM): At least one on staff

Preferred Bidder Qualifications

Preferred qualifications for bidders responding to the Energy Project Advisory and Consulting Services of this RFP include:

- Performance Contracting Oversight and Advisory Services
- Oversight of Training (Planning and Implementation)
- Procuring and managing sub-consultant services for Energy/Water diagnostic testing
- BOC Certified personnel
- Energy Modeling

Facility Maintenance and Operations Advisory Services Category Summary & Specifications

Facility Maintenance and Operations Advisory Services: The Town/School seeks to establish pre-qualified vendors to provide facility maintenance and operations advisory services to the Town of Westerly/Westerly Public Schools and its eligible entities. The Facility Maintenance and Operations Advisory Services under this contract shall include but not be limited to:

- advising facility owners, operators, managers on the maintenance and operations needs of their facilities;
- assessing the condition of facilities and equipment; training of maintenance and operations staff, and providing recommendation to address shortfalls and improve the performance and reduce the life-cycle cost of a facility.

Required Bidder Qualifications

Required qualifications for bidders responding to the Facility Maintenance and Operations Advisory Services Category of this RFP include:

- Facility Maintenance and Operations Advisory Services
- Facility Condition Assessment Services: Including but not limited to ASHRAE Level 1 Audits, Life-cycle cost analysis and projections, Capital Equipment Analysis and Reporting, Condition Assessment Updates, etc.

Preferred Bidder Qualifications

Preferred qualifications for bidders responding to the Facility Maintenance and Operations Advisory Services Category of this RFP include:

- Facilities training programs: Train facilities staff on proper maintenance and use of various infrastructures including but not limited to HVAC, energy management systems, building envelope, electrical and plumbing, etc. and prepare written materials to supplement said training programs.
- Facility Operations and Management Process Improvement including but not limited to development and refinement of maintenance standards and service delivery options
- Staffing research and analysis
- Procure and manage sub-consultant services for diagnostic testing.

Bidder Qualifications

This section outlines general qualifications required for all proponents regardless of specialty(ies)

Mandatory requirements

Winning responses should include all of the following

- General Company information:
- Service Categories information
- Staff Resumes
- Three (3) References

Requested Information

Services (not to exceed 10 pages)

- a. A description of how you plan to manage the energy supply procurement services and RFP/contract management for the Town.
- b. Describe the data collection requirements necessary for the Town.
- c. Describe how you propose to work with the Town through the procurement process.
- d. How would you provide periodic market information necessary to obtain additional savings?
- e. Identify additional services you would provide to assist the Town in energy procurement.

Organization Profile (not to exceed 5 pages)

Please give information on the organization's profile including:

- Overview of organization
- Corporate organization including location of corporate headquarters and branches and scheduled hours of operation

Experience (not to exceed 10 pages)

Describe the organization's direct experience servicing local government clients. Please include the number of Rhode Island local government clients and a brief description of services provided.

Relationship Management

Please identify the personnel who will work with the Town/School, their experience and their credentials. Provide the name and title of the Project Manager for the Town of Westerly/Westerly Public Schools.

References

Provide 3 public sector references that are similar in size and scope of activity as the Town of Westerly.

Company certifications and affiliations

Bidders should state any professional affiliations held at the state, regional, or national level that are directly related to this solicitation. State the length of affiliation and any direct participation beyond basic

membership levels within the last three (3) years by any officer of the Bidder entity or the Bidder entity as a whole.

Conflict of Interest

The Bidder must disclose in writing all actual, potential or perceived conflicts of interest in relation to this request. If none are disclosed, the Bidder affirms none exist by responding to this section.

Company experience Business Background

Bidders must include detailed information regarding the company's experience servicing commercial/government accounts. All Bidders must have been providing services consistent with this RFP for at least three (3) years prior to the closed date (Bid Opening Date) of this Solicitation. Include your organization's ability to perform the services outlined in this RFP.

Years of Experience in the Category of your Bid Response

Briefly define the scope of services performed during your years of business. Bidder should state the number of current contractual agreements in place, as well as provide a list of all contractual agreements in the last twelve (12) months prior to the closing (Bid Opening Date) of this Solicitation. For each contractual agreement listed please provide the client name and contact information, scope of work, facility location and size (if applicable), project manager's name and qualifications.

Organizational Chart

Each Bidder must submit a copy of their Organizational Chart identifying staff by name (or initials), position title, and responsibilities.

Business Profile

Bidder are encouraged to submit a one-page business profile outlining the bidder's overall operations, related to providing the services offered under this bid. Relevant business history and local affiliations may be included here.

Subcontractors

Contract awardees are responsible for the satisfactory performance and adequate oversight of its subcontractors. Hiring entities are not bound by any provisions contained in a subcontract agreement. Subcontractors must be identified in the Statement of Work (SOW) for the Hiring Entity. **Prior** approval by the Hiring Entity is required for any subcontracted services. The Hiring Entity is entitled to copies of all subcontracts and must approve any changes or additions in sub-contractors or charges in the amounts or rates of the cost reimbursement to any sub-contractor. The Hiring Entity reserves the right to approve or reject any and all Subcontractors identified by the Contractor. The portion of the Statement Of Work that addresses sub-contracting, sub-contractors, their work and fees must include a clear description of the

work to be performed, capabilities of the sub-contractor to perform such work, breakdown of costs and hours, method of payment and maximum amount to be paid.

Financial stability including bankruptcy, litigation and contract defaults

Bidders must identify their financial business model that will be able to support and fund their daily business under any contract awarded from this RFP. Bidders may be automatically disqualified if any financial constraint or litigation poses an adverse effect on their ability to provide services under this contract.

Last bankruptcy, current/pending litigation and defaults on contracts

State if there is any past or pending legal actions including contract defaults, litigation and bankruptcy, and / or any purposeful business name change due to contract defaults, litigation or bankruptcy. The past is defined here as since January, 2012.

No contracts will be awarded without the financial information requested above.

References and reference information and/or requirements

The first three (3) business references received on behalf of each Bidder will be evaluated. The Town shall not consider any business references beyond these first three (3). Independent Business References are required to be recipients of Bidder business services with whom there is or has been a standing business relationship of one year or greater duration. The Town would like to see references from organizations located in Rhode Island if possible.

Employee requirements

Employee technical/business experience, quality and performance

Provide a description of screening mechanisms that your company has in-place to evaluate candidates, examples may include: a description of skills testing, and or reference checks performed before placement of all workers, whether for the Town of Westerly or any other client.

The Bidder should describe how it will conduct quality assurance checks with Departments to verify that the Department's requirements were fulfilled by an assigned Worker(s) and that the Department was satisfied with performance. The Bidder should describe how it will replace unsatisfactory Workers upon written notification by a Department / Eligible Entity.

Resumes

Bidder must submit resumes of account management team and any other staff member assigned to this bid.

Statement of Work (SOW) requirements

The type of services and scope of work will be generated on a case by case basis. The awarded contractor must execute a sub-agreement and/or quote before any work begins. This sub-agreement and/or quote will include but not be limited to:

- **Work schedules and performance dates**
- **Scheduled payments**

Requirements at Contract or engagement termination

If there is a need to terminate an engagement between the Town of Westerly/Westerly Public Schools and the awarded Contractor, cooperation is required to assure a smooth transition, transfer of data to new Contractor, buyout of materials or equipment in place by new Contractor without restrictions on new Contractor for the hiring of former Contractor's employees, overlapping of Contract time frames, knowledge transfer, allowing for a rolling transfer approach.

Compensation Structure/Pricing (Must be submitted in a separate sealed envelope)

Compensation will be project based and shall include all ancillary costs incurred in pursuit of project goals.

Cost tables

Cost associated with RFP is according to individual projects as described and agreed to in the SOW and the accepted bidder response. Awarded vendors are required to provide specific and transparent prices in all responses to bid quotation requests.

Eligible entities will determine the format in which quotations for their specific project will be collected. Bidders are expected to be competitive with each project and must provide a detailed and transparent budget related to the scope of services to be completed.

Eligible entities and awarded RFQ vendors may negotiate project rates as part of the bid process.

Lump Sum:

Provide a lump sum total for the Strategic Energy Plan.

Labor rates or project based compensation

Total project cost and invoicing should be based on hourly rates submitted as part of the price proposal, or as project based compensation. See Compensation Structure section.

Travel expenses and all other expenses

All travel expenses and all other expenses are to be included in either the labor rate or the project based compensation estimates

Commuting expenses

Commuting expenses will not be reimbursed.

Standard Business Expenses

Standard Business Expenses are not allowed without prior written authorization from a Town of Westerly/Westerly Public School authorized agent.

Reimbursable Expenses

None of the expenses below will be allowed without prior written authorization from the Town of Westerly Purchasing authorized agent.

Travel

Meals

Lodging

Incidental

Other expenses

Minority Business Enterprises

Pursuant to the provisions of Title 37 Chapter 14.1 of the General Laws, the Town reserves the right to apply additional consideration to offers, and to direct awards to bidders other than the responsive bid representing the lowest price where:

- a. the offer is fully responsive to the terms and conditions of the Request, and
- b. the price offer is determined to be within a competitive range (not to exceed 5% higher than the lowest responsive price offer) for the product or service, and
- c. the firm making the offer has been certified by the R.I. Department of Economic Development to be a small business concern meeting the criteria established to be considered a Minority Business Enterprise. Ten per cent [10%] of the dollar value of the work performed against contracts for construction exceeding \$5,000 shall be performed by Minority Business Enterprises where it has been determined that subcontract opportunities exist, and where certified Minority Business Enterprises are available. A contractor may count towards its MBE, DBE, or WBE goals 60% of its expenditures for materials and supplies required under a contract and obtained from an MBE, DBE, or WBE regular dealer, and 100% of such expenditures when obtained from an MBE, DBE, or WBE manufacturer. Awards of this type shall be subject to approval, by the Purchasing Agent, of a Subcontracting Plan submitted by the bidder receiving the award.

Audit:

During the term of this Agreement and for a period of six years thereafter, the Finance Department, its auditors, other authorized representatives shall be afforded access at reasonable times to Contractor's accounting records, including sales information on any system, reports or files, in order to audit all records relating to goods sold or services performed pursuant to this Agreement. If such an audit indicates that Contractor has materially underpaid the Town, then the Contractor shall remit the underpayment and be responsible for payment of any costs associated with the audit.

Continued qualification based on performance

Failure to perform the obligations stated herein may result in suspension from this contract. Suspension will mean all activity will be suspended until the cause for suspension has been satisfactorily addressed with the Town of Westerly/Westerly Public School Contract Manager. **Continued failures and suspension may result in termination from this contract.**

Contract Management (Contractor's interface with Town/School Contract Manager)

All Contract questions must be directed to the Town/School Contract Manager.

Change notification

Changes to the Contractor's contact information, company name, legal address, payment address, tax identification number, authorized signatories, or EFT information must be promptly reported via email to the Town of Westerly/Westerly Public School's Contract Manager. In some cases additional paperwork will be required to effect the change.

Advertising Pre-approval

Vendors may make announcements regarding their awarded contract with the Town of Westerly/Westerly Public School, however, all such advertising requires pre-approval and cannot employ the use of the Town/School's logo.

Alternatives

Contractors may propose alternatives for equivalent, better or more cost effective performance than specified under the Contractor's original Response at any time during the life of the Contract.

Failure to Perform Contractual Obligations Termination

Termination can occur after continued violations of mandatory requirements contained in this RFP and resulting contract.

Suspension

Suspension can occur following multiple notifications of non-compliance actions of performance under the contract resulting from this RFP

EVALUATION CRITERIA

Bidder scores will be used to rank Bidders and will determine which Bidders will proceed to subsequent stages of the evaluation and/or enter into negotiations with the Town of Westerly/Westerly Public School to receive a Contract award. The Town/School may request interviews before a final decision is made.

Mandatory requirements (scoring points)

- Services (up to 25 points)
- Organizational Profile (up to 15 points)
- Experience (up to 25 points)
- Relationship Management (up to 10 points)
- References (up to 10 points)
- Cost (up to 15 points) **Must be submitted in a separate sealed envelope**

Desirable requirements

Experience working with Federal, State, or local government
Experience with energy efficiency programs, renewable and alternative energy portfolio standards, and net metering and grid modernization initiatives

Alternatives

A Response which fails to meet any material term or condition of the Solicitation, including the submission of required attachments, may lose points or be deemed unresponsive and disqualified. Unless otherwise specified, Bidders may submit Responses proposing alternatives which provide equivalent, better or more cost effective performance than achievable under the stated Solicitation specifications. These alternatives may include related commodities or services that may be available to enhance performance during the period of the Contract. The Response should describe how any alternative achieves substantially equivalent or better performance to that of the Solicitation specifications.

The goal of this Solicitation is to provide the best value of commodities and/or services to achieve the goals of the procurement.

HOW TO SUBMIT A BID

Submission Method

Bid Opening Date/Time

All Bids must be received by the before the specified date, month, year and time displayed as the Bid Opening Date/Time. Times are Eastern Standard/Daylight Savings (US), as applicable.

Bid Contents

Bidders must comply with the requirements in section

Appendix A must be completed and submitted with the proposal.

Withdrawing a Bid

Prior to Bid Opening Date/Time

Bids may be withdrawn prior to the bid opening.

Multiple Bids

Bidders may not submit Multiple Bids in response to a Bid unless the RFP authorizes them to do so. If a Bidder submits multiple quotes in response to an RFP that does not authorize multiple responses, only the latest dated quote submitted prior to the bid opening date will be evaluated.

Content

Bid specifications for delivery, shipping, billing and payment will prevail over any proposed Bidder terms entered as part of the Quote, unless otherwise specified in the Bid.

Costs (Must be submitted in a separate sealed envelope)

Costs which are not specifically identified in the bid, and accepted by the as part of a Contract, will not be compensated under any Contract or engagement awarded pursuant to this RFP. The Town/School will not be responsible for any costs or expenses incurred by Bidders responding to this RFP.

Prohibitions

Bidders are prohibited from communicating directly with any employee of the Purchasing Department or any other individual Town of Westerly/Westerly Public School employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFP. Bidders may contact the contact person using the contact information provided in the Header Information this Bid in the event that this RFP is incomplete or information is missing.

Public Records Law

All information submitted in response to this RFP are subject to the Rhode Island Public Records Law, RIGL 38-2-1, et seq.

Evaluation – Best Value Selection and Negotiation

The Town may select the Proposal(s) which demonstrates the best value overall, including proposed alternatives that will achieve the goals of the procurement. The Town and selected Bidder may negotiate a change in any element of Contract performance or cost identified in the original RFP or the selected Bidder's Proposal which results in lower costs or a more cost effective or better value than was presented in the selected Bidder's original Proposal.

Terms and Requirements Pertaining to Awarded Contracts Tax Exemption

Payment vouchers or invoices submitted to the Town of Westerly/Westerly Public School must not include sales tax.

Contractor's Contact Information

It is the Contractor's responsibility to keep the Contractor's Contract Manager information current. If this information changes, the Contractor must notify the Contract Manager by email immediately.

Indemnification

The Contractor shall indemnify, defend, save and hold harmless the Town of Westerly/Westerly Public Schools, its officers, employees, and agents, from and against any and all claims, demands, suits, actions, penalties, damages, settlements, costs, expenses, or other liabilities of any kind and character arising out of or in connection with the breach of this Agreement by Contractor, its employees, subcontractors, or agents, or any negligent act or omission of Contractor, its employees, subcontractors, or agents, which occurs pursuant to the performance of this Agreement, and this indemnification shall survive the expiration or earlier termination of this Agreement. The provisions of this paragraph shall not apply to any loss or damage caused solely by the acts, errors, or omissions of the Town of Westerly/Westerly Public Schools, its officers, employees and agents.

Appendix A

Bidder Certification Form

ALL OFFERS ARE SUBJECT TO THE REQUIREMENTS, PROVISIONS AND PROCEDURES CONTAINED IN THIS CERTIFICATION FORM. Offerors are expected to read, sign and comply with all requirements. Failure to do so may be grounds for disqualification of the offer contained herein.

Rules for Submitting Offers

This Certification Form must be attached in its entirety to the front of the offer and shall be considered an integral part of each offer made by a vendor to enter into a contract with the Town of Westerly. As such, submittal of the entire Bidder Certification Form, signed by a duly authorized representative of the offeror attesting that he/she {1} has read and agrees to comply with the requirements set forth herein and (2) to the accuracy of the information provided and the offer extended, is a mandatory part of any contract award.

To assure that offers are considered on time, each offer must be submitted with the specific Bid/RFP/RFQ number, date and time of opening marked in the upper left hand corner of the envelope. Each bid/offer must be submitted in separate sealed envelopes. A complete signed (in ink) offer package must be delivered to the Town of Westerly Purchasing Agent at the location indicated within the bid by the time/date specified for the opening of responses in a sealed envelope.

Bids must be submitted on the bid solicitation forms provided, indicating brand and part numbers of items offered, as appropriate. Bidders must submit detailed cuts and specs on items offered as equivalent to brands requested WITH THE OFFER. Bidders must be able to submit samples if requested.

Documents misdirected to other Town locations or which are not present in the Town of Westerly Purchasing Office at the time of opening for whatever cause will be deemed to be late and will not be considered. Postmarks shall not be considered proof of timely submission.

SOLICITATIONS. To assure maximum access opportunities for users, public bid/RFP solicitations shall be posted on the website for a minimum of seven days and no amendments shall be made within the last five days before the date an offer is due. Except when access to the website has been severely curtailed and it is determined by the Purchasing Agent that special circumstances preclude extending a solicitation due date, requests to mail or fax hard copies of solicitations will not be honored. When the result of an internet solicitation is unsuccessful, the Town of Westerly will cancel the original solicitation and re-solicit the original offer directly from vendors.

PRICING. Offers are irrevocable for ninety (90) days from the opening date (or such other extended period set forth in the solicitation), and may not be withdrawn, except with the express permission of the Purchasing Agent. All pricing will be considered to be firm and fixed unless otherwise indicated. The Town of Westerly is exempt from Federal excise taxes and State Sales and Use Taxes. Such taxes shall not be included in the bid price. **PRICES QUOTED ARE FOB DESTINATION.**

DELIVERY and PRODUCT QUALITY. All offers must define delivery dates for all items; if no delivery date is specified, it is assumed that immediate delivery from stock will be made. The contractor will be responsible for delivery of materials in first class condition. Rejected materials will be at the vendor's expense.

PREVAILING WAGE, OSHA SAFETY TRAINING and APPRENTICESHIP REQUIREMENTS. Bidders must comply with the provisions of the Rhode Island labor laws, including R.I. Gen. Laws §§ 37-13-1 et seq. and occupational safety laws, including R.I. Gen. Laws §§ 28-20-1 et seq. These laws mandate for public works construction projects the payment of prevailing wage rates, the implementation and maintenance of occupational safety standards, and for projects with a minimum value of \$1 Million, the employment of apprentices. The successful Bidder must submit certifications of compliance with these laws from each of its subcontractors prior to their commencement of any work. Prevailing wage rates, apprenticeship requirements, and other workforce and safety regulations are accessible at www.dlt.ri.gov.

PUBLIC RECORDS. Offerors are advised that all materials submitted to the Town of Westerly for consideration in response to this solicitation will be considered without exception to be Public Records pursuant to Title 38 Chapter 2 of the Rhode Island General laws, and will be released for inspection immediately upon request once an award has been made. Offerors are encouraged to attend public bid/RFP openings to obtain Information; however, bid/RFP response summaries may be reviewed after award(s) have been made by visiting www.westerly.govoffice.com or appearing in person at Westerly Town Hall, Purchasing Office, Mondays through Fridays between 8:30am-3:30pm. Telephone requests for results will not be honored. Written requests for results will only be honored if the information is not available on the website.

Award will be made to the responsive and responsible offeror quoting the lowest net price in accordance with specifications, for any individual item(s), for major groupings of items, or for all items listed, at the Town's sole option.

BID SURETY. Where bid surety is required, bidder must furnish a bid bond or certified check for 5% of the bid total with the bid, or for such other amount as may be specified. Bids submitted without a required bid surety will not be considered.

SPECIFICATIONS. Unless specified "no substitute", product offerings equivalent in quality and performance will be considered (at the sole option of the Town) on the condition that the offer is accompanied by detailed product specifications. Offers which fail to include alternate specifications may be deemed nonresponsive.

VENDOR AUTHORIZATION TO PROCEED. When a purchase order, change order, contract/agreement or contract/agreement amendment is issued by the Town of Westerly, no claim for payment for services rendered or goods delivered contrary to or in excess of the contract terms and scope shall be considered valid unless the vendor has obtained a written change order or contract amendment issued by the Town PRIOR to delivery.

Any offer, whether in response to a solicitation for proposals or bids, or made without a solicitation, which is accepted in the form of an order OR pricing agreement made in writing by the Town's Purchasing Department, shall be considered a binding contract.

GENERAL TERMS AND CONDITIONS OF CONTRACTS. This solicitation and any contract or purchase order arising from it are issued in accordance with the specific requirements described herein, and the State's Purchasing Laws and Regulations and other applicable State Laws. The General Terms and Conditions are incorporated into all the Town of Westerly contracts.

ARRA SUPPLEMENTAL TERMS AND CONDITIONS. Contracts and sub-awards funded in whole or in part by the American Recovery and Reinvestment Act of 2009. Pub.L.No. 111-5 and any amendments thereto, such contracts and sub-awards shall be subject to the Supplemental Terms and Conditions for Contracts and Sub-awards funded in whole or in part by the American Recovery and Reinvestment Act of

2009. Pub. L. No. 111-5 and any amendments thereto located on the Division of Purchases website at www.purchasing.ri.gov.

EQUAL EMPLOYMENT OPPORTUNITY. Compliance certificate and agreement procedures will apply to all awards for supplies or services valued at \$10,000 or more. Minority Business Enterprise policies and procedures, including subcontracting opportunities as described in Title 37 Chapter 14.1 of the Rhode Island General Laws also apply.

PERFORMANCE BONDS. Where indicated, successful bidder must furnish a 100% performance bond and labor and payment bond for contracts subject to Title 37 Chapters 12 and 13 of the Rhode Island General Laws. All bonds must be furnished by a surety company authorized to conduct business in the State of Rhode Island. Performance bonds must be submitted within 21 calendar days of the notice of award.

DEFAULT and NON-COMPLIANCE Default and/or non-compliance with the requirements and any other aspects of the award may result in withholding of payment(s), contract termination, debarment, suspension, or any other remedy necessary that is in the best interest of the Town of Westerly.

COMPLIANCE Vendor must comply with all applicable federal, state and local laws, regulations and ordinances

SPRINKLER IMPAIRMENT AND HOT WORK. The Contractor agrees to comply with the practices of the Town/Town's Insurance carrier for sprinkler impairment and hot work. Prior to performing any work, the Contractor shall obtain the necessary information for compliance from the Risk Management Office at the Department of Administration or the Risk Manager at the Town of Westerly.

PUBLIC COPY. Each bid proposal for a *public works project* must include a "public copy" to be available for public inspection upon the opening of bids. Bid Proposals that do not include a copy for public inspection will be deemed nonresponsive.

For further information on how to comply with this statutory requirement, see R.I. Gen. Laws §§ 37-2-18(b) and (j). Also see State of Rhode Island Procurement Regulation 5.11 at <http://www.purchasing.ri.gov/rulesandregulations/rulesAndRegulations.aspx>

ALL CONTRACT AWARDS ARE SUBJECT TO THE FOLLOWING DISCLOSURES & CERTIFICATIONS

Offerors must respond to every disclosure statement and submit with your proposal. A person authorized to enter into contracts must sign the offer and attest to the accuracy of all statements.

Indicate Yes (Y) or No (N):

___ 1 State whether your company, or any owner, stockholder, officer, director, member, partner, or principal thereof, or any subsidiary or affiliated company, has been subject to suspension or debarment by any federal, state, or municipal government agency, or the subject of criminal prosecution, or convicted of a criminal offense with the previous five (5) years. If so, then provide details below.

___ 2 State whether your company, or any owner, stockholder, officer, director, member, partner, or principal thereof, or any subsidiary or affiliated company, has had any contracts with a federal, state or municipal government agency terminated for any reason within the previous five (5) years. If so, then provide details below.

___ 3 State whether your company or any owner, stockholder, officer, director, member, partner, or principal thereof, or any subsidiary or affiliated company, has been fined more than \$5000 for violation(s) of Rhode Island environmental laws by the Rhode Island Department of Environmental Management within the previous five (5) years. If so, then provide details below.

___ 4 I/we certify that I/ we will immediately disclose, in writing, to the Purchasing Agent any potential conflict of interest which may occur during the course of the engagement authorized pursuant to this contract.

___ 5 I/we acknowledge that, in accordance with (1) Chapter §37-2-54(c) of the Rhode Island General Laws "no purchase or contract shall be binding on the state or any agency thereof unless approved by the Department of Administration or made under general regulations which the Purchasing Agent may prescribe.", including change orders and other types of contracts and under State Purchasing Regulation 8.2.1.1.2 any alleged oral agreement or arrangements made by a bidder or contractor with any department or an employee of the Town of Westerly may be disregarded and shall not be binding on the Town of Westerly.

___ 6 I/we certify that I or my/our firm possesses all licenses required by Federal and State laws and regulations as they pertain to the requirements of the solicitation and offer made herein and shall maintain such required license(s) during the entire course of the contract resulting from the offer contained herein and, should my/our license lapse or be suspended, I/we shall immediately inform the Town of Westerly Purchasing Agent in writing of such circumstance.

___ 7 I/we certify that I/ we will maintain required insurance during the entire course of the contract resulting from the offer contained herein and, should my/our insurance lapse or be suspended, I/we shall immediately inform the Town of Westerly Purchasing Agent in writing of such circumstance.

___ 8 I/we certify that I/we understand that falsification of any information herein or failure to notify the Town of Westerly Purchasing Agent as certified herein may be grounds for suspension, debarment and/or prosecution for fraud.

___ 9 I/we acknowledge that the provisions and procedures set forth in this form apply to any contract arising from this offer.

__ 10 I/we acknowledge that I/we understand the State's Purchasing Laws (§37-2 of the General Laws of Rhode Island) and General Terms and Conditions available at the Rhode Island Division of Purchases Website (<http://www.purchasing.ri.gov>) apply as the governing conditions for any contract or purchase order I/we may receive from the Town of Westerly, including the offer contained herein.

__ 11 I/we certify that the bidder: (i) is not identified on the General Treasurer's list, created pursuant to R.I. Gen. laws§ 37-2.5-3, as a person or entity engaging In investment activities in Iran described in§ 37-2.5-2(b); and (ii) is not engaging in any such investment activities in Iran.

__ 12 If the product is subject to Department of Commerce Export Administration Regulations {EAR} or International Traffic in Arms Regulations (ITAR), please provide the Export Control Classification Number (ECCN) or the US Munitions List (USML) Category:. _____ _

__ 13 I/we certify that the above information is correct and complete.

IF YOU HAVE ANSWERED "YES" TO QUESTIONS #- 3 OR IF YOU ARE UNABLE TO CERTIFY YES TO QUESTIONS #4 -11 and 13 OF THE FOREGOING, PROVIDE DETAILS/EXPLANATION IN AN ATTACHED STATEMENT. INCOMPLETE CERTIFICATION FORMS SHALL BE GROUNDS FOR DISQUALIFICATION OF OFFER.

Signature below commits vendor to the attached offer and certifies (1) that the offer has taken into account all solicitation amendments, (2) that the above statements and information are accurate and that vendor understands and has complied with the requirements set forth herein.

Vendor's Signature: _____ Bid Number: _____ Date: _____
(Person Authorized to enter into contracts; signature must be in ink) (if applicable)

Print Name and Title of Company official signing offer Telephone Number
