

REQUEST FOR PROPOSAL

Issued by
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215

Evaluation of a Sample of All-Electric Homes in FirstEnergy's Ohio Service Territory

**RFP Number 2010-06
Issued April, 26 2010**

**REQUEST FOR PROPOSAL
TABLE OF CONTENTS**

Organization. This Request For Proposal is organized into five parts as listed below:

	<u>Page</u>
<i>Part 1: Executive Summary</i>	3
<i>Part 2: General Instructions</i>	4
<i>Part 3: Scope of Work and Deliverables</i>	6
<i>Part 4: Proposal Requirements</i>	8
<i>Part 5: Evaluation of Proposals</i>	11

PART ONE: EXECUTIVE SUMMARY

Purpose. This is a Request for Proposal (“RFP”) issued by the Office of the Ohio Consumers’ Counsel (“OCC”) to solicit proposals from Independent Contractors to provide assistance to the OCC in auditing and evaluating the building shell, heating and cooling systems (“HVAC”) and other mechanical systems in a sample of homes that most closely resembles the population of homes that employ electricity as the primary fuel for space heating and cooling, water heating, and base load usage (“all-electric” homes). (Please see attached press releases and tariff information). The homes are located within the service territory of FirstEnergy Company’s three electric distribution utilities (the Ohio Edison Company, the Toledo Edison Company, and the Cleveland Electric Illuminating Company). The individual evaluations will be documented and used to predict cost-effective measures to reduce electricity usage and potentially to propose an overall energy efficiency program design which would offer and deliver cost-effective measures to customers in the audited homes and in similar all-electric homes to help reduce their energy burden.

Background. The OCC plays an integral part in Ohio’s government and economy by fulfilling its role as the advocate agency for residential utility consumers. Established in 1976, the OCC participates in major rate, fuel, rule-making and federal cases affecting the utility service of Ohio’s residential consumers.

The law governing the agency’s activities is contained in Chapter 4911 of the Ohio Revised Code.

The Consumers’ Counsel is appointed by and remains responsible to a nine-member Governing Board. The representative role of the Governing Board can be viewed as incorporating three broad functions: accountability to the Public, the General Assembly and the Attorney General; policy-making in directing the Consumers’ Counsel; and oversight of the Consumers’ Counsel Office.

The Consumers’ Counsel appoints and administers a staff to carry out her legislative mandates. The office works to protect the interests of residential utility consumers, which is accomplished by formal case interventions, informal negotiation and dispute resolution, complaint and inquiry handling, educational efforts and analytical and legal assistance to legislators and others on public utility issues.

PART TWO: GENERAL INSTRUCTIONS

Calendar of Events. The schedule for this RFP and the work is given below. The OCC reserves the right to change this schedule as needed.

Firm Dates

RFP Issued:

April 26, 2010

Proposal Due Date/Time:

May 7, 2010 at 5:00 p.m.

Estimated Dates

Contract Award:

May 10, 2010

Work Begins: If Controlling Board approval is not needed

May 17, 2010

If Controlling Board approval is needed

June 14, 2010

Contract End Date

June 30, 2011

If the contractor awarded a contract under this RFP has total contracts or anticipated expenditures during the current state fiscal year totaling \$50,000 or more, the OCC will seek approval from the State of Ohio Controlling Board for the use of funds for the contract under this RFP. The timing of that approval is dependent on the dates for submission to the Board and the scheduled meeting of the Board. The "work begins" dates above reflect OCC's current estimate of the timing of that approval process.

Contacts. The following individual will represent the OCC as the primary contact for matters relating to the non-technical aspects of the RFP and during the contract negotiation/award process and subsequent invoicing.

Robin Tedrick

Records Retention Coordinator

Office of the Ohio Consumers' Counsel

10 W. Broad Street, Suite 1800

Columbus, Ohio 43215

614-466-9591

E-mail: tedrick@occ.state.oh.us

The following individual will represent the OCC as the primary contact for matters relating to technical aspects of the RFP and throughout the performance of the work upon the awarding of the contract.

Wilson Gonzalez

Principal Regulatory Analyst

Office of the Ohio Consumers' Counsel

10 W. Broad Street, Suite 1800

Columbus, Ohio 43215

614-466-9541

E-mail: gonzalez@occ.state.oh.us

Proposal Submission. Proposals are to be mailed or delivered to: Robin Tedrick, Office of the Ohio Consumers' Counsel, 10 W. Broad Street, Suite 1800, Columbus, Ohio 43215-3485. Proposals may also be faxed to (614) 728-7498 or submitted via e-mail to tedrick@occ.state.oh.us. The deadline to submit proposals for this RFP is **5:00 p.m. on May 7, 2010.**

The OCC may reject any proposals or unsolicited proposal amendments that are received after the deadline. A prospective contractor that mails its proposal must allow for adequate mailing time to ensure its timely receipt.

Each prospective contractor must carefully review the requirements of this RFP and the contents of its proposal. All prospective contractors are on notice that the OCC will not be liable for any costs incurred by any prospective contractor in responding to this RFP, regardless of whether the OCC awards the contract through this process, decides not to go forward with the work, cancels this RFP for any reason, or contracts for the work through some other process or by issuing another RFP.

By submitting a proposal, the prospective contractor acknowledges that it has read this RFP, understands it, and agrees to be bound by its requirements. The prospective contractor also agrees that the contract will be the complete and exclusive statement of the agreement between the OCC and the contractor and will supersede all communications between the parties regarding the contract's subject matter.

The OCC may reject any proposal if the prospective contractor takes exception to the terms and conditions of this RFP, fails to comply with the procedure for participating in the RFP process, or the prospective contractor's proposal fails to meet any requirement of this RFP. The OCC may reject any proposal that is not in the best interest of the OCC to accept. Further, the OCC may decide not to do business with any of the prospective contractors responding to this RFP.

All proposals and other material submitted will become the property of the OCC and may be returned only at the option of the OCC. Proprietary information should not be included in a proposal or supporting materials because the OCC will have the right to use any materials or ideas submitted in any proposal without compensation to the prospective contractor.

The OCC will retain all proposals, or a copy of them, as part of the contract file for at least five (5) years. After the retention period, the OCC may return, destroy, or otherwise dispose of the proposals or the copies.

Waiver of Defects. The OCC has the right to waive any defects in any proposal or in the submission process followed by a prospective contractor. However, the OCC will only do so if it is in the best interest of the OCC and will not cause any material unfairness to other prospective contractors.

Amendments to Proposals. Amendments or withdrawals of proposals will be allowed if the amendment or withdrawal is received before the proposal due date. No amendment or withdrawals will be permitted after the due date, except as expressly authorized by the OCC.

Amendments to the RFP. If the OCC decides to revise this RFP, amendments will be made available to all prospective contractors. When the OCC makes amendments to the RFP after proposals have been submitted, the OCC will permit prospective contractors to withdraw or modify their proposals.

Contract. If this RFP results in a contract award/awards, the contract will include by reference this RFP, written amendments to this RFP, the prospective contractor's proposal, and written, authorized amendments to the Contractor's proposal. It will also include any purchase orders and change orders issued under the Contract.

In addition, the prospective contractor will agree to abide by all laws, rules and directives of the State of Ohio, as they pertain to vendors doing business with the State of Ohio.

PART THREE: SCOPE OF WORK AND DELIVERABLES

This section describes the scope of work and what the selected contractor must deliver as part of the completed work (the "Deliverables") to meet the terms and conditions of a subsequent contract.

Scope of Work. The Independent Contractor will be fully responsible for accurately assessing and documenting the amount of electricity usage in each home attributable to space heating and cooling, water heating and electric base load usage for a representative sample of homes to be jointly determined by the Independent Contractor and OCC, by conducting an energy audit as described below, for each of the identified homes within the FirstEnergy Ohio service territory. This territory is served by three electric distribution utilities: Ohio Edison, Toledo Edison, and Cleveland Electric Illuminating. All of the homes sampled should be residential customers of one of the three electric distribution utilities listed above and participating in FirstEnergy's all electric rate structure. The sampling of homes should be representative of the various types of all-electric homes existing within the FirstEnergy Ohio service territory. The Independent Contractor will assist the OCC in identifying an appropriate sample group of customer homes, and perform and document an energy audit on each identified residence as described below.

The Independent Contractor will also be responsible for analysis and evaluation to determine cost-effective energy efficiency measures and retrofits that may be employed in each of the audited customers' homes by using the audit information gathered and the auditing and modeling software described below.

The Independent Contractor will aggregate the energy audits, measures and retrofit information from the audits conducted and the software modeling results and present a full analysis and evaluation of the information to OCC. The OCC, together with the Independent Contractor will design an energy efficiency program that would be capable of offering and delivering cost-effective measures and retrofits to all-electric customers in the audited customers' homes and in similar all-electric homes within FirstEnergy's Ohio service territory. The program design recommendations will be presented along with the energy audit and retrofit information in a comprehensive report that the OCC and the Independent Contractor will prepare after the energy audits are completed.

Work Requirements and Deliverables. The Independent Contractor shall undertake the following work and activities as requested and approved by OCC for the identification, analysis and development of all issues related to the energy audits of a sample of all-electric homes in the FirstEnergy Ohio Service Territory:

1. Each energy audit will be performed by a Residential Energy Services Network (RESNET) certified home energy rater. For each identified residence, the rater will perform a complete energy audit on each home. The contractor will collect sufficient data on each home necessary to determine possible cost-effective energy efficiency measures and retrofits using (Regional Energy Managers) REM/rate software. The auditing process will specifically include but is not limited to:
 - a. A calibrated blower door test;
 - b. Duct leakage testing, which will determine the leakage to the outside (this should be reduced to no more than 3% of the fan flow);
 - c. Metering all refrigerators and freezers;

- d. Determining insulation levels in all parts of the shell;
 - e. Determining an accurate estimate of hot water usage;
 - f. Testing of the HVAC unit, including but not limited to:
 - (1) Checking the outdoor reset;
 - (2) Checking the Thermostat operation;
 - (3) Checking Refrigerant charge;
 - (4) Performing Temperature Rise Test;
 - (5) Evaluating the unit efficiency using information from the United States Department of Energy Star website;
 - g. Note other appliances, mechanical systems, and other items or circumstances that require significant electric usage.
2. Each identified and audited all-electric residence will be evaluated using REM/rate software to determine cost-effective measures and retrofits. The audit report should:
 - a. Present the current and future predictions for specific electric usage (heating and cooling, hot water usage, and electric base load usage, including usage of specific appliances);
 - b. Determine cost-effective measures. These should be based on a cost over time payback (savings-to-investment ratio) rather than a simple payback calculation.
 3. A report which documents the findings of the energy audits individually and in an aggregate presentation will be created by the Independent Contractor and OCC and finalized within 30 days after the conclusion of the home audits. The report will include an energy efficiency program.
 4. The report shall document the types and frequency of the HVAC systems found in the customers' homes.
 5. The report shall document the types and frequency of housing types evaluated, including but not limited to age, square footage, number of stories, and type of foundation.
 6. The report shall document the building shell findings, in terms of shell interior and exterior materials and types and insulation levels.
 7. The report shall describe the range and document the frequency of cost-effective measures identified by the audit software. These measures should include:
 - a. Attic, wall and crawlspace insulation;
 - b. Air-sealing;
 - c. HVAC repairs, retrofits, and replacement;
 - d. Other measures that would cost-effectively reduce electric usage.

PART FOUR: PROPOSAL REQUIREMENTS

Proposal Format. Each proposal must include sufficient data to allow the OCC to verify the total cost for the work and all of the prospective contractor's claims of meeting the RFP's requirements. These instructions describe the required format for a responsive proposal. The prospective contractor may include any additional information it believes is relevant.

1. **Contractor Profile.** Each proposal must include a general profile of the prospective contractor's relevant experience working on projects similar to this work. In the **Contractor Profile**, or in **Personnel Profile Summaries** (see below), details on prior and current similar and/or relevant work projects should be provided, including the scope of such work, clients, utility names and case numbers. While detail is generally preferred on a contractor's most recent work, contractors are encouraged to provide detail on all relevant work in Ohio.

The profile must also include the prospective contractor's legal name, address, and telephone number; home office location; date established; ownership (such as public firm, partnership, or subsidiary); firm leadership (such as corporate officers or partners); total number of employees nationwide and in Ohio; the percentage of women employees nationwide and in Ohio; the percentage of minorities nationwide and in Ohio; number of employees to be engaged in tasks directly related to the work; and any other background information the prospective contractor believes would be useful during the proposal evaluation process. For any subcontractors included in your proposal, indicate whether they operate as an individual, partnership or corporation; if as a corporation, include the state in which they are incorporated. State whether they are licensed to operate in the State of Ohio. State the same employee information as noted above for the primary contractor.

2. **Work Plan.** The prospective contractor must fully describe its approach, methods, and specific work steps for doing the work and producing the **Work Requirements and Deliverables** set forth in Part Three of this RFP. The OCC encourages responses that demonstrate a thorough understanding of the nature of the work and what the Contractor must do to get the work done well. The prospective contractor must also provide a complete and detailed description of the way it will do the work that addresses the areas of concern identified below. The OCC seeks insightful responses that describe proven, state-of-the-art methods. Recommended solutions should demonstrate the prospective contractor's ability to quickly undertake and successfully complete the required tasks.

The prospective contractor's work plan must clearly and specifically identify key personnel assignments and the number of hours by individual for each of the Work Requirements and Deliverables set forth in Part Three of this RFP.

3. **Personnel Profile Summaries.** Each prospective contractor must identify a project team that demonstrates a thorough understanding of the project and possesses the education and experience to support the successful completion of the project. Each proposal must include a profile and/or resume for each key member of the proposed work team to demonstrate the competency of the project team personnel and include the following information:

- **Team Member Names**

- **Experience and Qualifications.** For each team member identify experience and qualifications relevant to this project.
 - **Dates of Employment.** The length of time the team member performed relevant work requiring the necessary technical expertise.
 - **Project Experience.** The work of the team member on projects of similar or greater size and scope.
4. **References.** The prospective contractor must include three references for which the prospective contractor has successfully provided services on projects that were similar in their nature, size, and scope of work. These references must relate to work that was completed within the past five (5) years.

Note: Each reference must be willing to discuss the prospective contractor's performance with an OCC representative.

5. **Cost Summary.** Each prospective contractor must provide a cost summary table showing: (1) project team members, (2) estimated hours, (3) hourly rates and (4) total estimated project costs for each of the Work Requirements and Deliverables set forth in Part Three of this RFP.

- a) Executive Order 2009-07S, Implementing Additional Spending Control Strategies. Governor Ted Strickland's executive order states in part "...in this time when the state is struggling to maintain services critical to the health, safety and welfare of Ohio's citizens, the willingness of a vendor to negotiate a 15% or greater reduction in a contract's financial terms, while maintaining substantial equivalency of other terms, will be considered in the contract renewal decisions..."

A documented fifteen percent reduction in an Independent Contractor's cost proposal, from their normal rates, will be looked at favorably.

- b) The OCC requires the inclusion of ALL expenses associated with this project within the hourly rates and hours used to determine the costs for the deliverables, thereby eliminating the need for expense billings. Items to be taken into consideration in determining the cost of each deliverable should include supplies and materials, transportation and per diems, copying and overnight mail charges, etc. The successful bidder will be responsible for direct payment to vendors for any requirements for overnight mail (including OCC to Contractor) and any "on-site" photocopying charges.
- c) **Contractor may invoice only for actual work performed and documented.**
- d.) The estimated budget for this project is less than \$49,000.

6. **Subcontractors.** Acceptance by the Consumers' Counsel of a primary bidder's proposal does not necessarily require the Consumers' Counsel to accept the subcontractor(s) proposal proposed by the bidder. The Consumers' Counsel reserves the right to evaluate the qualifications of all sub-contractors proposed by the primary bidder.

7. The OCC will not be liable for any costs the prospective contractor does not identify in its proposal.
8. Submit a list of all Ohio public utilities for which you or your staff performed work in a professional capacity during the past three years.
9. Submit an original W9 form along with your response to this RFP so that, if a contract is awarded, the OCC can process any invoices submitted by your company. The Internet link to the form is: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>. The form must be signed and dated.
10. Submit a statement to Robin Tedrick, along with your response to this RFP, affirming that you or members of your staff do not currently owe any money to the state of Ohio or have an unresolved finding for recovery from the Auditor of State.
11. **Declaration of Material Assistance/Non-Assistance.** If you will receive or have received in the aggregate an amount greater than \$100,000 from the state of Ohio, you must complete a certification. You can complete the pre-certification process electronically by going to <http://www.obg.ohio.gov>.
12. **Campaign Contribution.** House Bill 694 requires that every contract for goods or services of more than \$500 must contain a certification signed by the contract recipient certifying that the recipient is in compliance with Ohio Revised Code 3517.13. If awarded a contract, contractor will certify the following:

"Contractor hereby certifies that all applicable parties listed in Division (I)(3) or (J)(3) of Ohio Revised Code Section 3517.13 are in full compliance with Divisions (I)(1) and (J)(1) of Ohio Revised Code Section 3517.13."

13. **Sweatshop Free.** By the signature affixed to this RFP, Independent Contractor certifies that all facilities used for the production of the supplies or performance of services offered in the bid/RFP are in compliance with applicable domestic labor, employment, health and safety, environmental and building laws. This certification applies to any and all suppliers and/or subcontractors used by the Independent Contractor in furnishing the supplies or services described in the bid/RFP and awarded to the Independent Contractor. If DAS receives a complaint alleging non-compliance with sweatshop free requirements, DAS may enlist the services of an independent monitor to investigate allegations of such non-compliance on the part of the Contractor, and sub-contractors or suppliers used by the Independent Contractor in performance on the Contract. If allegations are proven to be accurate, the Contractor will be advised by DAS of the next course of action to resolve the complaint and the Contractor will be responsible for any costs associated with the investigation. Items that will be considered in an investigation include, but are not limited to, standards for wages, Occupational safety and work hours.

For more information please refer to <http://www.obm.ohio.gov>.

PART FIVE: EVALUATION OF PROPOSALS

Evaluation of Proposals. Generally, the evaluation process may consist of up to four distinct phases:

1. The Initial Review of all proposals for defects
2. The Evaluation of the proposals by the Evaluation Committee
3. Request for More Information (Interviews, Presentations, and Demonstrations)
4. Negotiations

It is within the purview of the OCC Evaluation Committee ("Committee") to decide whether phases three and four are necessary.

Rejection of Proposals. The OCC may reject any proposal that is not in the required format, does not address all the requirements of this RFP, or that the OCC believes is excessive in price or otherwise not in the best interest of the OCC to consider or to accept. In addition, the OCC may cancel this RFP, reject all the proposals, and seek to do the work through a new RFP or other means.

Clarifications: During the evaluation process, clarifications may be requested from any prospective contractor under active consideration and the clarification may give any prospective contractor the opportunity to correct defects in its proposal. This may be done in cases where doing so would not result in an unfair advantage to the prospective contractor and the clarification is in the best interest of the OCC.

1. **Initial Review:** The proposals will be reviewed for their timeliness, format, and completeness. Any late, incomplete, or incorrectly formatted proposals may be rejected. Likewise, any defects may be waived or a prospective contractor may be allowed to submit a correction.

If a late proposal is received, it will not be opened unless the prospective contractor has received prior OCC approval for a late proposal for good cause shown.

All timely, complete, and properly formatted proposals will be forwarded to the Evaluation Committee.

2. **Committee Evaluation of the Proposals:** The Committee will evaluate each proposal forwarded to it. The Committee may also have the proposals or portions of them reviewed and evaluated by independent third parties or other OCC personnel with technical or professional experience that relates to the work or to the criteria used in the evaluation process. The Committee may adopt or reject any recommendations it receives from such reviews and evaluations. At any time during this phase, the Committee may ask a prospective contractor to correct, revise, or clarify any portions of its proposal.

Contract Award. The OCC plans to tentatively award the Contract for the work on **May 10, 2010**. The OCC reserves the right to change the contract award date if it becomes necessary. The contract will be awarded to the contractor that demonstrates a clear understanding of OCC's expectations; can complete the scope of work and deliverables within the designated timeframe, and at the lowest or competitive cost.