REQUEST FOR PROPOSAL

FOR

THE IMPLEMENTATION OF ENERGY EFFICIENCY MEASURES

FUNDED BY THE CLEAN ENERGY JOBS ACT - PROPOSITION 39

REQUEST FOR PROPOSAL SUBMITTAL DEADLINE

April 5, 2017

SUBMIT TO

New Jerusalem Elementary School District
New Jerusalem School
Delta Charter
Attention: David Thoming
31400 S. Koster Road
Tracy, CA 95304
(209) 830-6363
dthoming@njes.org
NOTICE TO VENDORS Notice is hereby given that New Jerusalem School District and Delta Charter School will receive sealed RFQs for Proposition 39 Implementation of Energy Efficient Measures

RFQs must be received prior to 10:00A.M on April 3, 2017 to NJESD at 31400 S. Koster Road, Tracy CA 95304. Mandatory walk through on March 31, 2017 at 2:30PM. Refer any questions to David Thoming via email by March 28, 2017 by 10:00 a.m. at dthoming@njes.org The RFP can be viewed at www.njesd.net
NOTICE IS HEREBY GIVEN that the New Jerusalem School District, and Delta Charter, acting by and through its Governing Board, is soliciting and issuing this Request for Proposal (RFP) and will receive up to, but no later than April 5, 2017 proposals from interested, established and experienced Firms for the implementation of Energy Efficiency Measures, as identified in the SCHOOLS’s approved Proposition 39 Energy Expenditure Plan (“Firms”).

This solicitation is intended to establish a qualified contractor with whom SCHOOLS will enter into a Contract. The selected contractor will perform the implementation of energy projects for SCHOOLS’s facilities and shall be free from conflicts of interest arising from relationships with potential suppliers, constructors, financiers, or owners of related projects or products.

BACKGROUND & OBJECTIVES

The New Jerusalem School District, and Delta Charter (SCHOOLS) are public schools located in San Joaquin County, California and serve 800 students.

The SCHOOLS have been engaged in Proposition 39 energy retrofitting.

The SCHOOLS will continue the existing program and anticipates extending energy programs at existing facilities in conjunction with funding and guidelines from Proposition 39. The SCHOOLS was allocated approximately for the fiscal year 2013-2014 and anticipates allocation of $500,000 over the next year.

The SCHOOLS intends to contract with Firms that have all of the following:

- Extensive experience in the successful implementation of energy efficiency measures and clean energy systems; including, design specification, construction oversight, operations, maintenance and asset management;
- Experience working with school SCHOOLSs in regard to energy project implementation;
- Experience in working with the California Division of State Architect (DSA) in regard to energy project plan approvals;
- Knowledge and understanding of applicable California Building, Mechanical and Electrical Codes;
- Ability to provide timely, effective communication and support to the SCHOOLS through multiple means;
- Ability to complete the project between June 5, 2017 and July 28, 2017.

The SCHOOLS intends to use the responses that it receives to assist in possible selection of one or more Firms for SCHOOLS’s Proposition 39 approved and funded energy projects, based on “best value” selection protocol. The SCHOOLS will evaluate each Firm based on the information set forth in the Response submitted, together with other information available to the SCHOOLS from any other sources. In addition to any other criteria specified in this RFP, the evaluation criteria will include, among others, the Firm’s experience, qualifications and ability to meet SCHOOLS criteria and project costs range, the Firm’s ability to develop a rapport and working relationship with SCHOOLS personnel.

SCHOOLS will have the discretion to select one or more Firms after receipt of Responses; the SCHOOLS also reserves the right to not select any Firm. The SCHOOLS may request that one or more Firms participate in an interview process or the SCHOOLS may implement a combination of these and/or other methods for selection.
This RFP is solely a solicitation for Responses. Neither this RFP, nor any Response to this RFP shall be deemed or construed to: (i) create any contractual relationship between SCHOOLS and any Firm; (ii) create any obligation for SCHOOLS to enter into a contract with any Firm or other party; or (iii) serve as the basis for a claim for reimbursement for costs associated with submittal of any Response.

If the SCHOOLS selects a Firm for the implementation of the SCHOOLS’s energy projects, the SCHOOLS shall have the right to negotiate any and all of the final terms and conditions of any agreement with the Firm and nothing in this RFP or any Response shall be deemed or construed as a limitation of such rights.

The SCHOOLS intends to achieve the following goals and objectives through, and in connection with, the implementation of energy programs and installation of energy efficiency measures and clean systems at SCHOOLS facilities:

- To reduce the consumption of energy, through the implementation of energy projects as identified in the SCHOOLS’s approved Proposition 39 Energy Expenditure Plan and/or Master Energy Plan
- To facilitate the investment in energy projects by industries and businesses within the region, to increase energy diversity and to reduce dependence on fossil fuels
- To enhance the economic value of SCHOOLS assets by developing the assets in a manner that supports SCHOOLS goals
- To educate students and the surrounding community about the benefits of energy conservation and renewable energy generation
- To improve environmental quality in the New Jerusalem area
CONTENT OF RESPONSES

Responses shall be typewritten, tailored to the requirements of this RFP and demonstrate the capability to meet the SCHOOLS’s needs. Responses shall not exceed 50 pages (with no less than 11-point font size) inclusive of all attachments, appendix, resumes and supporting documents. Include Project Proposal and DIR Compliance document.

Firms are to provide 3 copies of the response and one electronic copy on CD or USB/Flash Drive in PDF format submitted in a sealed envelope with the words “Request For Proposal For The Implementation of Energy Efficiency Measures (Proposition 39)” clearly marked on the outside, no later than April 5, 2017, to the following address:

NJESD
Attn: David Thoming
31400 S. Koster Road
Tracy, CA  95304

RFPs received later than the aforementioned date and time will be returned to Vendor unopened. Facsimile (FAX) copies or e-mailed RFP will not be accepted.

In order to control information disseminated regarding this Request for Proposal, vendors interested in submitting responses are directed not to make personal contact with members of the Board of Trustees. Failure to do so, may result in the revocation of the submitted proposal from review.

All questions are to be directed to David Thoming, Superintendent, via e-mail: dthoming@njes.org no later than April 1, 2017. Replies involving any substantive issues will be issued by addenda and mailed to all parties recorded by the SCHOOLS as having received the RFQ documents. Only questions answered by formal written addenda will be binding. Verbal inquiries will not be addressed.

The SCHOOLS reserves the right to accept or reject any or all RFPs, to select a qualified contractor with or without interviews and to negotiate with any one or more than one of the responsible submitters. Submitters shall be responsible for any and all expenses that they may incur in preparing proposals. Responses received from this RFP will be used as the foundation for the development of an agreement and contract with specific provisions subject to review, negotiations and approval of the Board.

Each Firm shall be solely responsible for ensuring that its Response is received by the SCHOOLS prior to the deadline specified in this RFP. The SCHOOLS will not be required to consider any Response received by the SCHOOLS after the submittal deadline specified in this RFP.

All responses are to be organized with a table of contents that is tabbed/marked in the same order set forth below:

COVER LETTER
Provide an opening introduction to your firm. Not to exceed one page.
EXECUTIVE SUMMARY
Provide an overview describing the unique capabilities, accomplishments and highlights of the Firm. Not to exceed two pages.

Indicate the person that will provide the SCHOOLS with additional information as well as the person who will negotiate on behalf of the Firm (if different). Include their name, title, address, telephone number, and e-mail address.

The summary should include a brief overview of the methodology the Firm will use to develop a comprehensive energy conservation plan for the SCHOOLS.

Also specify the Firm’s:
- Legal name and address of Firm’s principal place of business
- Firm’s legal form of entity (sole proprietorship, partnership, corporation, joint venture, etcetera) and State of incorporation. If Firm is a joint venture or partnership, identify all members of the joint venture or partnership, roles and responsibilities, (3) three examples of previous engagements of the parties
- Number of years Firm has been engaged in energy projects
- Evidence that Firm is authorized to conduct business in the State of California
- If company is a subsidiary or affiliate of another company or companies, identify such other company or companies

METHODOLOGY
Provide in detail the Firm’s methodology to implement the SCHOOLS’s energy expenditure plan. Include the process of developing a schedule and sequence of implementation, training classified staff, Proposition 39 tracking/reporting, and maintenance and verification process.

TECHNICAL CAPABILITIES AND QUALIFICATIONS
Demonstrate capabilities and qualifications for the Firm to perform the implementation of the project. Include ability to manage construction projects, self-perform any trades, as well as methodology to recruit subcontracts.

Include a copy of your firm’s proposed contract for services. The SCHOOLS reserves the right to provide an alternate form of contract, or to negotiate changes in the contract you provide.

PROJECT EXPERIENCE
- Provide at least three projects relative to K-12 Energy Efficiency Project Implementation Experience. Provide experience with utility company programs. Include Project Date, Type, Location, Contact Name, Title, Phone and Project Details.
- Include (1) one letter of reference for any of the trades associated with this RFP.
- Provide a description of your understanding and experience working on Prevailing Wage Projects.
PERSONNEL & PROJECT MANAGEMENT
- Provide an organizational chart with the key positions that will be assigned to work on this project.
- Specify key personnel, role and attach a resume of relative experience.
- Outline the project management process the Firm will utilize for this project.

LICENSE AND INSURANCE INFORMATION
Specify and provide proof of all licenses and any certificates that qualify your firm for this project including, but not limited to, California State License Board, Disabled Veteran Business Enterprise and Minority Owned Business. Include the name of license holder exactly as on file, license classification, license number, date issued, expiration date, and whether license has been suspended or revoked within the last 5 years (if so, please explain.)

Provide a current report from any commercial credit rating service, such as Dunn and Bradstreet or Experian. Provide a letter from a California admitted surety or insurance company stating bonding limit for both payment and performance bonds which can be applied to this project.

Provide a letter from an insurance company indicating ability to provide insurance along with applicable, maximum limits of coverage. Provide sample Certificate(s) of Insurance of contractors: General Liability, Workers Compensation and Auto Insurance.

Indicate current value of all work the applicant has under contract presently.

Your firm’s warranty coverage should be at least one year in length (or longer if necessary to be consistent with Proposition 39 or other funding standards that apply). Describe how warranty issues are handled and your ability to perform ongoing service or maintenance if required.

Provide completed Department of Industrial Relations Compliance Form – provided in Appendix A.

FEE SCHEDULE AND REIMBURSEABLE EXPENSES
Describe in detail the method and process for determining fees and costs for providing the Services, including, without limitation, an itemization of fees and costs. Provide completed Bid Proposal for the following Scope of Work:

ECM4 Convert incandescent exit sign to LED 8
ECM6 Convert T-12 fluorescent lamps to LED lamps (Relamping) 440
ECM6A Convert 32W T-8 fluorescent lamps to LED lamps (Relamping) 1,126
ECM9 Replace exterior HPS lamps with LED lamps 17
ECM10 Install occupancy control sensors 55
QUALIFICATIONS AND EXPERIENCE QUESTIONNAIRE

Each applicant must answer all of the following questions under penalty of perjury and submit the completed Questionnaire with its proposal or the proposal may be rejected as non-responsive.

Every question must be responded to and all questions answered “yes” must be explained. Any omission of requested information may result in an automatic rejection of the proposal. Any material misrepresentation shall result in the automatic rejection of the proposal. If any information submitted by the applicant becomes inaccurate after submittal, the applicant must immediately notify the SCHOOLS and provide in writing any updated information.

A. Questions about History of the Business and Organizational Performance

1. How long has your organization been in business in California as a contractor under your present business name and license number?

2. Please confirm that you hold any and all required licenses or certificates to perform the services required by the SCHOOLS. Has any such license been suspended or revoked in the past 5 years? If so, please explain.

3. Have you ever been licensed in California under a different name or license number? If yes, please list all the name(s) and license number(s).

4. Please confirm that your organization has experiences with projects under the jurisdiction of California’s Division of State Architect (DSA), and that your organization is familiar and experienced with all applicable DSA rules and regulations that may be applicable to this project.

5. Is your organization connected with other organizations as a subsidiary, parent, holding
or affiliate? If so, please explain.

6. How many energy design and construction projects has your organization completed in the past five years? Please specify any such projects with K-12 public educational entities.

7. Has your organization ever failed to enter into a contract after being selected for a public entity design or construction project? If so, please explain.

8. Has your organization ever failed to complete a design, construction, or energy services contract in the past five years? If so, please explain.

9. Has your organization ever failed to complete a contract in the past five years within the authorized contract time? If so, please explain.

10. Has your firm been assessed liquidated damages in the past five years? If so, please explain.

11. Has your organization ever been disqualified from submitting a proposal or a bid on a State of California project, school SCHOOLS project, or other public work? If so, please explain.

12. How many projects is your organization currently bonded for?

13. What is your current total bonding capacity?

14. What is your current available bonding capacity?

15. Has your organization been unable to obtain a bond or been denied a bond for a contract in the past five years? If so, please explain.

16. Has your organization ever defaulted on a contract forcing a surety to suffer a loss? If so, please explain.

17. Has your organization declared bankruptcy or been placed in receivership in the past five years? If so, please explain.

18. Has your organization received a Notice of Default, or Notice of Intent to Terminate, on a public works project in the last five years? If so, please explain.

19. Has your organization’s contract on a public works project been terminated or canceled by the public entity owner in the last five years? If so, please explain.

20. Is your organization currently involved in litigation related to a construction project? If so, please explain.
21. Has your organization been involved in litigation in the past five years related to a construction project? If so, please explain.

22. Are there currently any liens/stop notices for labor and/or materials filed against your organization? If so, please explain.

23. How many stop notice enforcement lawsuits against your organization have been lost or settled by the organization in the past five years? Please explain.

24. How many construction-related claims, complaints, and/or cross-complaints has your organization filed in court in the last 5 years? Please explain.

25. How many construction-related claims has your organization arbitrated in the last 5 years? Please explain.

26. In the past three years, how many unresolved change orders resulted in a claim filed by your organization? Please explain.

27. Has any employee, individual, or entity filed a complaint in the past five years against your organization with the California Contractors License Board? If so, how many were filed and how were the complaints resolved?

28. In the past three years, have any action for back wages been filed against your organization with the California State Department of Labor Standards Enforcement for failure to pay prevailing wages? If so, please explain.

29. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm? If so, please explain.

30. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity? If so, please explain.

31. Has your firm, or any of its owners, officers, or partners ever been convicted of a crime involving any federal, state, or local law related to construction? If so, please explain.

32. Has your firm or any of its owners, officers, or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty? If so, please explain.

33. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay, and provide an explanation.

34. During the last five years, has your firm ever been denied bond credit by a surety
company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required? If so, please explain.

B. Questions about compliance with safety, workers compensation, prevailing wage, and apprenticeship laws

1. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years? If so, please explain.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years? If so, please explain.

3. Has the EPA or any Air Quality Management SCHOOLS or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years? If so, please explain.

4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

5. List your firm’s Experience Modification Rate (EMR) (California workers’ compensation insurance) for each of the past three premium years:

   Current year: ____________________
   Previous year: ____________________
   Year prior to previous year: ____________________

6. Within the last five years, has there ever been a period when your firm had employees but was without workers’ compensation insurance or state-approved self-insurance? If so, please explain.

7. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm’s failure to comply with the federal or state prevailing wage laws? If so, please explain.

8. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works? If so, please explain.

   I, the undersigned, certify and declare that I have read all the foregoing answers to this Qualifications and Experience Questionnaire and know their contents. The matters stated in the Questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.
ADDITIONAL INFORMATION

The SCHOOLS anticipates that the schedule of events in connection with this RFP will be as set forth below. However, SCHOOLS reserves the right, in its sole discretion and at any time prior to entering into an agreement for a SCHOOLS energy project, to alter its anticipated schedule as related to this RFP or any project.

- **RFP Published:** Friday, April 17, 2017
- **Mandatory Site Walk:** March 31, 2017 2:30PM
- **Contract Negotiations:** April 5 to April 7
- **Recommendations to SCHOOLS Board:** April 11, 2017
- **Contract Approval:** April 11, 2017

The SCHOOLS in its discretion may, at any time, issue one or more addenda to this RFP and the SCHOOLS will provide such addenda to each Firm that is known by the SCHOOLS to have received a copy of this RFP. Each Firm is solely responsible for and must, in its Response, acknowledge each addendum that it has received. The SCHOOLS will send each addendum to the last known addresses of the Firms, but in no event shall the SCHOOLS be responsible or liable for any failure of a Firm to receive any such addendum.

Applicants are advised that any Proposition 39 project carried out by the SCHOOLS will be a public work for purposes of the California Labor Code, which requires payment of prevailing wages. These rates are set forth in a schedule, which may be found on the California Department of Industrial Relations (DIR) website at www.dir.ca.gov. Any entity to which a contract is awarded must pay the prevailing rates, provide payroll records when required, post copies thereof at the job site, and otherwise comply with applicable provisions of state law including, but not limited to, labor compliance and DIR registration and fee requirements.

The successful applicant may be required to furnish a Payment Bond (Material and Labor) in the amount of one hundred percent of the contract price and a Performance Bond in the amount of one hundred percent of the contract price.

The SCHOOLS may, upon applicable request, disclose any Response to the extent it is a public record in accordance with California law.

All Responses and other materials submitted in response to this RFP shall become the property of the SCHOOLS. A Firm may at any time withdraw its Response by providing written request for withdrawal to the SCHOOLS. At any time prior to the deadline for submittal of Responses specified in this RFP, a Firm may modify its Response by submitting the modified Response together with a written request to withdraw the original Response and replace it with the modified Response.
The contract(s) for each of the SCHOOLS’s energy projects will set forth additional provisions applicable to work on the project by the selected Firm, including, without limitation, requirements for: (i) compliance with SCHOOLS policies, such as those prohibiting use of alcohol and illegal drugs on SCHOOLS property; and (ii) fingerprinting and background checks in accordance with State law.

EVALUATION, AWARD AND AGREEMENT

The SCHOOLS will determine which (if any) proposals are in the SCHOOLS’s overall best interest to accept. The SCHOOLS may request any or all respondents to participate in a presentation and/or interviews in regard to their qualifications.

The SCHOOLS reserves the right to conduct negotiations with any number of respondents, as determined by the SCHOOLS, for entering into contract agreements.

APPENDIX A
Department of Industrial Relations - Public Works Projects Compliance Form

Pursuant to Labor Code § 1720 et. seq. this work is considered a “Public Work” and is subject to the payment of prevailing wages if the total project cost is over $1,000. - Proof of a valid Contractor/Specialty license, DIR Registration, worker’s compensation and liability insurance is required before work starts.

If selected, you will be required to enter certified payroll reports (electronically) into the Department of Industrial Relations (DIR) eCPR website located at: https://apps.dir.ca.gov/ecpr/DAS/AltLogin

Will Sub-Contractors be utilized: Yes  No  (if yes – the same information as listed below must be submitted, attach additional documents as necessary)

Please type or print legibly

Company Name: ____________________________

Company Address: __________________________________________________

Contractor’s Lic. No.: ____________  DIR Registration No.: ____________  Tax ID: ____________

Contact Name: ____________________________  Phone No.: ____________  E-mail address: ____________________________

DIR Classification(s) of workers to be utilized:
Check all that apply:

- Asbestos
- Cement Masons
- Elevator Mechanic
- Landscape Maint.
- Pipe Trades/Plumber
- Sound/Communications
- Tile Workers
- Bricklayers
- Drywall Finisher
- Glazier
- Operating Engineer
- Plaster
- Surveyors
- Carpenters
- Drywall Lather
- Iron Worker
- Modular Furn. Installer
- Roofers
- Teamster
- Carpet/Linoleum
- Electrician
- Laborer
- Painter
- Sheetmetal/HVAC
- Telecom Technician

Classifications and wage rates can be found at: http://www.dir.ca.gov/oprl/PWD/index.htm
DIR Prevailing Wage Hot Line (415) 703-4774

Printed Name: ____________________________

Signature of Authorized Person: ____________________________  Date: ____________________________

Important Notice: California new law (SB 854) provides that “A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5.” Please go to http://www.dir.ca.gov/Public-Works/PublicWorks.html for more information and to register. This project is subject to monitoring by the Department of Industrial Relations