

**YUBA COMMUNITY COLLEGE DISTRICT**  
2088 North Beale Road, Marysville , CALIFORNIA 95901 530-634-7643  
Yuba College ~Woodland College ~ Clear Lake Campus ~ Sutter Co. ~ Colusa Co.

**MEASURE J - OFFICE of FACILITIES PLANNING AND DEVELOPMENT**

**REQUEST FOR QUALIFICATIONS – PRE-QUALIFICATION FORM**

**DESIGN-BUILD-FINANCE-OPERATE-MAINTAIN  
CENTRALIZED AND DISTRIBUTED ENERGY UTILITIES**

**Section 1 - Introduction**

The Yuba Community College District (hereinafter referred to as the District), Office of Facilities Planning and Development, on behalf of the Board of Trustees, seeks written Statement of Qualifications from interested Design - Build Companies (hereinafter referred to as the Entity) to provide **Centralized and Distributed Energy Utilities** (hereinafter referred to as CDEU's) on District property at the Yuba College Campus Site listed in Section 2 of this RFQ.

As part of the District's Facilities Master Plan for modernization and new construction, the District plans to expand existing CDEU's and build new ones on campuses that previously used decentralized equipment.

The Entity will supply CDEU's including chilled water, hot water, electricity and natural gas to the District at a rate benchmarked to applicable market rates. The proposed CDEU's will serve existing campuses and proposed new facilities as a part of the District's modernization program. The cost of the CDEU's shall be borne entirely by the Entity under a Design-Build-Finance-Operate-Maintain mechanism (hereinafter referred to as DBFOM) and shall not in any way be construed or structured as debt incurred by or for the District. The District will pay for services provided, as and when those services are delivered by the Entity on a monthly basis and will continue throughout a predetermined contract/agreement period.

It shall be understood that infrastructure requirements to interface campus buildings with CDEU's will vary from campus to campus and that any such infrastructure deemed beyond the present scope may be included under this pre-qualification RFQ, should any individual campus elect to so do.

This pre-qualification RFQ is the first step in a process that will also include in-depth proposals and interviews for a few selected Entities. This portion of the selection process will focus on the general qualifications and experience of interested Entities.

It is the intent of this pre-qualification RFQ to provide a basic overview of the project to enable interested Entities to submit a preliminary proposal. Those Entities selected by the District for further consideration will receive a detailed RFQ from which successful applicants will be invited to interview.

Requests for copies of the RFQ document can be found on the District Website under Measure J Bond, [www.yccd.edu](http://www.yccd.edu).

Submittals must be received by: **March 12, 2010**

Statements of Qualifications (**marked RFQ#: J-011CP**) must be submitted in accordance with Request for Qualifications. Submittals must be received by the Director of Purchasing & Contracting **at the address below, before 09:00AM** on the date shown above.

**Attn: Malinda Bogdonoff  
Director of Purchasing & Contracting  
Yuba Community College District  
2088 North Beale Road,  
Marysville , California 95901**

Questions regarding this notification can be made directly to: **Dave Bachman**, at **dbachman@yccd.edu** or via FAX: (530) 741-7115.

Dated: February 10, 2010  
Marysville, California

by: \_\_\_\_\_  
Malinda Bogdnoff  
Director, Purchasing & Contracting

BOARD OF TRUSTEES OF THE  
YUBA COMMUNITY COLLEGE DISTRICT

Enclosures:

- Exhibit A - Pre-Qualification Form (required for consideration)**
- Exhibit B - Eng51-01Site Model (for reference only)
- Exhibit C - Yuba College Site, HVAC Log (for reference only)
- Exhibit D - Interface Engineering - Central Plant Feasibility Study (for reference only)
- Exhibit E - Utility Usage and History Report (parts 1-3) - (for reference only)

## **Section 2 - Background**

The Yuba Community College District encompasses an eight county service area (Sutter, Yuba, Yolo, Lake, Colusa, Butte, Glenn and Placer). There are plans to construct District facilities in five of these counties – Sutter, Yuba, Yolo, Lake and Colusa.

### **Yuba College**

Yuba College is located three miles south of Marysville in a rural setting in Yuba County. The campus consists of 22 buildings housing nearly 90 classrooms and laboratories, a maintenance facility, two major parking lots, an Olympic standard track and baseball, softball, football and other athletic fields. The College recently completed the construction of an Adaptive Physical Education building and a major renovation of the (Bldg 800) Science/Math facility. The current Marysville location was opened in 1962 and most of the buildings have been in place for over forty years. With the exception of the Science and Math buildings and the new Adaptive Physical Education building, the current facilities have severely deteriorated over the last forty plus years resulting in high maintenance costs. Because of prior year budget constraints, the Olympic standard swimming and diving pools, as well as the tennis courts, have fallen into disrepair and are currently being removed from service. Measure J Bond (passed by voters in November 2006) funds will be used to renovate and upgrade existing campus facilities to improve student access, enhance inter-office communications and address both ADA and ergonomic concerns. The campus also needs additional classrooms to meet the growing demand for mathematics, health occupation and computer related courses.

### **Sutter County Facility**

The Yuba Community College District recognizes that Sutter County is the largest populated county in its service area. A recent statistical survey of county residents clearly indicated that they strongly desire and will support a Yuba College educational center in the county. The Yuba Community College District office is presently located on the Yuba College Campus in Marysville. In 2005, a Board approved decision to reorganize into two colleges, Yuba College and Woodland Community College, created a need to relocate the District office. Measure J Bond funds will be used to purchase, a minimum, 15-acre site in Sutter County (specific location to be determined) to construct a 80,000 square-foot facility to house both District offices and nineteen classrooms which will be assigned to Yuba College.

### **Clear Lake Campus**

The Clear Lake Campus is assigned to Yuba College and has been located at the present Lake County site since 1978. The center is situated on an 11-acre site immediately adjacent to property owned by the Konocti Unified School District (K-12). The facilities consist of an administration/student services building, a business building, a vocational training building, classrooms, library, small bookstore, student lounge, faculty offices and storage facilities. All but two small buildings are portable modular units. A portable childcare building was added in late 1998. During the spring and summer of 1999, a Career Development Center construction project added 13 modular classroom buildings, a restroom building and a 78-space parking area, and made other ancillary site improvements. The campus has recently expanded both its library and its bookstore to accommodate an increase in student needs. The College plans to remove three of the existing buildings that have exceeded their useful lives and construct new facilities totaling approximately 30,000 square-feet that will become the campus hub.

### **Beale Air Force Base (AFB) Outreach Operation**

The Beale AFB Outreach Operation has been housed at the Library/Learning Center on Beale Air Force Base, in Marysville. This hosted site provides office space (including furnishings) and the exclusive use of nine classrooms including furniture and equipment.

### **Woodland Community College**

Woodland Community College, located on the outskirts of Woodland in Yolo County, opened in the fall of 1990 at the current site, with four permanent buildings and two portable buildings. An additional portable building for child development was added in spring 1999. A new permanent science building opened in the fall of 2004, with new Learning Resources Center opened in 2007.

### **Colusa County Facility**

Woodland Community College provides oversight for the portion of the District located in Colusa County. The Facilities Master Plan calls for the provision of a District-owned facility housing classrooms, offices and meeting rooms to provide

educational services for the residents of Colusa County. A new permanent facility is now under construction and scheduled to be opened for the Spring 2011 session.

The District employs over 334 full time and 1,044 part time employees. The annual budget for the District exceeds \$45 million dollars.

The two college locations are:

- Yuba Community College, Marysville, CA
- Woodland Community College, Woodland, CA

The satellite campuses are:

- Clear Lake Center in Clear Lake, Lake County
- Sutter County Center in Yuba City, Sutter County (future)
- Colusa County Outreach Center in Williams, Colusa County (under construction)

Further information about the District is available on our web site: <http://www.yccd.edu>

### **Section 3 - Overview**

Ongoing research by the District determines the CDEU approach to be the most advantageous method for the provision and generation of heating, ventilation, air conditioning, energy and power, in terms of energy efficiency, environmental impact, occupancy comfort and workplace performance levels.

Entities responding to this RFQ will be expected to explore alternative CDEU technology and develop life-cycle cost analyses, cost-to-benefit ratios, and other modeling methods demonstrating their suitability for inclusion in the District's energy policy. Ultimately, the District seeks to maximize long-term energy efficiency and reduce maintenance and operating costs without compromising the benefits mentioned above.

The Scope of Services required for Centralized and Distributed Energy Utilities may include some or all of the renewable/sustainable technologies listed below:

- Thermal Energy Storage
- Photovoltaics
- Solar Heating
- Fuel Cells
- Biomass
- Geo-exchange
- SEGS (Solar Electricity Generating Systems)
- Geo-exchange Tower Cooling
- Indirect Tower Free Cooling

**The District will only consider Entities who are able to guarantee performance and demonstrate that CDEU costs will be essentially the same as, or less than, the costs the District would meet in the absence of this project.**

In addition, all proposals must adhere to the guidelines for low-energy building design and sustainability as recommended by the US Green Building Council's LEED – NC Rating System, where applicable and adopt Title 24 – 2009 New Building Energy Performance Standards.

Entities must be fully conversant with the following protocols and demonstrate reference to them, as they apply, in the submittal process:

- The District Sustainable Building & Energy Policies (BP 6610 - Sept. 2007)
- Title 24: 2009 New Building Energy Performance Standards
- LEED Green Building Rating System for New Construction & Major Renovations (LEED-NC) Version 2.1
- IPMVP Volume One – March 2002 Edition
- IPMVP Volume Two – March 2002 Edition
- IPMVP Volume Three – April 2003 Edition
- IPMVP Volume Three – 2003 Applications

It is understood that the District will lease appropriate acreage at each campus for the siting of CDEU technology, plant and equipment. The agreement shall provide for the lease of those facilities to, or ownership by, the private entity for up to 35 years. In consideration therefore, the agreement shall provide for complete reversion of the privately constructed facility to the governmental agency at the expiration of the lease at no charge to the governmental agency. **(California Government Code Section 5956.6 sub-paragraph [a]).**

It should also be understood that the District will only consider guaranteed financing proposals, which incur no debt to the District, albeit with options for the District to provide initial capital if so desired. Proposals submitted to the District for consideration will demonstrate guarantees and insurances of significant long-term operational savings, guaranteed levels of occupant comfort and guaranteed levels of building functionality. Proposals must include the scope of services proposed in connection with such guarantees and insurances.

In view of the diverse nature of the sites and anticipated utility capacity, (18,000 kW and equivalents), it is expected that one or several Entities will be elected to perform work for the District under this RFQ.

Successful Entities meeting the requirements of this RFQ will be notified to attend a mandatory Pre-Proposal Meeting expected to be March 31, 2010 at a time and venue to be determined.

The submittal deadline for this pre-qualification RFQ is: **March 12, 2010**

All requests for clarification or interpretation, either administrative or technical, must be submitted in writing no later than: COB on March 5, 2010 and sent to: Dave Bachman, Senior Buyer - Measure J on behalf of;

George E. Parker  
Director, Facilities Planning  
Yuba Community College District  
2088 North Beale Road  
Marysville, CA 95901

**Section 4 - Scope / General Information**

The selected Entity, based upon the requirements of this RFQ, will be expected to provide comprehensive energy services for campus infrastructure and facilities. Technical strategies proposed by the Entity must include but not be limited to:

- i. The performance of an energy analysis with option cost/saving proposals and life-cycle analysis for each option.
- ii. The design and specifications of equipment and systems to be used in providing energy efficiency services
- iii. Procurement and installation of new equipment
- iv. Commissioning of the equipment and systems
- v. Pro-active and emergency maintenance and servicing of the equipment installed
- vi. Staff training
- vii. Energy efficiency guarantees
- viii. Coordination of a campus-wide energy management system. All building control systems must be evaluated in relation to the existing and/or proposed system to be installed in the existing/new campus buildings. All campus building control must be centralized.
- ix. Evaluation of existing heating and cooling systems for efficiency optimization
- x. Compliance with all applicable federal, state and District codes and standards
- xi. Investigate all available federal, state, utility and other incentives

**Section 5 – RFQ Schedule**

• Publish Pre-Qualification RFQ	February 10, 2010
• Deadline to Submit Questions for Clarification	March 5, 2010
• Deadline to Submit Pre-Qualification RFQ	March 12, 2010
• Notice of Short-Listed Entities	March 29, 2010
• Issue Qualification RFQ/RFP	March 30, 2010
• Mandatory Pre-Proposal Meeting	March 31, 2010 *
• Deadline for Qualification RFQ/RFP Submittal	April 15, 2010
• Short List Selection Notification	April 26, 2010
• Presentations	May 06, 2010
• Final Interview	May 13, 2010
• Notification of Selected Entity	May 27, 2010
• Contract Negotiations	May 31, 2010
• Contract award	June 09, 2010

(\* Time and venue for this meeting will be issued in the Qualification RFQ/RFP documents).

## Section 6 – Submittal Requirements

### 6.1 GENERAL INSTRUCTIONS:

Submit one bound original preliminary proposal, stamped “ORIGINAL” on the front cover, and 7 bound copies, organized in tabbed sections as follows: Please provide answers to all questions below. Answer on 8 ½” x 11” sheets. Do not provide additional information, except where requested.

Submittals **shall not exceed 25 pages** excluding cover letter, project references and resumes. **Submittals must** be received by **date and time indicated in** the cover letter.

Enter name of Entity and person principally responsible for preparing the proposal as a cover sheet. If different individuals or Entities were responsible for answers to a specific question, please indicate in the answer to that question.

- Table of Contents
- Tab 1: Cover Letter
- Tab 2: Executive Summary and Management Plan
- Tab 3: Project Experience and Project Team
- Tab 4: Financial Stability
- Tab 5: Insurance
- Tab 6: Litigation History
- Tab 7: Technical Approach
- Tab 8: Project Specific Proposal

Each bound copy must contain the same information as the original. Do not submit binders with alternate or multiple responses. Do not submit electronically. Number all pages.

**For Full Consideration, pre-qualification RFQ Submittals must be received no later than March 12, 2010 by the District’s Director of Purchasing, packaged with the respondent’s name and return information.**

**Delivery location:** Malinda Bogdonoff  
Director of Purchasing & Contracting  
RFQ #: J11CP  
Yuba Community College District  
2088 North Beale Road  
Marysville, CA 95901

Respondents bear the full responsibility for delivering RFQ Submittals to the specified location on time.

**NOTE THAT ALL SUBMITTALS AND SUPPORTING DOCUMENTS BECOME THE PROPERTY OF THE DISTRICT AND MAY BE RETURNED ONLY AT THE DISTRICT'S DISCRETION AND AT THE RESPONDENT’S EXPENSE. ALL INFORMATION SUBMITTED IN RESPONSE TO THIS RFQ, EXCLUDING FINANCIAL AND PROPRIETARY INFORMATION CLEARLY IDENTIFIED BY RESPONDENTS AS CONFIDENTIAL, SHALL BECOME PUBLIC DOMAIN SUBJECT TO THE PUBLIC RECORDS ACT. ALL PROPRIETARY INFORMATION SHALL**

**REMAIN CONFIDENTIAL SO LONG AS RESPONDENT CLEARLY IDENTIFIES IT AS SUCH.**

## **6.2 SECTION CONTENTS**

### 6.2.1. Table of Contents

#### 6.2.1.1. Cover Letter

- i. Legal name, address, and business type, e.g. corporation, partnership, sole proprietorship, joint venture. If a division or subsidiary, identify parent company, year established, and years doing business under present name.
- ii. List any predecessor or all other names, and the years doing business as each.
- iii. Identify office primarily responsible for providing services, and include address and all other contact information of responsible representative.
- iv. Cover letter must be signed by an authorized officer of the entity.

### 6.2.2 Executive Summary and Project Delivery Method

- i. Describe Years in energy efficiency business and general history
- ii. Generally describe services offered, both by respondent's local office and by respondent's entire company, including:
  - (a) Experience with energy service and facility financing contracts, including the number of contracts, their values, and start and completion dates.
  - (b) Experience with new design, renovation design, construction, financing, maintenance and operations, monitoring, training, etc.
  - (c) General and technical approach to partner with the District.
  - (d) Equipment procurement and servicing.
- iii. Indicate the number of full-time employees and provide a general description of staffing resources including the total number of professional staff employed.
- iv. List accreditations and qualifications, such as NAESP, the U.S. Department of Energy, U.S. Department of Defense, etc., and describe the relevance of such accreditations or qualifications to this Project.
- v. In general, describe your experience with:
  - (a) Public works, especially Community Colleges in California
  - (b) DSA. , Chancellor's Office

### 6.2.3 Staff and Project Experience

#### 6.2.3.1. Professional and Technical Staff

- i Identify your proposed team for this Project.
  - (a) Propose an organizational chart and identify responsibilities.
  - (b) Include your responsible-executive principal, project manager, project engineer, other staff, and sub-contractors/consultants that will be primarily responsible for working with the District.
- ii Provide brief biographies of the individuals.
  - (a) Include professional licenses.

- (b) Areas of expertise.
- (c) Years of experience.

iii Describe your staff's experience with the California Division of State Architect (DSA), Include information and references that demonstrate operational knowledge and successful experiences in working with DSA.

#### 6.2.3.2. Project Experience

- i Briefly describe five (5) Centralized and Distributed Energy Utility projects or related projects with California Community Colleges, similar in type, size, scope and location to the District's planned project, completed by your company that demonstrates your capability to complete the District's Project on time and within budget. Provide the following:
  - (a) Project name and location.
  - (b) Owner contact-reference information, including title, telephone number, fax number and e-mail address.
  - (c) Building type and use. (Preferably California community college district)
  - (d) Size and scope, including specific work related to energy, water, and other O&M cost savings.
  - (e) Project and construction cost and fee.

#### 6.2.4 Technical Approach

BRIEFLY describe your general approach to the following:

##### 6.2.4.1. Engineering Analysis:

- i. Describe your general approach to system and energy analysis, cost and savings projects
- ii. Describe the methodology your Entity normally uses to compute energy efficiency and performance.

##### 6.2.4.2 Design/Construction:

- i. Describe your Entity's capability and approach to the technical design of this project. For example, is the design component performed by in-house staff?
- ii. Describe how standards of space conditions, comfort and functionality are set, (space temperatures, ventilation rates, etc.), in existing facilities and proposed new buildings.
- iii. Describe particular characteristics of how your Entity approaches turnkey design-build type projects.
- iv. Briefly describe your Entity's approach to project management.

##### 6.2.4.3 Post Construction Services:

- i. Describe your Entity's capabilities in providing CDEU facilities for California Community colleges. Indicate proposed operation staff and technical training for

- college facility personnel. Describe your Entity's involvement in developing training manuals for facility staff.
- ii. Describe how measurement and verification of utilities provided to the campus will be addressed and maintained.
  - iii. Describe the types of structure and services that can be included in a maintenance contract. Comment on whether District's maintenance staff can perform some of these duties if desired, and describe any impact on the cost of utilities.

#### 6.2.5 Economic Considerations Financial Stability

Provide a conceptual pro-forma budget describing the projected cost to fully develop, build and commission the project contemplated in your design concept.

Provide key milestones and their approximate dates. Describe your experience in permitting similar projects in the state of California. Identify any permitting or other areas of concern you may have regarding application and use of an energy facility.

Provide projections of the pricing for various energy products contemplated in your proposal. Include a breakdown of fixed and variable charges, and a description as to how the charges will be administered. Identify pricing alternatives. Include price risk in the form of escalation or indexation if any.

Describe any opportunities to stabilize long-term natural gas energy costs for the District through transportation capacity rights you have, or any strategy you employ to migrate risk for natural gas transportation and commodity cost.

Based on the information available, describe how you propose to provide reliable electric and thermal load back-up supply.

Submit evidence of financial stability sufficient for the District to determine your financial situation:

- i. A current report from any commercial credit rating service such as Dunn and Bradstreet or Experian.
- ii. A letter from a financial institution stating a current line of credit and credit rating.
- iii. Most recent CPA certified, audited annual report or financial statements. Provide the name, address, and the telephone number of the individual(s) that prepared the Financial Statements.

**All financial information will remain confidential and is not subject to public disclosure, if so requested. Note: Submission of adequate financial information will be considered as part of the overall evaluation of the proposal.**

6.2.6 Insurance

Respondent shall submit a letter from its insurance agent/broker indicating ability to provide the insurance coverage from insurers as required in the following sections (pg. 15).

**SUBMISSION OF A QUALIFICATION SUBMITTAL REPRESENTS THAT THE ENTITY SHALL FULLY COMPLY WITH THE INSURANCE REQUIREMENTS IF SELECTED.**

6.2.7 Litigation History

Submit complete history concerning involvement in litigation, arbitration or mediation pertaining to any claims filed by your Entity or against your Entity.

6.2.8 Preliminary Project Proposal

- i. Summarize your proposed scope of services (engineering analysis, design, construction, monitoring, operations, maintenance, training, financing, etc.) offered for this project.
- ii. Submit a preliminary feasibility assessment for the District's Project:
  - (a) Describe preliminary evaluations and recommendations for equipment and system modifications, your firm would consider installing.
  - (b) Address energy, and maintenance and operations opportunities. Also describe any special features, renewable technologies, or advanced technologies that might be applicable.
  - (c) Describe your approach to standardization of equipment and campus building systems.
  - (e) Describe how your firm would work with maintenance and operations personnel.
  - (f) Prepare preliminary cost/saving analysis and projected cash flow.

**THE DISTRICT RESERVES THE RIGHT TO MODIFY THE SCOPE OF WORK OR CONDUCT WORK IN PHASES. ADDITIONAL BUILDINGS AND FACILITIES, MAY BE INCLUDED IN THE FUTURE UNDER THE SAME CONTRACT.**

**ANY FINAL WORK SCOPE AND DELIVERABLES SCHEDULE IS SUBJECT TO NEGOTIATIONS BETWEEN THE DISTRICT AND THE ENTITY IT SELECTS FOR THE PROJECT. DISTRICT MAY ELECT, AT ANY TIME, TO AMEND ANY CONTRACT AWARDED UNDER THIS RFQ TO REQUIRE THE SELECTED ENTITY TO PROVIDE ADDITIONAL SERVICES. IN SUCH A CASE, THE SELECTED ENTITY AND THE DISTRICT SHALL MUTUALLY AGREE ON THE SCOPE AND FEES ASSOCIATED WITH ANY ADDITIONAL SERVICES.**

## **Section 7 – RFQ EVALUATION & PROCESS**

### **7.1 ELECTION PROCESS**

To be evaluated, the response to this RFQ must adhere to the format outlined in Section 6 – Submittal Requirements. Failure to adhere to this format may eliminate the response from any further consideration, at the sole discretion of the District.

### **7.2 EVALUATION COMMITTEE**

Each response will be reviewed and evaluated by an Evaluation Committee consisting of representatives from District and the respective campus.

Upon receipt of Statements of Qualifications, the selection process may require interviews. It is anticipated that final selection would occur in approximately two months. The District at its discretion may select the most qualified firm directly from information submitted in the RFQ responses.

### **7.3 EVALUATION PROCESS**

Each response received on or before the date stated will be reviewed and evaluated by the Evaluation Committee.

7.3.1 The Evaluation Committee will evaluate the Statements of Qualifications and recommend a qualified Entity. After the District accepts the recommendation, the Entity will be invited to submit a proposal to the District.

7.3.2 The review and evaluation will consist of the following:  
Initially, a “pass/fail” evaluation will be made to determine compliance with the provisions of this RFQ. The decision to disqualify a response will be at the sole discretion of the District. This evaluation is based on the inclusion in the Qualifications of all of the requested information.

### **7.4 SCORED EVALUATION**

Respondents must submit Qualification-Feasibility-Recommendation Submittals as described in this RFQ. The District’s Review Committee will evaluate each submittal based upon the criteria in Section 7, and may select one or more qualified Entities for oral interviews.

Those Statements of Qualifications that pass the initial evaluation will then be rated based on the responses to Section 5, Required Response Format, Items 1 through 8 of this RFQ.

The District shall send written notice of selection with details concerning the contract negotiation and award procedure. If the District is unable to reach agreement with the first selected respondent, the District may proceed, at its sole discretion, to select the second selected Entity for contract negotiations and award. If the District is unable to reach agreement with the second selected Entity, the District may proceed, at its sole discretion, to select the third selected Entity for contract negotiations and award. The District reserves the right to contract for services in the manner that most benefits the District.

## **Section 8 – EVALUATION CRITERIA**

The District shall evaluate each respondent based upon the following criteria:

### **8.1 EXPERIENCE & QUALIFICATIONS:**

Experience with projects and systems similar to those specified for this Project, and technical capability to address a broad range of systems, including centralized plant, thermal energy storage, air handling, electrical, water and piping reticulation.

- i. Mechanical Systems: heating, ventilating and air conditioning (HVAC) systems, energy management and control systems, domestic hot water systems, irrigation, and distribution systems, etc.
- ii. Plant. Distribution systems, cogeneration systems, etc.
- iii. Experience with the California Division of State Architect (DSA).
- iv. Expertise in energy conservation and proven ability to obtain rebates or other incentives.

### **8.2 TECHNICAL APPROACH**

Responses will be evaluated on the soundness and detail of presentation of technical strategies proposed for meeting the Districts energy efficiency objectives. The proposal should include descriptions of improvements both to the physical facility and to plant operations, method of conducting the audit and analysis, detailed plan for engineering and construction management, commissioning and training.

### **8.3 PROJECT TEAM / STAFFING**

Demonstrated capability and experience of proposed team in engineering and management of a broad range of services, which may include but are not limited to the following:

- 8.3.1 Audit and Project Development: technical energy audit to evaluate costs and savings of a variety of energy-saving measures; project development plan including financial analysis.
- 8.3.2 Construction/Implementation/Financing: design services; equipment procurement and purchasing; construction management; thorough understanding of legal and political restrictions of public entities.
- 8.3.3 Commissioning/Guarantee/Monitoring: commissioning; continuing operations and maintenance for all improvements; staff training on routine maintenance and operation of systems; training of occupants; performance and cost guarantee of system performance/savings; monitoring and verification for measurement and reporting of the performance and savings from improvements; Educational.
- 8.3.4 Capability to Provide Educational / Research programs that interface with campus academic curriculum.
- 8.3.5 Ability to satisfy District's insurance requirements.
- 8.3.6 History of litigation and claims

## **Section 9 - Legal Authority**

Legal authority for local government agencies in California to utilize private investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities lies in **California Government Code Section 5956-5956.10**.

A governmental agency may solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction by, and may lease to, private entities for energy or power production. (**California Government Code Section 5956.4 sub-paragraph [c]**).

In terms of the code:

- 9.1 "Government agency" includes a city, county, city and county, including a chartered city or county, school district, community college district, public district, county board of education, joint powers authority, transportation commission or authority, or any other public or municipal corporation. (**California Government Code Section 5956.3 sub-paragraph [a]**).
- 9.2 "Private entity" includes a person, business entity, combination of persons and business entities, or a combination of business entities. (**California Government Code Section 5956.3 sub-paragraph [b]**).
- 9.3 "Fee-producing infrastructure project" or "fee-producing infrastructure facility" means the operation of the infrastructure project or facility will be paid for by the persons or entities benefited by or utilizing the project or facility. (**California Government Code Section 5956.3 sub-paragraph [a]**).

To that end, the selected Entity/Entities will be required to provide adequate energy metering, monitoring and recording devices and equipment to allow the District to assess fees for use of electricity, chilled and/or hot water to external public and private entities that may use the facilities for purposes other than normal college operation. The selected Entity/Entities shall assist the District in determining the actual cost for the use of these commodities. The Code requires a public hearing prior to implementation of a user fee. The energy provider shall be subject to all terms and conditions as outlined in the code. As a precondition to the imposition or increase of a user fee, the governmental agency shall conduct at least one public hearing at which public testimony will be received regarding a proposed user fee revenue or increase in user fee revenues. The public hearing shall precede the action by the governmental agency to actually impose a user fee or to increase an existing user fee. The governmental agency shall consider the public testimony prior to imposing a new or increased user fee.

The District reserves the right to request additional information that, in the District's sole discretion, is necessary to assure that a respondent is fully qualified to perform the services for this Project.

The District does not discriminate on the basis of race, color, national origin, creed, age, ancestry, medical condition, disability, gender, sexual orientation, marital or veterans status in consideration for an award of a contract.

## **INSURANCE REQUIREMENTS**

**Minimum Requirements.** The Entity shall, at its expense, procure and maintain for the duration of the Agreement, insurance against claims for loss including injuries to persons or damages to property which may arise from or in connection with the performance or non-performance of the Agreement by the Entity, its officials, officers, agents, representatives, employees or subcontractors. The Entity's insurance shall be primary and any insurance or self-insurance maintained by the Owner, its directors, officials, officers, employees and agents shall be excess of the Entity's insurance and shall not be called upon to contribute with it in any way

Such insurance shall meet at least the following minimum levels of coverage requirements:

(A) **Minimum Scope of Insurance.** Coverage shall be at least as broad as the latest version of the following: (1) *Commercial General Liability (CGL)*: Insurance Services Office (ISO) occurrence form CG 00 01; (2) *Commercial Automobile Liability*: Business Auto Coverage form number CA 00 01, code 1 (any auto); (3) *Workers' Compensation and Employers' Liability*: Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance; (4) *Professional Liability*: Coverage which is appropriate to the ESP's profession, or and that of its consultants or subcontractors; and (5) *Pollution Liability*.

(B) **Minimum Limits of Insurance.** Coverage's shall provide limits no less than:

**(1) Commercial General Liability:**

\$1,000,000 per occurrence for bodily injury, personal injury and property damage.  
\$2,000,000 General Aggregate limit (other than Products Completed Operations)  
\$2,000,000 Products Completed Operations aggregate limit  
\$1,000,000 Personal and Advertising Injury  
\$1,000,000 Each Occurrence Limit

**(2) Automobile Liability:**

\$1,000,000 per accident for bodily injury and property damage  
Coverage for all owned, non-owned and hired vehicles

**(3) Workers' Compensation and Employer's Liability:**

Workers' compensation limits as required by the Labor Code of the State of California.  
Employers Liability limits of \$1,000,000 per accident for bodily injury or disease; not less than:

Bodily Injury by accident \$1,000,000 each Accident  
Bodily Injury by disease \$1,000,000 each Accident  
Bodily Injury by disease \$1,000,000 Policy Limit

**(4) Professional Liability:**

Not less than \$1,000,000 per claim/aggregate.

**Professional Liability.** The Entity and its consultants and subcontractors shall procure and maintain, for a period of five (5) years following completion of the Project, errors and omissions liability insurance with limits discussed in this Section. The policy providing this coverage shall contain a retroactive date for coverage that is on or before the date of commencement of Services to be performed under the

Agreement. This insurance shall be endorsed to include contractual liability. The Entity agrees that, except for a reduction in limits caused by claims, there will be no changes to the policy that increases the Owner's exposure to loss.

Special Requirements and Endorsements. The insurance policies shall contain the following provisions and the Entity shall furnish endorsements (on forms supplied or approved by the District) or copies of policies to verify inclusion of the following provisions:

- (A) Commercial General Liability. (1) The District, its directors, officials, officers, employees and agents shall be covered as additional insured with respect to the performance of the Agreement by the Entity. (2) The insurance coverage shall be primary insurance as respects the District, its directors, officials, officers, employees and agents, or if excess, shall stand in an unbroken chain of coverage excess of the Entity's scheduled underlying coverage.
- (B) Automobile Liability. (1) The District, its directors, officials, officers, employees and agents shall named and covered as additional insured. (2) The insurance coverage shall be primary insurance as respects the District, its directors, officials, officers, employees and agents, or if excess, shall stand in an unbroken chain of coverage excess of the Entity's scheduled underlying coverage.
- (C) Workers' Compensation and Employers Liability Coverage. The insurer shall agree to waive all rights of subrogation against the District, its directors, officials, officers, employees and agents for losses paid under the terms of the insurance policy, which arise from services performed by the ESP its sub-consultants or subcontractors.
- (D) All Coverages. (1) Coverage shall not be suspended, voided, materially reduced or canceled except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the District. (2) Any failure to comply with the reporting or other provisions herein to provide certificates or endorsements shall not affect coverage provided to the District, its directors, officials, officers, employees and agents.

(If the Entity is self insured the Entity must provide information satisfactory to the District indicating State registration as such, and shall the above limits, terms and conditions shall also apply)