



**Professional Services Agreement
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 83
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 2**

SUBJECT: Approve the use of an alternative procurement process and evaluation criteria known as Energy Savings Performance Contracting to select an Energy Service Company (ESCO) to perform an Energy Savings Performance Contract and reduce energy consumption and/or operating costs of various City of Austin facilities; and authorization to secure a low interest loan through the LoanSTAR (Saving Taxes And Resources) Loan Program in an amount not to exceed \$5,000,000.

AMOUNT & SOURCE OF FUNDING: Money saved as a result of the new-energy-efficient technologies is used to offset the cost of financing, installing and operating the technology, and the estimated savings are guaranteed to offset the implementation costs over a predetermined time period.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Public Works
DEPARTMENT:

DIRECTOR'S
AUTHORIZATION: Sondra Creighton

FOR MORE INFORMATION CONTACT: Scott Jarman, 482-5307; Felix Benavides, 974-7027;
Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Austin Energy has been designated as the City-wide Energy Manager and, along with other duties, has been charged with identifying and implementing cost-effective energy efficiency practices, procedures and projects in City facilities; and with providing assistance in procuring alternative funding and project delivery where budgeted funds are not available.

Austin Energy is requesting approval to use an alternative procurement process and evaluation criteria to select an Energy Service Company (ESCO) following the guidelines from the State Energy Conservation Office (SECO), and authorization to secure a low interest loan through the LoanSTAR (Saving Taxes And Resources) Loan Program in an amount not to exceed five million dollars (\$5,000,000.00). This will fund and implement energy conservation measures that reduce energy consumption and/or operating costs in City facilities, where the estimated savings are guaranteed to offset the implementation costs over a predetermined time period.

One method of alternative project funding and delivery is called Performance Contracting. Texas Statutes, Local Government Code, Chapter 302, allows for energy saving performance contracts for local governments. A performance contract is a means of funding investment in energy efficiency that is based on future savings. Money saved as a result of the new energy-efficient technologies is used to offset the cost of financing, installing and operating that technology.



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Phase I of the procurement process will be notice of a Request for Qualifications published, and up to five (5) of the most highly qualified providers will be selected for Phase II. In Phase II, the most highly qualified providers will be interviewed. The interview will include a site visit and development of a sample feasibility energy audit/proposal. Staff will return to Council to request authorization to negotiate and execute an agreement with the selected firm.

City of Austin Administrative Bulletin No. 05-01, effective February 1, 2005, sets guidelines for all City of Austin employees and emphasizes the need to use our energy resources efficiently in order to minimize the cost of municipal operations to City taxpayers, and to protect and preserve the natural environment and quality of life in Austin and the surrounding areas. Administrative Bulletin 05-01 also reiterates the City of Austin's commitment to the efficient and sustainable use of energy and our natural resources, and to leading the way in developing and implementing processes and strategies that conserve energy, resources, and public funds, and meet the requirements and intent of Senate Bill 5 (Texas Health and Safety Code Section 385.005), enacted into law in 2001, in all City facilities and operations.

EVALUATION CRITERIA

The following is a description of items to receive consideration in the evaluation of responses for the selection of energy performance services for the City of Austin. Following each description are the evaluation points associated with the item. The total possible points are 100, (plus 25 points for interviews). Wherever used, "page" refers to single-sided, single-spaced; 10-point minimum font printed 8-1/2 x 11-inch pages.

Responses with an excess volume of information may NOT be thoroughly reviewed. Limitations on volume of requested information apply equally to single firms and joint ventures regardless of the number of firms partnering in the joint venture. Responses with excess volume or which do not include information for the evaluation of all consideration items may NOT be thoroughly reviewed or may be rejected as non-responsive.

Item A: Firm on Debarment or Suspension Lists Yes or No

The City is interested in whether the firm is currently suspended or debarred from federal, state or city governmental agencies. Firm must provide a certification that their company and principals are not currently debarred or suspended from federal, state or City of Austin governmental agencies. If Yes, the firm will not be considered for award of contract.

Complete Form A - Certificate of Non-Suspension or Debarment. If the respondent is a joint venture, a signed certificate is required for each firm.

Item B: Affidavit of Non-Collusion, Non-Conflict of Interest and Anti-Lobbying Yes or No

Entities submitting qualification statements, including their agents and representatives, shall not undertake any activities or actions to promote or advertise their qualification statement to any member of the Austin City Council or City staff except in the course of City-sponsored inquiries, briefings, interviews, or presentations between the qualification statement submission date and award by City Council. Any violation of this provision may result in disqualification of the entity. Entity shall execute by signature the following Entity's Affidavit of Non-Collusion, Non-Conflict of Interest, and Anti-Lobbying and return the signed affidavit with their qualification statement.

Complete Form B -- Affidavit of Non-Collusion, Non-Conflict of Interest and Anti-Lobbying. If the respondent is a joint venture, a signed affidavit is required for each firm.

Item C: Firm Meets M/WBE Procurement Program Goals or Good Faith Efforts Yes or No

Were Goals achieved or did response indicate that a Good Faith Effort was made to achieve the Goals? If No, the response will not be evaluated. If Yes, evaluation of the response will continue.

Complete Form C1 - Sign M/WBE Statement of Utilization
Complete Form C2 - M/WBE Compliance Plan
Include City of Austin MBE and WBE certificates.
Include Letters from subconsultants confirming contact/commitment to the project

Item D: Prime Firm's EEO Program Yes or No

Complete Form D - Prime Firm's EEO Program. If the respondent is a joint venture, a signed form is required for each firm.

- Item 1:** **Business Qualifications** **5 Points Maximum**
- Complete Form E1 and E2 – Prime Firm's General Information
- Item 2:** **Experience of Project Manager, Project Principal, and Project Engineer (Past 10 Years)** **20 Points Maximum**
(Project Manager – 7 points; Project Principal – 6 points; Project Engineer – 7 points)
- City is interested in the experience of the Project Manager, Project Principal, and Project Engineer on projects similar to the project described in this solicitation. Indicate the education, professional licensing and experience as it relates to this project. Only one individual per job responsibility should be designated. The Energy Service Company (ESCO) must employ the Project Manager, Project Principal and Project Engineer. The Project Manager, Project Principal, and Project Engineer may be the same individual. The Project Manager OR Project Engineer must be licensed as a professional engineer in the State of Texas at the time of submittal.
- List no more than five (5) projects meeting these criteria which have been completed in the past ten (10) years for each individual. Complete Form F(1), F(2) and F(3). Please provide no more than one (1) page per project.
- Personnel Qualifications** **5 Points Maximum**
- Provide information regarding the capabilities and experience of key personnel that will be directly assigned to this project. Provide resumes for all respondent's employees in key positions, as listed on the organization chart, and who will work on this project. Resumes should be no more than two (2) pages for each individual.
- Item 3:** **Financial Qualifications and Financial Guarantees** **10 Points Maximum**
- The City is interested in the ESCO's legal entity and ownership, and financial viability and stability. Submit all required documents listed on required forms.
- Complete Form G1 and G2.
- Item 4:** **Energy Performance Contracting Experience and References** **15 Points Maximum**
- Describe the complete range of utility services and capabilities your firm offers including years of experience in each, such as engineering, auditing, design, energy and water equipment selection and installation, operation and maintenance, commissioning, monitoring and verification, and training.
- Discuss your project team's experience with utility efficiency retrofit projects at similar facilities. List references within the past five (5) years indicating experience in conducting comprehensive utility efficiency and guaranteed savings programs of a similar nature to this project.
- Complete Form H1 and H2.

Item 5: Team Structure & Work Approach 15 Points Maximum

The City is interested in team's management, reporting, and administrative structures and methods required to successfully complete the work. The Owner's team will include representatives of the Austin Energy Department and other City staff. Demonstrate expertise in building operations and maintenance training in terms of successfully completed projects

Complete Form I

Item 6: Utility Savings Verification 10 Points Maximum

Changes to the estimated utility savings can occur as a result of installation of additional mechanical, natural gas, and lighting equipment, expansion of operating schedule and weather fluctuations.

Explain how you will account for this using Form J.

Item 7: Project Financing and Incentives 8 Points Maximum

Financing capabilities and lines of credit will be evaluated. The ESCO must provide information that documents sources of proposed financing and specific projects that have used proposed financing sources.

Complete Form K

Item 8: Firm's Past Relationship with the City 6 Points Maximum

The City is interested in the performance of firms who have worked with the City on previous projects. The City will consider the history of the firm in complying with project programs, schedules, and budgets on previous City projects within the last five (5) years. Firms who have not had previous projects with the City will receive a score of the maximum points. Points will be awarded on the basis of the prime firm's past relationship with the City and performance on City projects. Specific consideration items may include:

- Timely completion of projects
- Cooperative working relationship with City
- Prompt payment of subconsultants, subcontractors and suppliers at all levels
- Compliance with other contract terms
- Compliance with City ordinances on substitution/addition/deletion of subconsultants, subcontractors and suppliers
- Provided contracting opportunities for small businesses and MBEs/ WBEs
- Compliance with City standards
- Conformance to City budget requirements

Complete Form L

Item 9: Team Experience with Austin Issues

6 Points Maximum

The City is interested in the team's experience with Austin issues as may be evidenced by existence of staffed local offices or work in the Austin area during the past five (5) years. Briefly describe the team's experience in the following areas and reference projects relating to that experience:

- City of Austin site development and building permit requirements.
- Austin environmental conditions, constraints and community issues.
- Austin area construction costs and practices.
- Austin area construction trades; availability and experience contracting with them.
- Public awareness and involvement in project development in the Austin area.

Provide a brief narrative. Total pages should not exceed four (4) pages.

Item 10: Interview and Feasibility Energy Audit

25 Points Maximum

Interviews of the short listed firms will be conducted. The number of firms invited to interview will depend on the scores following evaluation of the written submittal responses. Staff will consider significant gaps in point separation between the top ranked firms in determining the number of firms to be interviewed. Only firms that are considered, on the basis of their written submittal responses, qualified to perform the work will be invited for interviews. As part of the interview process, there will be a site visit and feasibility audit. No more than five (5) firms will be interviewed.

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Project Manager:

[illegible]

Public Works Department
Evaluation of Respondents Qualifications

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(25)
TOTAL POINTS

Public Works Department
Evaluation of Consultant Qualifications

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Received:

Project:

EVALUATION MATRIX

Project Manager:

Firm (or Joint Venture)	Evaluator #1	Evaluator #2	Evaluator #3	Evaluator #4	Evaluator #5	Evaluator #6	Evaluator #7	TOTAL POINTS	AVERAGE SCORES	RANK
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**Public Works Department
Evaluation of Consultant Qualifications**

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