



Request for Proposals

Energy Code Compliance Support Services

I. Introduction

The Association of Bay Area Governments (ABAG), on behalf of the San Francisco Bay Area Regional Energy Network (BayREN), announces a Request for Proposals (RFP) for one or more firms to provide professional services related to our Codes & Standards Program. The services will be provided in calendar year 2015, for a not-to-exceed budget of \$70,000. The BayREN is a regional energy network comprised of the nine-county member governments of the ABAG geographic region¹. Additional information about the BayREN and our Codes & Standards Program may be found at our website, www.bayren.org.

II. Intent and Terms of RFP

ABAG is seeking firms or individuals that qualify for services related the BayREN Codes & Standards (C&S) Program. ABAG's objective is to select one or more parties to provide scalable tools and support services to enhance compliance with the California Energy Code (Title 24) in a robust, consistent, and cost-effective manner throughout the Bay Area. Firms or individuals must demonstrate they meet the listed Minimum Requirements in order to be eligible for qualification under this RFP.

ABAG intends to negotiate cost effective agreements with responsive and responsible firm(s) or individuals on an as-needed basis, but retains the right to contract within its sole and absolute discretion. Parties selected are not guaranteed a contract.

III. BayREN Codes & Standards Program

The Bay Area Regional Energy Network implements effective energy saving programs on a regional level and draws on the expertise, experience, and proven track record of Bay Area local governments to develop and administer successful climate, resource, and sustainability programs. Since its inception, the BayREN has been addressing the three areas indicated by Decision 12.11.015 in the formation and implementation of programs: filling gaps that the Investor Owned Utilities are not serving; developing programs for hard to reach markets; and piloting new approaches to programs that may have the ability to scale and offer innovative avenues to energy savings.

¹ ABAG's county members include Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties. The BayREN Coordinating Circle, which leads the governance of the BayREN, is comprised of one representative from each county. Alameda is represented by StopWaste; Solano through City of Suisun City and Sonoma is represented by the Sonoma Regional Climate Protection Authority.

The objectives of the BayREN Codes & Standards (C&S) Program are to (1) provide trainings, tools, resources, and information to enhance compliance with the building energy codes, (2) establish and help track compliance rates at the local and regional level, and (3) provide resources for cities and counties to adopt more ambitious energy efficiency and green building codes. The Program addresses both residential and non-residential properties where local jurisdictions are responsible for enforcing Title 24 Part 6 CA Energy Standards, Part 11 Green Standards (CalGreen), and Title 20 Appliance Standards.

The C&S Program has three core activities:

1. Compliance Improvement activities to establish metrics to evaluate compliance with existing energy codes;
2. Education and Training activities to identify and deliver targeted trainings for those involved in energy code enforcement; and
3. Policy Support and Advocacy to accelerate energy code compliance throughout the region.

Since launching in 2013, the BayREN C&S Program has successfully engaged with staff and representatives in building, planning, and sustainability departments with over 75 Bay Area local governments.

IV. Scope of Services

BayREN is developing tools and support services to enhance compliance with the 2013 California Energy Code in a robust, consistent, and cost-effective manner throughout the Bay Area. Services sought through this RFP are to be provided in 2015, for a not-to-exceed budget of \$70,000. These services are anticipated to lay a foundation for the implementation of activities to be scaled in 2016 and beyond, contingent upon the availability of additional funds. Firms are encouraged to submit proposals consistent with the 2015 timetable and available funding, but also to include information about potential future expansion opportunities. Additionally, identification of in-kind or matched-funding opportunities is encouraged.

The following is a general overview of the two (2) areas of services that may be performed by the firm(s) under the direction of the BayREN Program Administrator; this list is not meant to be exhaustive. ABAG may select one (1) or more firms to perform these services, and retains the right to contract within its sole and absolute discretion. The list and sub-list should be used as a general guide and is not intended to be a complete list of all tasks necessary to fulfill the BayREN's needs for the Project.

1. Compliance Improvement Tools (maximum available budget: \$35,000): Develop (or provide existing) tools under a software as a service (SaaS) model for: (A) an electronic plan check online permitting software plug-in; and/or (B) a tablet/iPad based building inspection online application. Propose scope and scale of tool deployment and training for a single building department. These tools should:
 - a. Support building department verification of the 2013 California Energy Code, and/or CalGreen Code, and/or local reach codes.
 - b. Interface with the Residential and Non-Residential HERS Registries.
 - c. Have the ability to adjust to changes anticipated for the 2016 and 2019 T24 updates.

- d. Streamline and increase efficiencies for existing building department business practices and reduce administrative costs.
 - e. Be supported by training materials and a technical assistance plan.
2. **Compliance Improvement Services (maximum available budget: \$35,000):** Assess the feasibility of a regional electronic/online permit service that local government building plan check and inspection agencies could use on a fee-for-service, opt-in basis. Propose start-up activities, costs of implementing this service, and fee structures that would allow the service to become self-sufficient and self-funded. The service should:
- a. Provide tangible benefits to participating agencies.
 - b. Align with the 2013 California Energy Code, CalGreen, and local reach code requirements.
 - c. Interface with the Residential and Non-Residential HERS Registries.
 - d. Have the capability of adjusting to changes anticipated for the 2016 and 2019 T24 updates.
 - e. Offer support mechanisms to overcome potential barriers to agency adoption.
 - f. Specify any technical requirements for the service and integration into existing permit systems.

Note: Pending demonstration that a regional electronic/online permit service is feasible, that proposed start-up activities and costs are reasonable and appropriate for BayREN's needs, and funding is available, it is envisioned that any firm selected to perform the Compliance Improvement Services (2) identified above would, at the sole and absolute discretion of ABAG, be contracted to implement and operate these or similar services. Preliminary outreach by BayREN has indicated need and interest for these or similar services from building departments in the region.

Firms may propose an alternate work plan consistent with the objectives and needs outlined for 1 and/or 2 above that would collect and incubate best practices in modern code compliance.

V. Minimum Requirements

Candidates must demonstrate:

- Experience with past projects related to type of services proposed: electronic plan check online permitting software plug-ins; tablet/iPad based building inspection online applications; electronic/online permit services.
- Experience providing E-plan Check services for other Agencies throughout the State
- General familiarity of the 2013 California Energy Code, CalGreen, local reach codes, and Residential and Non-Residential HERS Registries.
- Understanding of local government building plan check and inspection agencies protocols.

Successful proposals will also have demonstrated:

- Services that can be provided within budget and/or a cost effectiveness strategy. Although match funding is not required, proposals with match funding will be considered favorably.
- Services are valuable to BayREN and its efforts to improve energy code compliance and achieve energy savings within Bay Area buildings. Proposals may include why services are appropriate given high need areas or gaps within current building department energy code enforcement activities.
- A measurement and verification plan that describes how actual project benefits will be measured and quantified, such as by time frame for permit processing or job turn around, etc.
- Ability of services provided to meet various technical requirements, e.g. personnel considerations (software support), data input and inquiry, security, data protection and back-up,

adequacy, modularity, multi-user applications, transaction-driven processing, record locking, transaction logging, open system characteristics.

- A plan to expand services in 2016 and beyond under future BayREN funding cycles.

VI. Submission Requirements

A. Time and Place for Submission of Proposals.

Proposals must be received **no later than 3:00 p.m. PST on September 8, 2015**. The ABAG time and date stamp will be the basis of determining delivery of receipt of proposals. Late submissions will not be accepted. Proposals must be sealed and labeled on the outside of the package to clearly indicate that it is in response to RFP for Energy Code Compliance Support Services in Support of the Bay Area Regional Energy Network (BayREN).

Firms must provide one (1) original and five (5) identical copies of their proposal. A CD with electronic copies of all documents included in the submittal packet shall also be included. The CD files shall be readable by Microsoft Office products and/or in standard PDF format. All proposals shall be sent to:

Jennifer K. Berg
BayREN Project Manager
Association of Bay Area Governments
MetroCenter
101 Eighth Street
Oakland, CA 94607

B. Format and Content of Proposals.

To provide an objective, fair review of all proposals, the submittals are to include only the following required information:

1. Summary of the firm or individual proposing to provide services, including name of primary contact for this contract, and list of key personnel who would be working on projects. Include brief resumes and relevant experience for the primary contact and key personnel. (2 pages.)
2. A scope of work detailing the firm or individual's plan to deliver proposed services, including key milestones, deliverables, and timetable. Scope of work should demonstrate the firm or individual's approach to meeting all applicable Minimum Requirements applicable to proposed services, and should include a description of any work that would be subcontracted to other professionals. (Up to 5 pages per area of service proposed; maximum of 10 pages.)
3. For each area of services proposed, provide at least one (1) but no more than three (3) examples of projects or other work that best demonstrate the individual's or firm's expertise and ability to provide proposed services and meet the Minimum Requirements. Provide a client reference for each listed project that can provide information on the individual's or firm's participation in the listed project. Provide the client reference's name, title, employer, and phone number. Submittals may include an appendix listing the California building department clients served by the individual or firm. (Up to 3 pages per area of service proposed; maximum of 6 pages.)

4. Provide (1) a professional fee schedule for the primary contact and the key personnel identified above, and/or (2) cost metrics for services provided such as cost per permit reviewed, cost per training delivered or jurisdiction served. Information provided should enable BayREN to effectively evaluate proposed costs against proposed services. Details on typical implementation packages and costs compared to customized deployment are encouraged. (1 page.)
5. Optional Appendix: Provide any technical specifications or Intellectual Property requirements and/or considerations of which BayREN should be aware when evaluating any proposed tool or service. (Up to 2 pages.)

VII. Schedule of Events and Opportunity for Questions

ABAG will endeavor to adhere to the following schedule:

Action	Date
Release of RFP	August 14, 2015
Deadline To Submit Written Questions or Requests for Clarification	August 25, 2015 by 3:00 p.m. PST
Response to Written Questions/RFP Amendments (Addendum if necessary)	August 28, 2015
Deadline for Submission of Proposals	September 8, 2015 by 3:00 p.m. PST
Identity and Notify Finalist(s)	September 15, 2015
Contracting	Completed by September 30, 2015
Complete all work	December 14, 2015

All questions regarding the RFP shall be delivered via electronic email only to the ABAG designated Procurement Contact, Jennifer K. Berg at jennyb@abag.ca.gov.

VIII. Evaluation Criteria

A. Written Criteria.

The Evaluation Criteria listed below will be utilized in the evaluation of proposals.

1. _____ (30%) percent: Proposer’s ability to meet or exceed the Scope of Work (Section IV of this RFP), relating to any and all categories for which the proposal seeks consideration.
2. _____ (30%) percent: Demonstrated success on previous projects, especially of similar scope, including quality of work and meeting project schedule and budget.
3. _____ (20%) percent: Practical experience and technical qualifications of key staff and sub-consultants in any and all categories for which the proposal seeks consideration.
4. _____ (20%) percent: The integration of first-rate quality, high-return cost-effectiveness strategies into a Proposer’s Implementation Plan.

B. Oral Interview.

Following the evaluation of the written proposals, ABAG may conduct oral interviews of up to three proposers receiving the highest scores on the written submission.

IX. Additional Terms and Conditions

This request for proposals, and proposals submitted by firms, are subject to the following:

A. Contract Award

All contract(s) issued by ABAG under this RFP are expected to commence as soon as possible and expire no later than December 31, 2015², provided, however, that all proposers and successful Grantee(s) acknowledge, understand, and agree that the term, provisions, and budgets of any and all contracts issued by ABAG hereunder are subject to increase or decrease at the sole and absolute discretion of ABAG.

B. Electronic Mail Communication

Most of the communication from ABAG regarding this RFP will be conducted by electronic mail (e-mail). Proposers agree to provide the Point of Contact with a valid e-mail address to receive this correspondence. ABAG shall include notification regarding the award announcement via e-mail and the date of transmission shall trigger the five (5) day deadline to file any protests or appeals, as described on page nine below.

C. Errors and Omissions in RFP

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify ABAG, in writing, if the Proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to ABAG promptly after discovery, but in no event later than five (5) working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

D. Objection to RFP Terms

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the Proposer must, not more than five (5) calendar days after the RFP is issued, provide written notice to ABAG setting forth with specificity the grounds for the objection. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

² Contracted services are anticipated to lay a foundation for the implementation of activities to be scaled in 2016 and beyond, contingent upon the availability of additional funds.

E. Change Notices

ABAG may modify the RFP, prior to the proposal due date, by issuing Change Notices, which will be posted on the website (<http://abag.ca.gov>). The Proposer shall be responsible for ensuring that its proposal reflects any and all Change Notices issued by ABAG prior to the Proposal due date regardless of when the proposal is submitted. ABAG recommends that the Proposer consult the website frequently, including shortly before the proposal due date, to determine if the proposer has downloaded all Change Notices.

F. Term of Proposal

Submission of a proposal signifies that the proposed services and prices are valid for one-hundred and twenty (120) calendar days from the proposal due date and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

G. Revision of Proposal

A proposer may revise a proposal on the proposer's own initiative at any time before the deadline for submission of proposals. The proposer must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date. In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any proposer. At any time during the proposal evaluation process, ABAG may require a proposer to provide oral or written clarification of its proposal. ABAG reserves the right to make an award without further clarifications of proposals received.

H. Errors and Omissions in Proposal

Failure by ABAG to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the vendor from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

I. Financial Responsibility

ABAG accepts no financial responsibility for any costs incurred by a firm or individual in responding to this RFP. Submissions of the RFP will become the property of ABAG and may be used by ABAG and the BayREN Coordinating Committee in any way deemed appropriate.

J. Conflict of Interest

In responding to this RFP, Proposer(s) and any subsequent Consultant(s)/Contractor(s) covenant that it/they presently have no interest and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance or services under any Agreement which may be established as a result of this process.

K. Claims Against ABAG

No firm or its representatives shall have any claims whatsoever against ABAG or the BayREN member governments, agencies or any of its/their respective officials, agents, or employees arising out of or relating to this RFP or these procedures.

L. Reservations of Rights by ABAG

The issuance of this RFP does not constitute an agreement by ABAG that any contract will actually be entered into by ABAG. ABAG expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure.
2. Reject any or all proposals.
3. Reissue a Request for Proposals.
4. Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals.
5. Procure any materials, equipment or services specified in this RFP by any other means.
6. Determine that no project will be pursued.

M. Small Business Participation

The successful bidder(s) will be required to make positive efforts to utilize small businesses, minority-owned firms, and women business enterprises, whenever possible as set forth in 10 CFR 600.236(e). (<http://ecfr.gpoaccess.gov>).

N. No Waiver

No waiver by ABAG of any provision of this RFP shall be implied from any failure by ABAG to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

O. Contract Requirements

The successful proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached hereto as Exhibit A. This contract may be augmented by additional requirements imposed by PG&E, ABAG, the CPUC, and/or the BayREN Coordinating Committee. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsement, surety bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. ABAG, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

P. Protest Procedure

Protest of Non-Responsiveness Determination.

Within five (5) working days of ABAG's issuance of a notice of non-responsiveness, any firm that has submitted a proposal and believes that ABAG has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by ABAG on or before the fifth working day following ABAG's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for ABAG to determine the validity of the protest.

Protest of Contract Award

Within five (5) working days of ABAG's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that ABAG has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by ABAG on or before the fifth business day after ABAG's issuance of the notice of intent to award. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure and/or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for ABAG to determine the validity of the protest.

Delivery of Protests

All protests must be received by the due date. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date ABAG received the protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered to:

Jennifer K. Berg
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