



September 15, 2009

REQUEST FOR PROPOSALS (RFP)

**American Recovery and Reinvestment Act - State Energy Programs
Building Code Compliance**

**THE NEW HAMPSHIRE OFFICE OF ENERGY AND PLANNING (OEP) REQUESTS
PROPOSALS FOR ADMINISTRATIVE SERVICES TO DEVELOP A
BUILDING CODE COMPLIANCE PROGRAM RELATING TO THE
2009 INTERNATIONAL ENERGY CONSERVATION CODE**

To Prospective Bidder:

The New Hampshire Office of Energy and Planning (OEP) seeks proposals from qualified entities or individuals to administer a Building Code Compliance Program. The chosen administrator will create a road map to achieve at least 90% enforcement of the 2009 International Energy Conservation Code (IECC) by 2017. This program will include: determination of approximate baseline compliance; development or expansion, promotion, and running of training programs throughout the state and to various constituencies; developing policy options to remove barriers and improve adoption of energy conservation and efficiency in buildings; working with various collaborating agencies and stakeholders to begin adoption and implementation of such policies; and overseeing, collecting data, and reporting to OEP. This program is for education, outreach, data collection, collaboration, policy development, and reporting, but does not include any actual code enforcement. Funding for this program will not exceed \$600,000.00. The New Hampshire Office of Energy and Planning is an equal opportunity employer.

Pertinent dates and information:

1. Proposals must be received by OEP prior to 4:00 p.m. on Wednesday, October 14, 2009.
2. Submit proposals to:
Laura Richardson, ARRA Coordinator for SEP
NH Office of Energy and Planning
4 Chenell Drive, second floor
Concord, NH 03301
Laura.Richardson@nh.gov
3. Questions about this RFP from bidders should be addressed to Kathleen.Vattes@nh.gov. They will be posted anonymously on the OEP-ARRA website with answers following a Frequently Asked Questions format. Questions regarding this RFP will be accepted until October 7, 2009.

4. An evaluation team consisting of OEP and other qualified personnel will evaluate responses to this RFP. A scoring sheet accompanies this RFP and may provide additional guidance to bidders.

I. Background

The New Hampshire Office of Energy and Planning (OEP) is coordinating New Hampshire's Energy Programs under the American Recovery and Reinvestment Act (ARRA) of 2009, including Weatherization for low-income homes, Energy Efficiency and Conservation Block Grant Program for municipal energy projects, State Energy Programs (SEP), and Appliance Rebates. This Request for Proposals (RFP) is for a Building Code Compliance Program approved by the US Department of Energy (DOE) under NH ARRA-SEP, and funded at no more than \$600,000.00. DOE Award # DE-EE0000228; CFDA # 81.041.

The goals of the American Recovery and Reinvestment Act are to:

1. Preserve and create jobs and promote economic recovery;
2. Assist those most impacted by the recession;
3. Provide the investments needed to increase economic efficiency by spurring technological advances in science and health;
4. Invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and
5. Stabilize state and local government budgets to minimize/avoid reductions in essential services and counterproductive state and local tax increases.

The goals of the ARRA-funded State Energy Program are to:

1. Increase energy efficiency to reduce energy costs and energy usage for homes, businesses, and government;
2. Reduce reliance on imported energy;
3. Improve the reliability of electricity, fuel supply and the delivery of energy services; and
4. Reduce the impacts of energy production and use on the environment.

It should be noted that stronger building and energy codes that are consistently enforced have the potential to save more energy than any other single energy conservation tool or program.

The goal of this program is to:

1. Develop a plan for New Hampshire to achieve 90% compliance of the 2009 IECC by 2017. Required Tasks to support this goal are explained within the bulk of this RFP.

Prohibited projects or activities include:

1. Programs that would have been funded in the absence of ARRA funds (i.e. ARRA funds cannot supplant other funds);
2. Research and development activities;
3. Demonstration or piloting of products, processes, or technologies that are not commercially available in the United States; and
4. Other prohibitions may apply.

Additional Federal approval applies to projects:

OEP does not expect the following Federal approval to be required for this program because it is strictly administrative. In the event that projects require laborers, environmental impact, or measures to buildings use ARRA funding under this program, the following provisions apply:

1. Under the Davis Bacon Act and related Acts, prevailing wage rates apply and payroll for all laborers must be certified.
2. Projects that impact the environment will necessitate National Environmental Policy Act approval, Environmental Assessments, and/or Environmental Impact Statements. This review process may take 6-24 months; and/or
3. All projects funded by the act are subject to historic preservation review and compliance under the National Historic Preservation Act (NHPA) and regulations implementing it at Section 106 (36 CFR 800).

Other important conditions:

1. OEP, the NH Office of Economic Stimulus (OES), DOE, and the US Office of Management and Budget (OMB) reserve the right to inspect all project/program sites and interview workers.
2. OEP, OES, DOE, and OMB reserve the right to inspect and monitor financial and payroll records and transactions.
3. Reasonable access must be provided to OEP, OES, DOE, and OMB for all administrators, vendors, facilities, work sites, employees of the contractor(s), financial or other records, and assistance to ensure the safety and convenience for the performance of site visits and evaluations.
4. OEP reserves the right to approve RFPs for subrecipients and provide input on programs.
5. OEP reserves the right to issue periodic notices, memos, and updated reporting forms and information.
6. OEP requests notification about media inquiries, responses, and copies of published clippings.
7. OEP reserves the right to pull back funds if appropriate.
8. OES, DOE, and OMB reporting is due to OEP by the 5th day after the end of month and/or quarter.

II. Background of Code Enforcement in New Hampshire

New Hampshire first adopted an energy code in 1979. Twenty years later, a computer option replaced the complicated hand calculations for heat loss and other proof of achieving standards. In 2002, NH was the nation's first state to offer an on-line compliance option, and the same year the Core Utilities' Energy Star Homes Program was introduced (at that time, incentivizing builders of homes that were 15% more energy efficient than homes built to energy code).

The PUC administers the code for residential, commercial, and industrial buildings. The Department of Safety certifies modular and manufactured homes. Municipal code officials enforce building code requirements in many towns. Other towns rely on the State Fire Marshal's office or delegated local fire departments. Approximately 50% of towns have no code official. Those that do have code officials, many of whom are part-time, report that their responsibilities are greater than they can fulfill. Building contractors self-certify in towns without inspection, and failure to do so is a misdemeanor. Historically, given limited resources, priority efforts for code officials have – understandably – focused on Life-Safety issues rather than energy code. Surveys show that even with high levels of building code compliance to meet Life-Safety requirements, energy code is often not prioritized, as exemplified by high percentages of over-sized heating systems, inadequate duct sealing, and other energy code infractions.

Currently, NH is transitioning from the 2006 IECC to the 2009 IECC. It is understood that because of limited funding, training, and staffing, actual enforcement of the energy code is inadequate. The US Department of Energy recognizes that the single most important step to reduce energy use in buildings is to implement and enforce energy codes. Funding for all ARRA-SEP programs is contingent upon an assurance from the Governor that 90% compliance of the 2009 IECC will be met.

Links to a variety of studies, reports, and other energy-code related documents will be available at both the OEP ARRA-SEP Building Code Compliance and PUC websites.

III. Scope of Services

The administrator/s chosen to perform this work will be responsible for the following key tasks:

Task 1:

Establish a baseline of compliance under the 2009 IECC, identifying roadblocks and solutions to improve compliance. This will include:

1. Reviewing previous code compliance surveys and other relevant NH resources;
2. Meeting with the NH Building Officials Association (NHBOA) to plan an updated survey and inventory local code official practices;
3. Survey code compliance among NHBOA, local code officials, and other stakeholders including members of the Residential Energy Performance Association (REPA), Public Utilities Commission (PUC), the NH IECC administrator, and architects and builders;
4. Review sample inspections/compliance audits with the Department of Safety's (DOS) Bureau of Building Safety and Construction of new modular homes, manufactured housing, and new residential and commercial construction in jurisdictions lacking local building inspectors (where the State has clear authority to undertake inspections);
5. Sample code compliance audits to determine baseline compliance;
6. Review the compliance process for new State buildings and improvements; and
7. Submit a Baseline Compliance Report to OEP.

OEP's role: Provide advice as needed; encourage collaboration from other entities.

Task 2:

Create a road map to achieve 90% compliance of the 2009 IECC by 2017.

1. Obtain written confirmation of the adoption of the 2009 IECC by the NH Building Code Review Board;
2. Conduct collaborative stakeholder meetings as appropriate, including at least two meetings with both the Energy Efficiency and Sustainable Energy (EESE) Board and NHBOA, for scoping, brainstorming, and additional direction, as well as to review draft options, policy recommendations, strategies, and results to date;
3. Tap existing resources, individuals, reports, agencies, organizations, and businesses to maximize quality content for the road map. Creative and innovative collaborations are encouraged;
4. Incorporate recommendations on code compliance challenges posed by certain building technologies, such as log construction;
5. Utilize available funds for the most effect and value;

6. Submit an Interim Road Map Report by February 2011 and a Final Road Map Report by February 2012; and
7. Submit a Final Report is due to DOE June 12, 2012.

OEP's role: Provide advice as needed; encourage collaboration from other entities.

Task 3:

Promote this program throughout the State to building and code professionals.

1. Ensure wide knowledge of and access to trainings and information;
2. Promotion will additionally include, but is not limited to newsletter or newspaper articles, web site stories, tours or open houses of sites that highlight code compliance, appearances on television or radio, outreach, appearances and presentations at conferences, home shows, and events, and other relevant venues. All such promotion will include acknowledgment of Federal support and be accompanied by appropriate ARRA and State of New Hampshire logos and disclaimers.
3. OEP requests notification about media inquiries, responses, and copies of published clippings.
4. Report to OEP the number of events and number of people reached.

OEP's role: Support promotion through supplemental media outreach, OEP, PUC, and other websites.

Task 4:

Train and mobilize building professionals for energy code compliance and to promote above-code performance:

1. Including, but not limited to, building inspectors and code officials, architects and designers, contractors of construction, insulation, plumbing, electrical, and others, realtors, appraisers, commercial building owners and facility managers;
2. Conduct at least 15 workshops, trainings, and/or education sessions, reaching at least 300 people (More workshops and more attendees are highly encouraged);
3. Coordinate or provide training on software options for plan code compliance;
4. Coordinate with existing training resources such as the electric and gas utilities, PUC, rating and auditing training programs, NH Builders and Remodelers Association's Green Building Program, and others;
5. Notify OEP about media inquiries, responses, and copies of published clippings; and
6. Report to OEP the number of events and number of participants.

OEP's role: Provide advice as needed. Participate in programs as needed.

Task 5:

Develop a public awareness campaign for homeowners, landlords, commercial property owners, real estate appraisers, and realtors to understand the value of the energy code, including above-code performance.

1. Develop materials for non Code Official audiences;
2. Promotion shall additionally include, but is not limited to newsletter or newspaper articles, web site stories, tours or open houses of sites that highlight code compliance, appearances on television or radio, outreach, appearances and presentations at conferences, home shows, and events, and other relevant venues. All such promotion will include acknowledgment of Federal support and be accompanied by appropriate ARRA and State of New Hampshire logos and disclaimers;

3. OEP requests notification about media inquiries, responses, and copies of published clippings;
 4. Report to OEP the number of events and number of people reached.
- OEP's role: Provide advice as needed.

Task 6:

Update and gather building code resources in one publicly accessible site:

1. Revise and/or provide addenda to the NH Field Guide to Residential New Construction, with permission from original authors;
2. Collect existing and new reports, surveys, code books, et cetera; and
3. Create a web resource site for these resources.

OEP's role: Provide access to known resources. OEP and/or PUC will provide a website space for digital versions of these resources.

Task 7:

Develop recommended enforcement and compliance policy options for the 2009 IECC. *Funding for this program does not include enforcement.*

1. Make recommendations to improve compliance, both broad and specific, including but not limited to State policies, laws, and statutes, funding mechanisms, and hierarchy of accountability with building and energy code;
2. Recognize and recommend options that will work in NH, given changing political climate, history, needs, historic funding paucity, and local control, and sensitivity to unfunded mandates to local jurisdictions (e.g.: Article 28-A, Part I of NH Constitution);
3. Research and recommend funding sources for expanded energy code enforcement;
4. Develop mechanisms to inspect measures completed in person, as well as via design; and
5. Work with PUC and utilities to create an auditing process for review of compliance and enforcement, so that future compliance studies are simplified;

OEP's role: Provide advice as needed.

Task 8:

Establish a review process to monitor and track compliance under the 2009 IECC.

1. Develop mechanisms to inspect measures completed in person, as well as via design;
2. Work with PUC and utilities to create an auditing process for review of compliance and enforcement, so that future compliance studies are simplified;

OEP's role: Provide advice as needed. PUC will provide additional support.

Task 9:

Submit monthly reports to OEP to submit to OES, DOE, and OMB on data for number of jobs created/retained, trainings held, and people reached. Other funding sources (ARRA, Greenhouse Gas Emissions Reduction Fund, Renewable Energy Fund, et cetera) that are leveraged for projects funded under this program must also be tracked and reported on by the administrator. Detailed financial and program reports must be submitted to OEP monthly. A Final Report is due to DOE on or before June 12, 2012.

OEP's role: Monitor and submit data collected from administrator/s to OES, DOE, and OMB.

IV. Components of the Proposal

Proposals should respond to all areas, in the order listed below, and conclude with a separate section on cost. Excepting the Cover Letter, Reference Letters, Financial Audit information, and Items 5, 6, and 8 below, the proposal should not exceed six (6) pages, single spaced, ¾ inch margins, 12-point font. Please print and copy your proposal double sided.

1. Cover Letter: The bidder will include entity name, responsible party, mailing and physical address, phone numbers and e-mail addresses, as well as information about the program the bidder seeks to administer.
2. Approach: The bidder must provide a detailed plan explaining
 - Operation of the program;
 - How Tasks outlined in Section IV will be accomplished;
 - An anticipated schedule based on approval by Governor and Executive Council on December 9, 2009;
 - Details on meeting reporting requirements;
 - Ability to make these programs accessible and desirable;
 - Other funding sources (RGGI, CORE, and/or other) the bidder leverages must be acknowledged and tracked, and will add value to the proposal;
 - Innovative and creative ways to maximize limited available funding; and
 - The methods that will be used to achieve the goals of the ARRA, ARRA-SEP, and the ARRA-SEP Building Code Compliance Program.
3. Corporate/Company Information: The following should be detailed in the proposal:
 - Information concerning the administrator's corporate/company history, including number of years in business, corporate officers or company principals, professional and business association memberships, and other pertinent information;
 - Describe the capacity of the bidder(s) to administer this/these program(s) including knowledge of building codes, building code professionals, and existing resources;
 - Describe the capacity/ability of the bidder to comply with ARRA Section 1512 job reporting; specifically, the bidder's ability to gather and submit total hours worked for those employees paid with ARRA funding (jobs created/retained) on a monthly basis, no later than the 5th day following each month's end; and
 - Include a statement of assets, liabilities, and proof of bidder's financial stability.

The bidder should also highlight:

4. Personnel Assigned: Bidders shall include a list of all personnel who might be assigned to this project, including resumes and the nature of their specific responsibilities. If possible, include a copy of previous reports that the proposed project members have worked on. During the course of the program, OEP must approve changes in personnel assigned to perform the administrative work.
5. References: Bidders shall provide OEP with up to three Letters of Support for work performed which is similar in scope or content to the one being proposed.
6. Partners: OEP understands that some bidders may desire to partner with other entities that specialize in components to the program. This is allowed. However there shall be only one contractual partner with OEP for each program, and that partner will be responsible for all components to the program. All relevant information related to the partner's qualifications must be included in the proposal.
7. Statement of Disclosure: Any existing or potential conflicts of interest should be identified, including those that arise as a result of relationships or affiliations with individuals or

entities that will be involved in the program, or members of the staff of OEP or PUC. A statement of how potential conflicts will be handled should also be included in the proposal.

8. Detailed Budget Proposal: Bidders shall provide OEP with a detailed program budget, broken out annually that identifies the hourly rate for personnel, other administrative costs relative to this program, and other budgetary content. As an administrative program, it is understood that a significant component of this funding will be for administrative purposes. Bidders must itemize anticipated administrative costs associated with accomplishing Tasks, as well as costs for materials, trainings, et cetera.

V. Criteria for Selection

Administrative cost is a consideration, but is not the only determining factor in OEP's choice. Incomplete proposals will not be considered. A scoring sheet accompanies this RFP. OEP will consider the following criteria:

1. Overall responsiveness to the requirements of the RFP, including completeness, clarity, creativity, and quality of proposal;
2. The knowledge of, quality, and practical experience of the bidding firm/s and the staff assigned to the project with similar programs, including but not limited to, all aspects of Section II - Scope of Services;
3. Ability to report five (5) days after the end of each month and quarter. Reports will follow a pre-determined format including, but not limited to, funds expended, jobs created and retained, trainings performed, and number of people attending events.
4. Existing resources (administrative, publicity, et cetera) that can be leveraged with these funds will add value to the proposal;
5. Cost of administrative services and expenses, including the competitiveness of the proposed hourly rates and any proposed discounts or other cost-effective benefits. OEP reserves the right to negotiate lower fees or a different fee structure than proposed;
6. Potential conflicts of interest, and how they will be addressed; and
7. Any other considerations OEP may deem appropriate in light of its objectives and review of proposals received.

VI. General Bid Conditions

1. Original and 5 copies of the bid must be submitted, along with an electronic copy in PDF format. Bids that are incomplete or unsigned will not be considered;
2. The deadline for submitting bids is 4:00 p.m. on Wednesday, October 14, 2009. Originals and copies must be addressed to Laura Richardson, ARRA Coordinator for SEP, NH Office of Energy and Planning, 4 Chenell Drive, 2nd floor, Concord, NH 03301; Electronic PDF files may be sent in CD format or via email to laura.richardson@nh.gov;
3. OEP reserves the right to reject or accept any and all bids; to reject or accept all or any part of any bid; to determine what constitutes a conforming bid; to waive irregularities that it considers not material to the bid; to award the bid solely as it deems to be in the best interest of the State; to contract for any portion of the bids submitted; and to contract with more than one bidder if necessary;

4. All information relating to this bid, including but not limited to fees, contracts, agreements, and prices are subject to the laws of the State of New Hampshire regarding public information;
5. Any contract awarded from this Request for Proposals will expire on June 12, 2012. OEP at any time, in its sole discretion, may terminate the contract or postpone or delay all or any part of this contract, upon written notice;
6. OEP is receptive to a variety of ways to reach the program's ultimate goal of 90% compliance of the IECC by 2017. If certain Tasks within the Scope of Services prove irrelevant, unrealistic, or unnecessarily distracting, the proposal may reflect alternate methods to reach compliance.
7. The selected administrator must agree to maintain the confidentiality of all information to which it has access until it is instructed otherwise by OEP; and
8. Those who do not meet the guidelines or who prove incapable of expending funds in a timely manner may be required to return the funds to OEP for redistribution.

VII. Certificates

Please note that the American Recovery and Reinvestment Act (ARRA) and the State of New Hampshire Governor and Executive Council process may have specific requirements and/or documents that must be in place for award/approval. As such, these requirements may necessitate "lead time" and/or have a cost associated with them. Please build that time and potential cost into your response.

Bidders will be required to provide the following certificates prior to entering into a contract:

1. DUNS number for administrator/s and partner/s;
2. Secretary of State's Office: Certificate of Good Standing;
3. Certificate of Vote/Authority; and
4. Certificate of Insurance: demonstrating insurance coverage required under the contract.

VIII. Form of Contract

The terms and conditions set forth in Attachment 1, OEP General Provisions agreement are part of the proposal and will apply to any contract awarded the bidder.

Any contract resulting from this RFP shall not be deemed effective until it is signed by OEP and approved by the Governor and Executive Council.