



August 24, 2009

REQUEST FOR PROPOSALS (RFP)

**American Recovery and Reinvestment Act - State Energy Programs
Loans and Grants**

**THE NEW HAMPSHIRE OFFICE OF ENERGY AND PLANNING REQUESTS
PROPOSALS FOR ADMINISTRATIVE SERVICES
TO PROVIDE LOANS AND GRANTS
TO COMMERCIAL, INDUSTRIAL, AND NON-PROFIT BUSINESS ENTITIES
FOR ENERGY EFFICIENCY BUILDING MEASURES
AND RENEWABLE ENERGY SYSTEMS**

To Prospective Bidder:

The New Hampshire Office of Energy and Planning (OEP) seeks proposals from qualified firms to administer two unique Loan and Grant Programs for NH businesses. Funding is available for energy efficiency measures to buildings and/or processes and for renewable energy systems to be installed on or at business-owned buildings. The chosen administrator/s will develop a business plan that is responsive to market conditions; promote the program to businesses throughout the state; distribute funds to qualified businesses; oversee the program's progress and compliance with all requirements; collect and report on data about jobs created and retained, energy saved, emissions reduced, and other relevant information, as outlined in this RFP.

Pertinent dates and information:

1. Proposals must be received by OEP prior to 4:00 p.m. on Wednesday, September 30, 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 to the OEP-ARRA website with answers following a Frequently Asked Questions format. Questions regarding this RFP will be accepted until September 23, 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.

American Recovery and Reinvestment Act – State Energy Programs – NH Office of Energy and Planning
Request for Proposals – Administration of EE/RE Loan/Grant Program for Businesses

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, and State Energy Programs (SEP). This Request for Proposals (RFP) will cover two different loan-and-grant programs approved by the US Department of Energy (DOE) under NH ARRA-SEP:

1. Small, non-profit, and micro businesses seeking to undertake energy efficiency measures and/or renewable energy projects at their facilities; this program is funded at \$1,000,000.00;
2. Large commercial, industrial, and non-profit businesses seeking to undertake energy efficiency measures or renewable energy projects at their facilities or systems; this program is funded at \$2,500,000.00.

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 consumption for consumers, 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 energy use on the environment.

The goals of these business loan and/or grant programs are to:

1. Leverage and expand available funding to improve the energy efficiency of NH buildings owned by businesses;
2. Distribute funds to shift reliance away from fossil fuels and toward renewable energy;
3. Distribute funds expeditiously and with public transparency, to as great a degree as feasible;
4. Increase predictability of energy costs for NH businesses; and
5. Stimulate market demand for energy efficiency and renewable energy services.

Prohibited projects or activities include:

1. New construction including modular housing;
2. Creation or enhancement of swimming pools, golf courses, aquariums, casinos, and zoos;
3. Projects that would have been funded in the absence of ARRA funds (i.e. ARRA funds cannot supplant other funds);

4. Research and development activities;
5. Decommissioning or decontamination activities;
6. Demonstration or piloting of products, processes, or technologies that are not commercially available in the United States; and
7. Other prohibitions may apply.

Additional Federal approval applies to some projects:

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 require National Environmental Policy Act approval, Environmental Assessments, and/or Environmental Impact Statements. This review process may take 6-24 months; and/or
3. Because ARRA is a federal program, 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). All project proponents must initiate Section 106 consultation with the Division of Historical Resources (DHR); please visit www.nh.gov/nhdhr/review for additional information or contact your OEP Administrator for guidance. *This process typically takes a week for ARRA projects although some projects may take longer. The chosen administrator is encouraged to develop a programmatic agreement with the NH Division of Historical Resources to simplify and expedite the process.*

Other important conditions:

1. Buy American provisions apply for all iron, steel, and manufactured goods. Waivers for exemptions are available but must be approved by DOE prior to the granting of funds.
2. OEP, the NH Office of Economic Stimulus (OES), and DOE reserve the right to inspect all project sites, interview workers, and publicize projects.
3. OEP, OES, and DOE reserve the right to inspect and monitor financial records and transactions.
4. Reasonable access must be provided to OEP, OES, and DOE 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.
5. OEP reserves the right to approve RFPs for subrecipients, and to provide input on project types funded by these programs.
6. OEP reserves the right to issue periodic notices, memos, and updated reporting forms, and information.
7. OEP requests notification about media inquiries, responses, and published clippings.

II. Scope of Services

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

Task 1:

Develop or expand a market-responsive loan and/or grant program that will a) provide capital to NH businesses to improve the energy efficiency of buildings and systems and b) integrate renewable energy systems into or onto NH buildings owned by businesses.

OEP's role: Provide advice as needed. Submit monthly reports to OES, DOE, and OMB (US Office of Management and Budget).

Task 2:

Promote this program throughout the State, in advance of funds flowing, while the program operates and when the program is completed, to ensure wide knowledge of and access to funds, understanding of program requirements, and expeditious and regional distribution of funds. Promotion will additionally include, but is not limited to newsletter or newspaper articles, web site stories, tours or open houses of sites where funds have been invested, appearances on television or radio, etc. All such publications will include acknowledgment of the Federal support and be accompanied by appropriate Recovery Act and State of New Hampshire logos, and disclaimers.

OEP's role: Support promotion through supplemental media outreach and OEP website.

Task 3:

Distribute funds to qualified businesses, in a manner that meets the requirements set forth by DOE, OEP, and all local, state, federal laws and regulations. All funds must be expended by April 30, 2012. Program income and principal (earned income) must be reinvested in energy efficiency and renewable energy business projects, and must be addressed as part of this proposal.

OEP's role: Provide funding on a monthly basis. OEP reserves the right to be involved in the selection process of projects.

Task 4:

Ensure that all funds are invested as contracted, that funds are realistically invested, that publicity, transparency, and accessibility are maintained at the highest levels.

OEP's role: Monitor expenditures and projects throughout the program. Site visits and audits are to be expected from OEP, OES, and DOE.

Task 5: Collect and report data on project types, jobs created/retained, avoided energy use, emissions reduced, and other data as outlined in this Request for Proposal. Other funding sources (ARRA, RGGI, REF, other) that borrowers or grantees succeed in leveraging 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 Program 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.

All funded projects must comply with Davis Bacon prevailing wage requirement and related Acts, Buy American provisions, National Environmental Policy Act, National Historic Preservation Provisions, and all other applicable local, state, and federal laws and regulations. Waivers or permits for any project that requires them will be the responsibility of the borrower and/or grantee in consultation with the administrator and OEP.

III. Components of the Proposal

Proposals should respond to all areas listed below, in the order listed, and conclude with a separate section on cost. Excepting the Cover Letter, Letters of Consumer Demand, Reference Letters, Financial Audit information, and Items 5, 7, and 9 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 which program the bidder seeks to administer.
2. Program to be Administered: The bidder must alert OEP as to which program they are bidding. Two programs are offered through this RFP:
 - a. Small, Micro, and Non-Profit Businesses: \$1,000,000.00
 - b. Large Commercial, Industrial, and Non-Profit Businesses: \$2,500,000.00.
3. Approach: The bidder must provide a detailed plan explaining how this loan/grant program will operate; an anticipated schedule based on approval by Governor and Executive Council on November 18, 2009; and how reporting requirements for the program will be met.

The following should be detailed in the proposal:

- How public and private funds will be leveraged;
- Sizes and number of funding opportunities;
- How the administrator will respond to changing market forces;
- What types of projects and business types will be funded;
- How funds will be distributed regionally and throughout the state;
- What composition of loans and grants will be generated;
- What the minimum and maximum funding levels will be;
- What interest rate(s) will apply;
- What repayment terms will be;
- What the schedule of funding opportunities will be (e.g.: first come first served, rolling, several windows of funding opportunities, or a combination thereof);
- How anticipated interest and repaid loans (earned income) will be reinvested; and
- What methods will be used to achieve the goals of the ARRA, ARRA-SEP, and ARRA-SEP Business EE/RE Loans/Grants Programs.

4. 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, location of branch offices, professional and business association memberships, and other pertinent information;
- Describe the capacity of the bidder(s) to administer this/these program(s) including experience with federal awards and contracts; experience with the Davis Bacon Act, NEPA, Historic Preservation, and Buy American Provisions;

- Describe the capacity/ability of the bidder(s) to comply with ARRA Section 1512 job reporting; specifically, the bidder(s) ability to cumulate 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;
- The ability to make these programs accessible and desirable to the NH business community, and to serve businesses throughout the state;
- Please include a statement of assets and liabilities, financial audits from the prior three years, and proof of bidder's financial stability;
- Provide details of current market demand for capital for energy efficiency and/or renewable energy projects from potential borrowers, including information about such borrowers' eligibility, risk, and existing barriers to accessing traditional lending sources; and
- Please include letters of consumer demand from up to five (5) businesses seeking such funds.

The bidder should also highlight:

5. Personnel Assigned: Bidders are asked to 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.
6. References: Bidders are asked to provide OEP with up to three Letters of Support for work performed which is similar in scope or content to the one being proposed.
7. 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. All relevant information related to the partner's qualifications must be included in the proposal.
8. 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 potential grantees, borrowers, or members of the staff of OEP. A statement of how potential conflicts will be handled should also be included in the proposal.
9. Detailed Budget Proposal: Bidders must 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.

IV. Criteria for Selection

Administrative cost is a consideration, but may not be the 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, and quality of proposal;
2. The knowledge of and practical experience of the bidding firm/s and the staff assigned to the project. Lending, granting, reporting, and other relevant experience is a must.

3. The quality and extent of the bidder's experience and expertise with similar programs, including, but not limited to, the issues of lending versus granting, market stimulation, and all aspects of Section II - Scope of Services;
4. 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, energy saved, emissions reduced, et cetera. A final report is due to the Department of Energy on or before June 12, 2012;
5. Existing resources (administrative, publicity, et cetera) that can be leveraged with these funds will add value to the proposal;
6. Additional experience helpful for project administration includes awareness of energy projects, which will add value to the proposal; experience with requirements such as the Davis Bacon Act and NEPA are also helpful, but not required (some training is available);
7. 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;
8. Potential conflicts of interest, and how they will be addressed; and
9. Any other considerations OEP may deem appropriate in light of its objectives and review of proposals received.

V. 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, September 30, 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. 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
7. 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.

VI. 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. Items that may be required include, but are not limited to, obtaining a DUNS number, registering with the Secretary of State and obtaining a Certificate of Good Standing, or providing a Certificate of Insurance.

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.

VII. 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.