

# State of West Virginia Department of Administration Purchasing Division

## NOTICE

Due to the size of this bid, it was impractical to scan every page for online viewing. We have made an attempt to scan and publish all pertinent bid information. However, it is important to note that some pages were necessarily omitted.

If you would like to review the bid in its entirety, please contact the buyer. Thank you.

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# Constellation Energy®

Response to RFP for West Virginia
Department of Military Affairs and
Public Safety
Division of Corrections

**Technical Proposal** 

For

nergy Savings Performance Contract – COR 61431



Prepared By:

Constellation Energy Projects & Services Group, Inc.

2090 Greentree Road

Pittsburgh, PA 15220

Submission Date: January 25, 2011

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# RESPONSE TO REQUEST FOR PROPOSALS FOR WEST VIRGINIA DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY DIVISION OF CORRECTIONS

**TECHNICAL PROPOSAL** 

**ENERGY SAVINGS PERFORMANCE CONTRACT - COR 61431** 

Constellation Energy Projects & Services Group, Inc.

2090 Greentree Road Pittsburgh, PA 15220

Contact: Joseph Hudak
Phone 412-489-9440
Fax 412-489-9501
Joseph.Hudak@constellation.com

Signature Joseph Hudah

1-6-2011



#### Request for Quotation

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COR61431

PAGE 1

ADDRESS CORRESPONDENCE TO ATTENTION OF

TARA LYLE 304-558-2544

DIVISION OF CORRECTIONS
NARIOUS LOCALES AS INDICATED
BY ORDER

\*323133531 412-489-9447 CONSTELLATION ENERGY PROJECTS 2090 GREENTREE RD

PITTSBURGH PA 15220

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# GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

- 1. Awards will be made in the best interest of the State of West Virginia.
- 2. The State may accept or reject in part, or in whole, any bid.
- 3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
- 4. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods this Purchase Order/Contract becomes void and of no effect after June 30.
- Payment may only be made after the delivery and acceptance of goods or services.
- 6. Interest may be paid for late payment in accordance with the West Virginia Code.
- 7. Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- 8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
- 9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
- 11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- 12. BANKRUPTCY: In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
- 13. HIPAA BUSINESS ASSOCIATE ADDENDUM: The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and is hereby made part of the agreement. Provided that the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
- 14. CONFIDENTIALITY: The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf.
- 15. LICENSING: Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, and the West Virginia Insurance Commission. The vendor must provide all necessary releases to obtain information to enable the director or spending unit to verify that the vendor is licensed and in good standing with the above entities.
- 16. ANTITRUST: In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the State of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, or person or entity submitting a bid for the same material, supplies, equipment or services and is in all respects fair and without collusion or Fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

#### **INSTRUCTIONS TO BIDDERS**

- 1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
- 2. Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
- 3. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- 4. All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130
- 5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



412-489-9447

#### Request for Quotation

COR61431

PAGE 2

ADDRESS:CORRESPONDENCE TO ATTENTION OF:

TARA LYLE 304-558-2544

CONSTELLATION ENERGY PROJECTS 2090 GREENTREE RD

PITTSBURGH PA 15220

\*323133531

DIVISION OF CORRECTIONS VARIOUS LOCALES AS INDICATED BY ORDER

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304-558-2544

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#### Request for Quotation

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# TABLE OF RATES FOR

## COR61431

Vendors <u>must</u> use the utility rates provided, failure to do so <u>shall</u> result in disqualification.

	Electric	Gas	Water	Sewer
Denmar	\$0.0742/KWH	2.7159/Gallon*	\$0.00**	\$0.00***
Huttonsville	\$0.07262/KWH	\$2.53/Gallon*	\$0.00**	\$0.00***
Mount Olive	\$0.061/KWH	\$10.223/MCF	\$8.4071/1,000Gallons	\$6.463/1,000Gallons
Pruntytown	\$0.06893/KWH	\$10.359/MCF	\$3.414/1,000Gallons	\$1.6831/1,000Gallons

\*Denmar and Huttonsville Correctional Centers use heating oil and propane. Huttonsville is in the process of switching to natural gas.

This project is funded wholly or in part through the U.S. Department of Energy's State Energy Program through the American Recovery and Reinvestment Act. A website with extensive guidance as well as FAQs may be found at <a href="http://www1.eere.energy.gov/wip/guidance.html">http://www1.eere.energy.gov/wip/guidance.html</a>

Again, no more questions will be accepted.

<sup>\*\*</sup>Denmar and Huttonsville Correctional Centers both have their own water plants

<sup>\*\*\*</sup>Both Denmar and Huttonsville Correctional Centers have their own sanitation plants.



# Request for Quotation

COR61431

304-558-2544

TARA LYLE

DIVISION OF CORRECTIONS BY ORDER

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TARA LYLE 304-558-2544

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Request for Guotation COR61431

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TARA LYLE <u> 104-558-2544</u>

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DIVISION OF CORRECTIONS BY ORDER

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COR61431

Dec 13 2010 02:49pm P002/019

TARA LYLE 104-558-2544

\*323133531 412-489-9447 CONSTELLATION ENERGY PROJECTS 2090 GREENTREE RD PITTSBURGH PA 15220

DIVISION OF CORRECTIONS VARIOUS LOCALES AS INDICATED BY ORDER

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52-1308340



\*323133531

State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

412-489-9447

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#### Request for Quotation

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TARA	TATE	
<u> </u>	58-2544	

RFQ COPY TYPE NAME/ADDRESS HERE Constellation Energy Projects & Services Group, MABIOUS LOCALES AS INDICATED 2090 Greentree Rd. Pittsburgh, PA 15220

DIVISION OF CORRECTIONS

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#### Request for Quotation

COR61431

PAGE 8

TARA LYLE 306-558-2566

TYPE NAME/ADDRESS HERE
Constellation Energy Projects & Services Group
2090 Greentree Rd.
Pittsburgh, PA 15220

DIVISION OF CORRECTIONS
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RFQ COPY

State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

Request for Quotation

COR61431

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\*\*ADDRESS CORRESPONDENCE NO ASSENTION OF

TARA LYLE 304-558-2544

DIVISION OF CORRECTIONS BY ORDER

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WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

RFQ No.	COR61431

#### STATE OF WEST VIRGINIA Purchasing Division

## **PURCHASING AFFIDAVIT**

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

#### **DEFINITIONS:**

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

Under penalty of law for false swearing (West Virginia Code §61-5-3), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

# WITNESS THE FOLLOWING SIGNATURE Vendor's Name: Constellation Energy Projects & Services Group, Inc. Authorized Signature: Maryland County of City of Baltimore to-wit: Taken, subscribed, and sworn to before me this 4 day of Ocenhan 20/0. My Commission expires 1000 Mer 23 , 20/1. AFFIX SEAL HERE NOTARY PUBLIC Author County My Commission Expires December 23, 20/1.



# State of West Virginia DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT West Virginia Code §21-1D-5

STATE OF Maryland
COUNTY OF City of Baltimore, TO-WIT:
I, Gregory S. Jarosinski, after being first duly sworn, depose and
state as follows:
1. I am an employee of; and,
(Company Name)
2. I do hereby attest that Constellation Energy Projects & Services Group, Inc.
(Company Name)
maintains a valid written drug free workplace policy and that such policy is in compliance with <b>West Virginia Code</b> §21-1D-5.
The above statements are sworn to under the penalty of perjury.
Constellation Energy Projects & Services Group, Inc.
(Company Name)
By: <u>Megary S. Jawanslee</u> Title: <b>President</b>
Date:
Taken, subscribed and sworn to before me this 14 day of Negam ber 2010
By Commission expires <u>Necember 23,2011</u>
(Seal)  LAURA L CROSEN Notary Public-Maryland Anne Arundel County My Commission Expires December 23, 2011  (Notary Public)
THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO
COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE

AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF

Rev March 2009

THE BID.



nber 6, 2010

Robin Heck

CONSTELLATION ENERGY PROJECTS & SERVICES GROUP, INC.

100 Constellation Way, Suite 1200 C

Baltimore, MD 21202

STATE OF WEST VIRGINIA

Project:

Contract to Provide a Guaranteed Energy Savings Program for the Division of Corrections Buildings: Mount Olive,

Denmar, Huttonsville and Pruntytown

Bid Date: 12/16/2010

Estimated Contract Price: \$3,500,000.00

Surety:

CNA INSURANCE GROUP

Dear Robin Heck:

Good Luck on your Bid.

n awarded contract, is final bond required?

Sincerely,

Enclosed please find the above captioned bid bond, executed per your request.

The bid bond must be signed by an authorized representative of your company, notarized and sealed with the corporate seal.

It is your responsibility to ensure the bid bond conforms with your needs and instructions to us, including but not limited to the correct coverages and parties, and with any laws applicable to your operations and/or the contract requiring the bid bond, and to advise us immediately, in writing, if the bid bond form so executed does not contain the proper information. Accordingly, it is incumbent upon you to carefully review the bond, and we will expect that you will, double-check all information, including signatures, dates, amounts and job descriptions for accuracy, and to verify that the bid bond form we executed is the form required by the specification. This will avoid the possibility of having a low bid rejected because of a clerical error. We will also expect you to verify that anything unusual that has been requested by the obligee is attached.

1, following your review of the bond, you do not advise us in writing of any problem or deficiency in its terms and information but submit the bond as is, your submission will constitute your verification, and we will justifiably assume, that the bond form as issued is correct and appropriate for the purpose for which it is being submitted. You further understand that we will have no liability for any deficiencies or discrepancies not brought to our attention in accordance with this letter.

The bid bond authorization is based upon your original estimate. If the actual bid price exceeds this estimate by 10% or more, you must contact us for additional authority!

Please call our office if you should have any questions or need any further assistance.

		back to the address below within 5 days of the bid openi
Cont	ractors Name	Contract Price
1	\$	
2.	\$	
3	\$	

Yes 🗌

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Richard G Dicciani, Darella White, Richard A Jacobus, Sandra E Bronson, Mary C O Leary, Douglas R Wheeler, Wayne G Mc Vaugh, Individually

of Philadelphia, PA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

#### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 17th day of September, 2009.

WESTERN SURETY COMPANY

SEAL DANGE

State of South Dakota
County of Minnehaha

On this 17th day of September, 2009, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012

D. KRELL
SEAD NOTARY PUBLIC SEAD SOUTH DAKOTA

D. Krell, Notar

#### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_.



WESTERN SURETY COMPANY

J. Relson, Assistant Secretary

#### **Authorizing By-Law**

## ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

# WESTERN SURETY COMPANY Stoux Falls, South Dakota Statement of Condition and Affairs December 31, 2009

#### **ASSETS**

Bonds	\$1,193,435,614
Stocks	22,759,271
Cash and short-term investments	29,157,255
Uncollected premiums and agents' balances	33,002,353
Amounts recoverable from reinsurers	(3,037,290)
Funds held by or deposited with reinsured companies	26,355,884
Net deferred tax asset	19,445,837
Electronic data processing equipment and software	3,117,199
Investment income due and accrued	15,587,378
Other assets	<u> </u>
Total Assets	<u>\$1,342,021,061</u>

#### LIABILITIES AND SURPLUS

Losses	\$269,022,299
Loss adjustment expense	. 70,589,857
Contingent and other commissions payable	5,229,781
Other expense	29,445,697
Taxes, licenses and fees	2,337,499
Pederal and foreign income taxes payable	13,593,490
Unearned premiums	241,078,902
Retroactive reinsurance reserve assumed	11,093,043
Other liabilities	20,328,654
Total Liabilities	662,719,222

Surplus Account:

Capital paid up \$4,000,000 Gross paid in and contributed surplus 176,435,232 Unassigned funds 498,866,607

Sarging as regards policyholders

Total Leatistics and Capital

\$070 001 830 \$1,342,021,061

President and Treasurer of Western Surety Company hereby certify that the above 15 m exact case of the financial statement of the Company dated December 31, 2009, as filed with the beginning Departments and is a true and correct statement of the condition of Western Surety Company and date.

KATHRYN J. SCHROEDER GEOFFINIAN FRED (FE) Western Surety Company

By CAL C. A.C.

Subscribed and swom to me this 10th day of March

My commission expires:

KATHRYN J. SCHROEDER My Commission Expires 7-21-2015

	•		Agency REQ.P.O#
			, NEG. P. Off
			CONSTELLATION ENERGY PROJECTS & Indersigned, SERVICES GROUP, INC.  WESTERN SURETY COMPANY
		MD	, as Principal, and WESTERN SURETY COMPANY
	of Ellicott City	MD , a c	corporation organized and existing under the laws of the State of SD
	uith ite principal	office in the City of Sioux Falls	ls, as Surety, are held and firmly bound unto the State
	est Virginia as Obligee, in the	penal sum of Five Percent of Ar	mount Bid (\$ 5% of amount bid ) for the payment of which,
vell a	and truly to be made, we joint	ly and severally bind ourselves, o	our heirs, administrators, executors, successors and assigns.
	The Condition of the abou	ve obligation is such that wherea	as the Principal has submitted to the Purchasing Section of the
Depa	rtment of Administration a ce	rtain bid or proposal, attached he	ereto and made a part hereof, to enter into a contract in writing for
Gua	ranteed Energy Savings Prog	ram for the Division of Correction	ns Buildings: Mount Olive, Denmar. Huttonsville and Pruntytown
agree force exce way waiv	to and shall furnish any other ement created by the accepta and effect. It is expressly used the penal amount of this of The Surety, for the value impaired or affected by any se e notice of any such extension	ccepted and the Principal shall er bonds and insurance required by ance of said bid, then this obligation derstood and agreed that the liast biligation as herein stated.  The received, hereby stipulates and extension of the time within which on.  Fr. Principal and Surety have here	enter into a contract in accordance with the bid or proposal attached by the bid or proposal, and shall in all other respects perform the stion shall be null and void, otherwise this obligation shall remain in full ability of the Surety for any and all claims hereunder shall, in no event, agrees that the obligations of said Surety and its bond shall be in no in the Obligee may accept such bid, and said Surety does hereby reunto set their hands and seals, and such of them as are corporations
have	e caused their corporate seal	s to be affixed hereunto and thes	se presents to be signed by their proper officers, this
6th	day of _December	, 20 <u>10</u> .	
•			CONSTELLATION ENERGY PROJECTS & SERVICES GROUP, INC.
Prin	cipal Corporate Seal		(Name of Principal)
			Ву
		·	(Must be President or
	,		Vice President)
			(Title)
Ö	ety Corporate Seal		WESTERN SURETY COMPANY
Sul	Ety Corporate Cour		(Name of Surety)
			( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )
			Careva White

159

Darella White Attorney-in-Fact

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals must be affixed, a power of attorney must be attached.