

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

Request for Quotation

T O COR61431

PAGE

ADDRESS CORRESPONDENCE TO ATTENTION OF

TARA LYLE 304-558-2544

DIVISION OF CORRECTIONS VARIOUS LOCALES AS INDICATED BY ORDER

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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.
- 5. 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).



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

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TARA LYLE 3<u>04-558-2544</u>

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- Q1. The Drug-Free Workplace Conformance Affidavit on p. 157 of the Request for Quotation calls for an oath that contractors maintain drug free workplace policies in compliance with West Virginia Code section 21-1D-5. Our company does have a drug-free workplace policy; however we are in the process of examining it to determine whether it conforms to the specific requirements of this statute. The statue if quite specific in its requirements and it is not unreasonable that even companies with robust drug free polices may not fully comply without adjusting their current policy. Is it necessary that a policy that conforms to the statute be in place at the time of bid, or will it be acceptable if such a policy is in place at the time of a contract award?
- 1A. All vendors must comply with the West Virginia Drug Free Workplace.
- Q2. With respect to the drug-free workplace policy that is required, is it necessary to have a policy that conforms with the West Virginia statute be applicable to a contractor on a company-wide basis, or is it acceptable if such a policy applies to the contractor's employees in West Virginia or that will be working on West Virginia projects?
- 2A. All employees working on this project must comply with the Drug-Free Workplace
- Q3. Page 6 of 161 of the provided PDF shows that each responder is to provide proof of insurance and a bid bond for 5% of the total project cost. The same sheet shows that builders risk insurance and a maintenance bond are <u>not</u> required. Can you please confirm that this is correct?
- 3A. Proof of Builders risk and maintenance bond are not required with the RFP submittal, but may be required before contract execution.

- Q4. Page 26 of 161 of the provided PDF, paragraph 5.A The first sentence states to sentence of the same paragraph states to not estimate or include operation savings. Can you provide some clarification on the intent of this paragraph. Can the ESCO include operation savings in the cash flow?
- 4A. Comply with the last sentence in paragraph 5.
- 5Q. The RFP states that all responders shall have a contractor's license in WV and provide documentation of that license. We assume this requirement is intended to be required prior to the award of a construction contract. Is it acceptable to respond to the RFP and state that the license is pending and will be acquired and provided to the State of West Virginia prior to the issuance of a construction contract?
- 5A. Please follow the state purchasing rules. West Virginia Code § 21-11-11 requires any prospective bidder to include the contractor's license number on their bid
- 6Q. If the contractor's license can be provided prior to construction contract, does that also hold true for the other forms required with the License? For example, we were told by the State Tax Department that we need to register with both the Secretary of State and the WV Tax Department to get a business license which has at least a 2-3 week turn around. Per the State's web site, we are to contact and complete forms for the following departments: Office of the Insurance Commissioner's Employer Coverage Unit (Workers Compensation) (304) 558-6279

Secretary of State (If applicable) (304) 558-8000

State Tax Department (304) 558-3333

Wage Bonding (If applicable) (304) 558-7890 Ext. 162

Workforce West Virginia (Unemployment Compensation Division) (304) 558-2451

Once again, it was our assumption that these would be required prior to the award of a construction contract.

- 6A. We require all vendors to be current in all their state obligations.
- 7Q. Continuing on the license comments, on page 1B of the RFP, it states that "...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". Is this requirement in conjunction with the contractor's license? If the builder's license is going to be provided prior to construction contract, would the referenced releases be required at that time also?
- 7A. Please comply with all state licensing requirements and follow state Purchasing rules and regulations.
- RFP submission and others that are not required until the final Detailed Energy Audit (DEA) submission. These requirements are listed in various locations throughout the document making it easy to overlook a requirement. Do you have a concise list or table of the licenses and affidavits that are required for this submission and the DEA submission?
- 8A. All requirements have been clearly defined in the RFP
- 9Q. Regarding page 14, section 3A4, Sample Technical Calculations, do we need to provide calculations from our preliminary ECM work on this project only, or should we provide calculations for our preliminary ECM work as well as a set of NORESCO's typical energy and economic calculations?
- 9A. The RFP says submit a sample of technical calculation conducted by your firm for the ECMs your company proposes.

- 10Q. Does the language on page 1B, Section 16, which states "I certify that this bid..." need to be signed by the corporate officer?
- 10A. Yes, we require your proposal be signed by someone with appropriate binding signature authority.
- 11Q. I have some questions on the utility information that we were provided in the RFP per site:

Denmar

- a. Do you have the consumption or utility rates used to calculate these dollar amounts?
- 11Aa Please see and use the provided rates, 18A below.
- b. What is the heating fuel for buildings? Nat gas, oil, #2 oil?

11Ab Yes, # 2 Oil

Mt. Olive

What is the units of gas shown? CCF, Decatherms, therms?

Please see and use the provided rates, 18A below.

c. I assume the electricity "quantity" is in kWh. Does WV DOC pay a demand charge or just a kWh charge?

Please see and use the provided rates, 18A below.

d. What are the units for water? CCF, Gal, kGal?

Please see and use the provided rates, 18A below.

e. What are the units for sewer? CCF, Gal, kGal?

Please see and use the provided rates, 18A below.

Huttonsville

f. Do you have the consumption or utility rates used to calculate these dollar amounts?

Please see and use the provided rates, 18A below.

Pruntytown

g. Are the values shown in dollars? If so, do you have the consumption or utility rates used to calculate these dollar amounts?

Please see and use the provided rates, 18A below.

h. Is there any sewer charges? I only see water listed.

Please see and use the provided rates, 18A below.

- During our walkthrough's, it was stated that the West Virginia Division of Corrections will provide energy/water costs per unit with respect to our savings calculations. (Note: This will provide consistency amongst the respondents as to the value of each energy unit saved) When can we expect to receive this information for Denmar, Huttonsville, Mount Olive and Pruntytown?
- 12A. Please see and use the provided rates in the table below 18A .
- 13Q. During our walk through at Mount Olive Correctional Institution, the West Virginia Division of Corrections stated we are to receive an equipment list and inventory of equipment for that institution. When can we expect to receive this information?
- 13A. Per the RFP verbal communication is not binding, and MOCC staffs are tied up with emergency situation. Therefore, the list is not available.
- 1) Page 19, 5 A Financial Analysis (Cost Proposal)
- 14Q. Will the West Virginia Division of Corrections allow the selected ESCO to change project scope, project cost or energy savings numbers that are submitted in the cost proposal in response to RFQ COR61431 during the Investment Grade Audit stage?

- 14A. We could not change the scope, any changes in scope, savings and cost will be at the discretion of the WDDOC based on what is in the best interest of the agency while complying with the state code.
- 15Q. Will the selected ESCO, as a result of the Investment Grade Audit, be allowed to change project scope, energy savings or cost as submitted in response to RFQ COR61431 for the final contract?
- 15A. Although highly unlikely, any changes in scope, savings and cost will be at the discretion of the WDDOC based on what is the best interest of the agency
- 16Q. RFQ COR61431 states "provide an estimated of the cost of the investment grade audit that will be conducted after ESCO selection".(Pg 19, 5D) Will the selected ESCO have the opportunity to negotiate the Investment Grade Audit cost once a defined scope is selected?
- 16A. West Virginia code does not allow negotiations; however, the cost of the IGA provided by ESCO must include all ECMs proposed. It is our expectation that your investment grade audit will cover the ECMS proposed.
- 2) Page 19, 5 Financial Analysis (Cost Proposal)
- 17Q. Does the West Virginia Division of Corrections want all five sections (5 A through E) submitted with the separate cost package?
- 17A. Yes, it is defined in the RFP.

- 3) General Information Request:
- 18Q. Will the West Virginia Division of Corrections provide the following information: Usage (energy units and designations) and Cost for the electric, gas, oil, coal, water and sewer between July 2006 thru June 2009 for the following facilities:
- 18A. See Answer and rates provided below to previous questions on rates. Please use the provided rates for the facilities below.

TABLE OF RATES

All vendors must use the utility rate information provided below. Failure to do so will result in disqualification.

	Electric	Gas	Water	Sewer
Denmar	\$0.0742/KWH	2.7159/Gallon*	\$3.59/Gallon	\$15/Gallon
Huttonsville	\$0.07262	\$2.53/Gallon**	\$5.00/ 1,000Gallon	\$50.98 /Gallon
Mt. Olive	\$0.061/KWH	\$10.223/MCF	\$0.0084071/Gallon	\$0.006463/Gallon
Pruntytown	\$0.06893/KWH	\$10.359MCF	\$0.003414/Gallon	\$0.0016831/Gallon

^{*}Denmar uses fuel oil and propane for heating.

**Huttonsville currently uses propane and heating oil, but is in the process of being switched over 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: http://www1.eere.energy.gov/wip/guidance.html

No more questions will be accepted

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company: Juhnan Contra (s	4782 Penk Rose ct	PHONE 434810 2012
Live	Richard VA 03060	FREE
Address: Arry		FAX 434 752 0048
Company: Moresco	Ebdo Norman Dr.	PHONE 412-600 - 4984
Rep: MICHAEC Schweider	Sowickley, PA 15143	FREE
Email Address: IM Schneider Collovesco, com		FAX 412-788-4577
Company: SIEMENS BUILDING TECHNOLOGIES Rep: MARK LUDROSKY	CLEVELAMD, OH10	PHONE 330 671 1940 TOLL FREE
Email Address: TIM - MILITELD & SIGNUIUS - Com		FAX 330 882 4244
Company: Souldook Controls, Enc.	PITTS, PA ITETS	PHONE 1- 412-841-8996 TOLL FREE
Email Address: sobeate. m. aha @ Sciebon		FAX 412- 787-2512
Company: Constellation Energy	2000 Cocentra Rd	TOLL +//2 - 4/89 - 44/88
Rep: Christophin Chil	Sude 200	1,
Email Address: Christopher. Chris Constillation, com	Pittsburgh 11 15220	FAX 411-487-7501

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TOLL
FREE PHONE 4/2-372-590/ TOLL FREE PHONE TOLL FREE PHONE FAX FREE FREE FAX Ž FAX 412-788-4577 Ž PHONE 412 481 9501 TELEPHONE & FAX NUMBERS

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Company: NUNCESCO	16 20 Nooman Dr.	PHONE 412. 600 4914
Rep. MIKE Schneider	Somi chelor, P+ 15743	FREE
Email Address: MSchnede & Nonesco, Com		FAX 412-714-4577
Company: NORESCO	Four Peur Ceuter West	PHONE 412.722,9845
Rep: DAVID ROBIN	Suite 230	FREE
Email Address: drobb@ NoRESCO.COM	Prosburgh, PA 15276	FAX 412.788. 485
Company: Nokesec	414 FRANKUM HEIGHT DRIVE	PHONE 412-372-5901
Rep. STANLEY T. BIEL Val.	MONTROEVILLE, PA 15146-103C FREE	FREE
Email Address: SBIEL @ Nonesaco, com		FAX 412 - 788 - 4577
Company: The Trave lo- Bato Technical Salvey 340 LEXU Sullivan was Rep.	They william way	PHONE 384-346-0549 TOLL FREE
Email Address:		FAX 304-346-8920
Company: SIEMONS BUILDING TECHNOLOGIES	5857 S. MAIN ST	PHONE 330 671 1940
Rep. Mark Ludicaley	CUNTON, OH 44216	FREE C// (-30 70//
Email Address: TIM, MILITZER @ SIEMENS, COM		FAX 330 882 4244

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FREE PHONE 4348/0 96/2
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FREE FREE REFE TOP FAX 912. 489.950 FAX 4343520148 FAX FAX FAX 412-PHONE PHONE 4112-4121-8501 TELEPHONE & FAX NUMBERS 2016-684-714 487-2512

COR61431 HCC 12/2/10

FAX 3308824244		Email Address: TIM. MILITZER @ SIEM WYS. COM
FREE	CLEVELAND, OHIO	Rep: MARK LUDROSKY
PHONE 330 671 (940	TRANSPORTATION BLUD	Company: SUCMINS BUILDING TECHNOLOGIES
FAX A112-489 9501	P: Hoburgh, M 15270	Email Address: William Bentone constellation, com
FREE	Silve # 200	Rep: William Danton
PHONE 912-459, 9425	7090 Egreentree & bad	company: Constellation Energy
FAX 411-489- 1501	P. 118hush , M. 15,320	Email Address: Christopher: Close @ Constillation: con
FREE	Suite 200	Rep. Christopher Clase
PHONE 4/13 - 4/89 - 9438	2090 Greentres Rd	Company: Constallation Energy
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FREE	Richard, VA 28060	
217601786 4349/04C12	4)32 Park Roce CT	company:) Uhasra Gazels
FAX (-4/2-787-25/2		Email Address: rabert, m. sha @ 151.com
FREE	PTTS, PA 15275	Rep: POBERT M. AHA
PHONE /- 4/2-84/- 4996	114 TECAMOLOGY DR.	Company: JOHNSON CONTROLS INC.
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Email Address: Mehneich @ Moresco, com		FAX 412. 788. 4577
Company: Noresao	414 FRANCEIN HEVERTS DAVE	PHONE 412- 572 - 5901
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Company: JOHNION CONTRALS, INC.	117 TECHHOLOGY DR.	PHONE 1-412-241-4998
Rep. Roleis M. AHA	BITTS: PA 15675	FREE
Email Address: rober tom cha @ jili.com		FAX 1-112- 787-2572
Company: Noresco	414 FRANKLIN NEIGHTS DEIVE	PHONE 412-372-5901
Rep. STANLEY J. BIEC JR.	MONROEUNCE, PA 15146-1036	FREE
Email Address: SBIEL @ MORESCO. COM.		FAX 412-788-4577
Company: Noxesco	16 do workman Dr.	PHONE 412.600-4984
Rep: MICHAGE Schneidur	Sewickley Pt 15143	FREE
Email Address: MSchneider @ Mosses com		FAX 412-788- 457
Company: Loughollohan Energy	2090 Generalise Rd	PHONE 414 - 489- 9418
Rep: Chushopher Class	Super too	7 (m
Email Address: chushpher. chush & conste/luan.com	Aidleburgh, PA 15220	FAX 411.419-1501
company: Lowstelly tion Energy	2090 Greentree Road	PHONE 412-489, 9925
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Email Address: William Buntan & Constellation , Con-	1 Hebrah, PA 15220	FAX 412 489. 9501

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Rep: PRK LUDROSKI	CLINE LAND, OH 49125	FREE
Æ		FAX 866 620 7946
company: //harm Conpa(5	4232 Pape Place CT	PHONE 4346/0 86/2_
12514	Richard Var 23060	FREE
Email Address: Terry, C. Ramsey & Jci-Cam	COM	FAX 434. 352 OL48
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