



# Midland Public Schools

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## **GUARANTEED SAVINGS PROGRAM**

### **-ENERGY PROJECT-**



**REQUEST FOR PROPOSALS**  
**October 19, 2020**

***Amended Timeline: 10/28/2020***  
***Amendments noted on Pages 7 & 9***

## **I. TABLE OF CONTENTS**

### Section

- I. Table of Contents
- II. Project Description
- III. Proposal Format
- IV. The Selection Process
- V. Instructions for Submitting Proposals
- VI. Assurances

## II. PROJECT DESCRIPTION

1. Midland Public Schools (the “District”) requests detailed proposals for the implementation of energy conservation improvements district-wide, on a guaranteed energy savings contract basis. This Request for Proposal (RFP) will provide a competitive means in which to select a single company to implement the improvements, pursuant to MCL 380.1267 and 380.1274a.
2. In general, the components of the program are to:
  - a) Provide comprehensive services for the District’s buildings (identified in Appendix A) to include the design, implementation and commissioning of energy saving equipment and materials. It is the desire of the district to have a comprehensive list of facility improvement measures district-wide to consider including energy conservation measures, indoor air quality upgrades, etc. It is the District’s desire to have an identified comprehensive list of improvements from which the District can determine those that will be funded through a Guaranteed Savings Agreement and those that can be incorporated into the District’s Long Term Facilities Maintenance (LTFM) plan. Every submitted proposal must include boiler and HVAC replacement at the District’s Administrative Center and the conversion from current lighting systems to LED lighting throughout the Midland Public Schools where applicable.
  - b) Provide a more comfortable learning environment for building occupants. This may include the renovation, or replacement of existing lighting, heating, ventilation, air conditioning, temperature control systems, roofing systems, building envelope, and water-consuming equipment. The specific nature of improvements will be left up to the Respondent’s judgment and must be clearly identified in the Respondent’s proposal. The Respondent must provide a fixed-term warranty for the workmanship, materials and equipment provided through each proposal.
  - c) Provide a project that will have a single (1) contract between the District and the Respondent. The District will not have separate contracts with a subcontractor as part of the overall performance scope of work.
  - d) Provide a written detailed breakdown for each recommended facility improvement measure along with the respective detailed energy engineering savings calculations for each recommended measure.
  - e) Provide the cost for each recommended facility improvement measure. The total project cost must include all costs associated with the measure including design/engineering, subcontractor costs, project management and commissioning costs.
  - f) Provide the useful life and simple payback for each facility improvement measure.
  - g) The Respondent must include, as part of the program, a written guarantee of the energy and operational savings for a period of up to fifteen (15) years, with the District selecting the final length of the guarantee. If, at the end of any guarantee year during the guarantee period, the annual energy and operational savings reconciliation proves the energy conservation measures have failed to achieve the annual guaranteed savings, the selected contractor will pay the District the difference between the annual amount guaranteed and

the actual savings. This guarantee will assure the District that the savings will be achieved each year. Savings in any given year shall not be carried forward to a subsequent year for calculating the satisfaction of the guarantee for that subsequent year. The savings guarantee must be a first party guarantee from the Respondent. All savings relied upon for the guarantee must be measured savings.

- h) Acceptable lighting manufacturers include Acuity/Lithonia, Hubbell Lighting, Philips, Sylvania, GE, Cree, Lumecon, Eaton/Cooper, Sensorswitch, Wattstopper, Leviton, Keystone, or approved other. In order for an alternative manufacturer to be approved, a Respondent must submit a proposed manufacturer to the District's Director of Operations not later than 3 days prior to the deadline for submission of proposals, and the proposed alternate manufacturer shall not be approved unless or until the District issues a written approval of that proposed alternate manufacturer.
- i) In accordance with MCL 380.1274a, all energy savings for the Project must be guaranteed according to the International Performance Measurement and Verification (M&V) Protocol (IPMVP) or its successor organization the Efficiency Valuation Organization (EVO) guidelines current at the time of the RFP. Baseline data will be provided to all bidders at the mandatory pre-bid meeting (see pg. 7 – Section IV.A).
- j) As required in MCL 388.851, the Respondent shall provide all services identified under 1937 PA 306 that may be performed by an architect or engineer including supervisory services, provided the specifications for the Project shall be generic in character and, to the extent possible, shall not include proprietary equipment or technology developed by the Respondent or in which the Respondent has an interest. As required by law and/or regulation, the Respondent shall file all necessary plans, drawing and other materials with the appropriate agency of the State of Michigan to obtain the appropriate approvals for the Project.
- k) The Proposal's energy savings shall not be based upon the partial reduction in the District's staff, the purchase of deregulated electricity and/or natural gas, though a Respondent may offer such recommendations separate from any statement of energy savings.

### III. PROPOSAL FORMAT

Proposals shall be submitted in the format outlined in this section. Each proposal will be reviewed to determine if it is complete prior to actual evaluation. The District reserves the right to eliminate from further consideration any proposal deemed to be substantially or materially unresponsive to the requests for information contained herein.

#### A. CONTRACTOR QUALIFICATIONS

Each Respondent's proposal must include the following information regarding that Respondent's qualifications:

1. Provide the general background information of your company including address, contact information, corporate organization, and tax identification numbers.
2. Provide a complete overview of your firm including personnel assigned to this project. To include but not be limited to their responsibility, individual backgrounds, industry experience, etc. Respondent shall commit to not shifting Respondent's assigned personnel from the District's project to another project of Respondent. Further, Respondent shall provide resumes/CVs of any personnel to be assigned to the District's project, and if reassignment is required because assigned personnel leaves the employ of Respondent, the replacement shall have qualifications and experience equal to or greater than the replaced personnel and the District shall have the right to reject personnel assigned to the Project.
3. Provide a description of how your firm will work with the District to develop, implement, and provide ongoing energy design services to ensure success, maximize savings, and achieve the best possible outcome of the project.
4. Identify who will supervise the project in accordance with MCL 388.851 et seq.
5. Proposal to be signed by an authorized company official and each proposal must contain a sworn and notarized affidavit of any familial relationship between the Respondent or any employee of the Respondent and any member of the Board of Education or Superintendent of the District. The Owner will not accept a Proposal that does not include this sworn and notarized statement.
6. In accordance with Michigan Public Act No. 517 of 2012, all Proposals must be accompanied by a sworn and notarized statement certifying that the Respondent is not an Iran Linked Business. The District will not accept a Proposal that does not include this sworn and notarized statement.
7. Evidence that the Respondent can secure a performance bond and a payment bond for the energy conservation measures under the contract, the cost of which shall be included in the Respondent's proposal
8. An assurance that all work shall be performed in accordance with all applicable laws, rules, regulations, codes and standards.
9. The appropriate "bid security" from a qualified surety in the form of a bid bond, certified check or cashier check in the amount of five (5) percent of the bid amount will be required with Proposal submission as a condition for consideration of award. Bid bonds shall be duly executed by the Respondent as principal and having as surety thereon, a company authorized to execute such in the State of Michigan. All Sureties must be listed in the federal Department of Treasury's Circular 570. Bid bonds shall pledge that the Respondent, with the understanding that if their proposal is accepted, will enter into the Contract with the District

for the services selected by the District and will furnish bonds covering the faithful performance of the Contract and the payment of all obligations arising thereunder. The attorney who signs the surety bond must file with the bond, a certified and effectively dated copy of the power of attorney. Bid securities will be returned to the successful Vendor after a Contract has been executed, and acceptance of required bonds and insurance is made. The bid security of Respondents not under consideration for award of the Contract will be returned by the District in a timely manner. The bid security of all Respondents may be retained until a Contract is awarded. The bid security obliges shall be the District and shall become its property in the event that the Respondent fails, within fifteen (15) days of notice of award, to execute the Contract, deliver the performance and payment bonds, and send the required certificates of insurance. The bid security shall be forfeited to the District as liquidated damages, not as a penalty.

10. Respondents shall submit a written summary and or list of pending and/or recent litigation, arbitration and/or mediation within the past five years related specifically to its performance of an energy savings performance contract.

## B. CONTRACTOR EXPERIENCE

1. Provide a list of a minimum of five (5) Michigan K-12 school districts in the last five years where your firm, or the personnel that will be working on the Midland Public Schools' project, played a major role that is identical to the role they will be serving as part of this project. Include the name of the project, scope of work, cost, services provided, savings guaranteed, the primary point of contact and contact information.

## C. SCOPE OF WORK

The Scope of Work shall contain information about the Respondent's recommended facility improvement measures within each of the buildings identified in Appendix A.

For each proposal, the Respondent shall:

1. List the specific improvements the Respondent has identified in each District building. This is to include a complete description of the current condition of the equipment, the work to be performed for each facility improvement measure, the annual net energy savings for that specific improvement, and the expected result of the proposed facility improvement measure.
2. Provide a detailed project management schedule. The Respondent must indicate how they will implement, manage and supervise the project including a preliminary project implementation plan.
3. Include information for any recommended measurement and verification, maintenance and training services. This must also include baseline period selections and information regarding heating and cooling degree days.
4. Provide a commissioning plan that will be provided as part of the proposal.

#### D. PROJECT FINANCIALS

All proposals must include firm, guaranteed costs for all proposed improvements and guaranteed savings projections.

The Respondent's proposal shall contain the following financial information:

1. The project cost for each individual facility improvement measure in each building as well as the total project cost.
2. Projected and guaranteed rebate amounts for any facility improvement measure.
3. A detailed list of the annual guaranteed savings, including calculations and assumptions for each improvement, listed individually and by building, as well as the total annual guaranteed savings and the net financial benefit to the District from the proposed improvements.
4. The Respondent shall illustrate project financial information in a representative draw schedule for the recommended total project.
5. The total cost for any recommended ongoing training, maintenance, measurement, and verification services.

#### E. OTHER BENEFITS

The Respondent should describe any additional benefits the District would receive by working with and doing a project with the respondent.

### **IV. THE SELECTION PROCESS**

#### A. TIMETABLE

The District expects to undertake the selection process described below according to the following schedule:

RFP Released	October 19, 2020
Mandatory Bidders Meeting	November 2, 2020 (10:00 a.m.) 600 East Carpenter St., Midland MI 48640
Bid Due Date	<del>November</del> December 23, 2020
Board Recommendation for Selected Bidder	<del>December 21</del> January 11, 2020

#### B. SITE VISITS

Site visits can be scheduled as necessary. Interested parties should contact Mr. Michael Moeggenberg, Director of Operations, at [moeggenbergmj@midlandps.org](mailto:moeggenbergmj@midlandps.org).

## C. PROPOSAL EVALUATION

Proposals will be evaluated and scored on the basis of the following criteria:

- A. Contractor Qualifications** **20%**  
Preference will be given to Respondents that have put forth the strongest and most qualified team including subcontractor and/or project partners.
- B. Contractor Experience** **20%**  
Preference will be given to Respondents that have demonstrated success providing the technical services being requested by the District and that can provide the services to the District the most efficiently and cost effectively.
- C. Scope of Work** **20%**  
Proposals should include a detailed and sound technical approach to meeting the District's comfort, energy, and operating cost efficiency objectives.
- D. Project Financials** **35%**  
Preference will be given to the proposals that responsibly maximize the net economic benefit to the District, that responsibly minimize the risk to the District, and produce the lowest responsible bid.
- E. Other Benefits** **5%**  
Preference will be given to any unique opportunities identified by the Respondent.

## **V. INSTRUCTIONS FOR SUBMITTING PROPOSALS**

### **A. REQUESTS FOR FURTHER INFORMATION**

Questions concerning this RFP and the procedures for responding to the RFP should be directed to Mr. Michael Moeggenberg, Director of Operations, at [moeggenbergmj@midlandps.org](mailto:moeggenbergmj@midlandps.org) by not later than 10 days prior to the deadline for receipt of proposals. Responses to questions from the District shall be provided to attendees of the mandatory bid meeting at least 5 days prior to the deadline for receipt of proposals.

### **B. SUBMISSION OF PROPOSALS**

Bidders shall submit signed, sealed, written proposals by 1:00 p.m. local time, ~~November~~ **December 23<sup>rd</sup>**, 2020 at the District Offices 600 E. Carpenter St, Midland, MI 48640. An original and three hard copies of the proposal shall be submitted along with a flash drive that contains an accessible “pdf” electronic version of the original proposal. Late bids will not be accepted. The sealed proposal must be designated on the outside of the envelope as “ENERGY PROJECT PROPOSAL”.

All timely proposals shall be opened and read aloud at a public bid opening to be held ~~November~~ **December 23**, 2020 at 1:00 pm at the administrative offices of the District. The District reserves the rights to disqualify from consideration proposals, which do not substantially provide all of the information, requested in this RFP. Proposals received and not otherwise withdrawn by a Respondent at or before the bid deadline shall be firm for not less than 45 days from the date of the bid deadline.

### **C. RIGHT TO REJECT**

In submitting a proposal, it is understood by the Respondent that the right is reserved by the District to accept any proposal in any and all parts, to reject any and all proposals, and to waive any irregularities or informalities, which are in the best interest of the District.

### **D. COST OF PROPOSAL PREPARATION**

The cost of preparing a response to this RFP, including site visits, comprehensive energy audit, engineering analyses, estimating and any other services required to submit a proposal will **not** be reimbursed by the District.

### **E. INSURANCE REQUIREMENTS**

The Contractor will provide the District with the required insurance certificates before the Contractor is awarded the contract. These certificates of insurance shall be submitted to the District’s Maintenance Department.

The bidder must also ensure all employees working on this contract have Workers’ Compensation insurance. The District will not be responsible for any job-related injuries to the contractors (direct or subcontracted) employees.

Once contract is awarded Midland Public Schools will need to be added as an additional insured to the insurance policies. The contractor will provide the District with an indemnification assurance, equal opportunity employer assurance, and proof of insurance with at least the following coverage limits:

**MINIMUM REQUIRED INSURANCE LIMITS**

<b>Commercial General Liability</b>	<b>Minimum Limits</b>
Fire Damage	\$100,000
Medical Expenses	\$10,000
Personal & Adv. Injury	
Each Occurrence	\$1,000,000
Aggregate \$2,000,000	
Products - Comp/Op Agg.	\$1,000,000
Property Damage	
Each Occurrence	\$1,000,000
Aggregate	\$2,000,000
Excess Liability (Umbrella)	
Each Occurrence	\$5,000,000
Aggregate	\$10,000,000
Fidelity/Employee Dishonesty Bond	\$50,000

**Automobile Liability (Including Hired & Non-Owned)**

Personal Injury/Bodily Injury	
Each Occurrence	\$1,000,000
Or Combined Single Limit	\$1,000,000
Property Damage	
Each Occurrence	\$500,000

**Workers Compensation Minimum Limits:**

Coverage A Statutory  
 Coverage B as follows:  
 Each Accident \$500,000  
 Disease - Policy Limit \$1,000,000  
 Disease - Each Employee \$500,000

**VI. Assurances**

**PROPOSER ACKNOWLEDGMENT OF RFP REQUIREMENTS**

The undersigned declares that he/she has carefully examined the instructions and specifications contained in the RFP and will furnish the properties and services set forth in its sealed proposal for the price set forth in its sealed proposal.

Name of Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone/Fax: \_\_\_\_\_

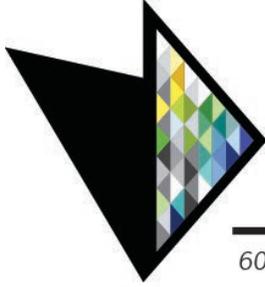
Representative/Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX:  
A: LIST OF THE DISTRICT'S BUILDINGS**

#	Building	Street Address	Area (Ft <sup>2</sup> )
1	Herbert Henry Dow High School	3901 N Saginaw Rd	278,696
2	Midland High School	1301 Eastlawn Dr	294,618
3	Jefferson Middle School_Siebert	800 W. Chapel St	160,735
4	Northeast Middle School	1305 E. Sugnet St	145,847
5	Central Park School_Auditorium	1400 Rodd St	145,596
6	Adams Elementary School	1005 Adams Dr	56,422
7	Woodcrest Elementary School	5500 Drake St	48,987
8	Siebert Elementary School	5700 Siebert St	48,489
9	Plymouth Elementary School	1105 E. Sugnet St	49,410
10	Chestnut Hill Elementary School	3900 Chestnut Hill Dr	50,240
11	Carpenter Pre-Primary	1407 W. Carpenter St	37,934
12	Midland Public Schools Admin	600 E. Carpenter St	42,674
13	Midland Schools Bus Garage	410 E. Hines St	34,446
14	Stadium Building	2508 Washington St	
15	Grounds Building	411 E. Hines St	



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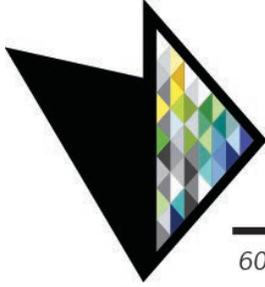
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### **IRAN ECONOMIC SANCTIONS ACT CERTIFICATION**

I am the \_\_\_\_\_ (insert title) of \_\_\_\_\_ (insert bidder company name), or I am bidding in my individual capacity ("Bidder"), with authority to submit a binding bid for the provision of custodial services to Midland Public Schools. I have personal knowledge of the matters described in this Certification, and I am familiar with the Iran Economic Sanctions Act, MCL 129.311, et seq. ("Act"). I am fully aware that the school district will rely on my representations in evaluating bids.

I certify that Bidder is not an Iran-linked business, as that term is defined in the Act. I understand that submission of a false certification may result in contract termination, ineligibility to bid for three (3) years, and a civil penalty of \$250,000 or twice the bid amount, whichever is greater, plus related investigation and legal costs.

Signature: \_\_\_\_\_



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### **AFFIDAVIT OF BIDDER**

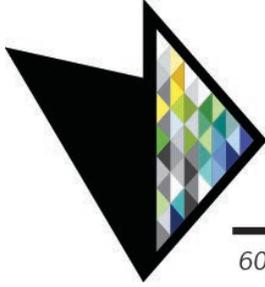
#### **COMPLIANCE WITH SCHOOL SAFETY INITIATIVE LEGISLATION**

The undersigned, the owner or authorized officer of \_\_\_\_\_ (the “Bidder”), certifies to Midland Public Schools (the “School District”), that any and all persons who will work directly or indirectly for the Bidder, including, but not limited to, Bidder’s employees, agents, vendors, subcontractors or consultants, and who will work at or on any School District property, shall at all times be in compliance with MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, and 380.1230g and have not been convicted of any “listed offenses”.<sup>1</sup> The Bidder further warrants and represents that all persons who will work directly or indirectly for the Bidder, including, but not limited to, Bidder’s employees, agents, vendors, subcontractors or consultants, and who will work at or on any School District property, shall at all times be in compliance with MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, and 380.1230g. In this regard, Bidder agrees, without limitation, to report within 3 business days to the School District when any such person is charged with a crime listed in Section 1535a(1) of the Revised School Code<sup>2</sup> or a substantially similar law, and to immediately report to the School District if that person is subsequently convicted, plead guilty or plead no contest to that crime.

**BIDDER:** \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_



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## **AFFIDAVIT OF BIDDER**

### **FAMILIAL RELATIONSHIPS FORM**

The undersigned, the owner or authorized officer of \_\_\_\_\_ (the “Bidder”), pursuant to the familial disclosure requirement provided in the \_\_\_\_\_ (the “School District”) advertisement for construction bids, hereby represent and warrant, except as provided below, that no familial relationships exist between the bidder(s) or any employee of \_\_\_\_\_, and any member of the Board of Education of the School District or the Superintendent of the School District.

#### **List any Familial Relationships:**

**BIDDER:** \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_.

\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in the County of: \_\_\_\_\_