

THE SCHOOL DISTRICT OF PHILADELPHIA OFFICE OF CAPITAL PROGRAMS
440 NORTH BROAD STREET, 3RD FLOOR
PHILADELPHIA, PENNSYLVANIA 19130-4015
TELEPHONE (215) 400-4730 / FAX (215) 400-4731



Request for Proposal
Professional Energy Performance Engineering
(EPE) Services for Energy Pilot Project

1.0 Subject

The School District of Philadelphia's Office of Capital Programs is requesting proposals from qualified firms to provide professional Energy Performance Engineering (EPE) consulting services for a period of three (3) years (July 1, 2017 through June 30, 2020) with a potential for one (1) one-year optional renewal if found to be in the best interest of the School District of Philadelphia to support an Energy Pilot Project at three (3) schools. The pilot schools have not yet been selected.

The School District was designated a distressed school district on December 21, 2001 pursuant to the Pennsylvania Public School Code (PSC), 24 P.S. §6-691(c). The School Reform Commission (SRC) has been established pursuant to PSC, 24 P.S. §6-696, and is responsible for the operation, management, and educational program of the School District pursuant to PSC, 24 P.S. §6-696(e)(1).

2.0 Place and Date of Submission

One (1) original and four (4) copies each of the Technical Proposal and Fee Proposal shall be submitted in separate sealed envelopes clearly marked: "Energy Performance Engineering Services RFP – TECHNICAL PROPOSAL" and "Energy Performance Engineering Services RFP – FEE PROPOSAL" with the name of the proposing firm and their address.

Faxed and electronically transmitted proposals will not be accepted.

Responses must be received by no later than Tuesday, April 25, 2017 at 2:00 PM.

The proposal shall be addressed to:

School District of Philadelphia
Office of Capital Programs
440 North Broad Street, Suite 371, Office #3165
Philadelphia, PA 19130
Attn: Jerry Thompson, Contracts Manager

It is the submitting firm's responsibility to ensure timely delivery of the RFP at the designated location. We strongly urge that proposals be hand delivered to avoid delivery delays within the District's mail room. Failure to meet this deadline, unless extended by the School District, will result in immediate disqualification. The School District reserves the right to accept RFP responses received after this date and time if it is determined to be in the best interests of the School District to do so.

3.0 Questions and Communications

Respondents are encouraged to register with the Office of Environmental Management and Services (OEMS) at flocke@philasd.org and gfunod@philasd.org to receive updates and postings regarding this RFP.

Please include in all e-mail communication regarding this RFP **"EPE Services RFP"** in the e-mail subject.

All questions must be submitted in writing via e-mail to flocke@philasd.org and gfunod@philasd.org no later than 10:00am on April 7, 2017. The e-mail must include "EPE Services RFP" in the subject line. The School District will not be bound by any oral communications. All responses, including addenda to the RFP, will be provided for every inquiry and posted on the SDP website just below the advertisement of the RFP. From the date of release of the RFP to the date of authorization of a contract, there shall be no communication concerning the RFP between prospective respondents and/or their agents or staff with any School District staff, except as provided in the RFP. Communication with other School District staff is expressly prohibited. Any communication in violation of this provision will not be binding on the School District and shall be grounds for immediate disqualification.

4.0 Schedule

Milestone Dates

Deadline for all RFP Questions	April 7, 2017, 10:00am
Answers to questions posted online	April 13, 2017, 5:00pm
Due date for submission of proposals	April 25, 2017, 2:00pm
Anticipated date of contract award by	June 16, 2017
Anticipated effective date of contract	July 1, 2017

5.0 Project Scope

The School District of Philadelphia is requesting proposals from qualified engineering firms who can provide energy performance engineering (EPE) services or owner’s representative companies or any company that feels as though they can satisfy this scope as the School District moves forward with an Energy Performance Contract (EPC) through the PA Guaranteed Energy Savings Act (GESA). The firm will support selection of an energy services company (ESCO), supervise and review the design of the project in accordance with all applicable requirements, supervising the construction, verify substantial completion and verify actual energy savings resulting from the work. The services will be provided over the course of the EPC project, and will include a minimum of 24 months of support with measurement and verification (M&V). This initiative requires a firm that has demonstrated specialized experience and knowledge necessary to ensure that the School District’s interests are protected throughout all phases of the process, and that the greatest value is received for the energy savings achieved.

The School District of Philadelphia is planning to complete an energy performance contracting (EPC) pilot project, including energy conservation measures, at three (3) K-12 schools. These projects are being developed as a pilot to determine the viability of energy projects across over 200 schools in the future. The School District is undertaking this work to improve building conditions that support teaching and learning, target investment in critical systems beyond life expectancy, reduce utility costs, reduce environmental footprint and measure the return on investment. Additionally, the School District is pursuing the energy pilot to meet the goals established in the District’s first sustainability plan, “GreenFutures,” which was released in 2016.

GreenFutures is a five-year sustainability plan that was created by District staff and stakeholders with a common goal: to make public schools great. It aims to make every school a green school that will better serve students and communities. A green school is defined as a school that provides students with equitable access to healthy, clean and energy efficient learning spaces as well as resources that cultivate student, staff, family and community engagement in environmental stewardship, social justice and Education for Sustainability (Efs) opportunities. It is available online at this link to Green Futures- A Sustainability Plan for the School District of Philadelphia. <https://greenfutures.philasd.org/>

The School District of Philadelphia has over 300 school buildings totaling over 23 million square feet. The District tracks utility usage across electricity, natural gas, heating oil, steam and water, at an annual cost of \$37 million.

In January 2017, the School District of Philadelphia released the results of a two-year Facility Condition Assessment (FCA) project, completed by Parsons Environment & Infrastructure Group. FCAs have been completed for 308 buildings and grounds, and all major buildings systems have been evaluated.

Complete FCA reports for all schools can be found at:

<http://webgui.phila.k12.pa.us/offices/c/capitalprojects/programs--services/fca>.

The firm shall be responsible for an initial scoping of the construction work, support on public bid and procurement of an energy services company (ESCO), development support for ESCO contracts and provisions, supervision of construction, and supervision of Measurement and Verification. The firm must guarantee that the identified project energy savings will be realized throughout the guaranteed period, or the firm will work with the ESCO to provide a suitable remedy. The School District desires responses that will not receive any payments for services rendered unless or until the School District of Philadelphia signs a contract with an ESCO. The firm will be required to perform the following tasks without any cost outlay from the School District of Philadelphia.

A summary of EPE services required on this project is as follows:

5.1 Identify three schools based on School District of Philadelphia's data for the site selection and advise on the selection process.

5.2 Introduce best management practice in the market, build the program and protect the School District's interest from ESCO.

5.3 Provide an approximate time period necessary for each aspect of the scope of services and ESCO project plan.

5.4 Support the School District of Philadelphia in ensuring that M/WBE requirements are met for the EPC project as a whole, including monitoring of participation in project development, implementation and M&V.

5.5 Provide monitoring and support in ensuring the ESCO complies with ongoing operations and maintenance requirements as appropriate.

5.6 Perform an energy assessment survey of the proposed School District facilities and prepare a written report identifying the size and scope of a potential EPC.

5.7 Write and prepare an RFQ and/or RFP to solicit an ESCO. Ensure that the RFP attracts competitive and qualified proposers and includes energy savings measures preferred by the School District, optimizing capital work and energy savings.

5.8 Provide a detailed evaluation of the financial, technical and energy savings aspects of the proposals received, specifically evaluating utility rate assumptions and escalation rates. Review the qualifications and experience of proposers and assist the School District of Philadelphia in determining the best ESCO proposal for this project.

5.9 Supervise the ESCO in preparation of a detailed investment grade Comprehensive Energy Audit (CEA) and the development of site-specific work to be performed that will produce the largest and most dependable energy savings incorporating the most capital work feasible and review of both energy conservation and renewable energy measures. The EPE firm will confirm that the M&V procedures selected will ensure that the guaranteed energy savings are realized. When the CEA is complete, the EPE firm will evaluate and prepare a report for the School District.

5.10 Assist the School District in the preparation and review of a contract between the ESCO and the School District that reflects the scope of work identified in the CEA. The EPE firm shall ensure that the School District is free from additional costs and liability throughout the term of the project.

5.11 Supervise and review the preparation of the plans and specifications by the ESCO to reflect the scope of work identified in the CEA. All plans, specifications, and applications will be prepared and submitted in accordance with all applicable regulatory agency requirements. The EPE firm is responsible for complete project submission and advising on approval by required permitting authorities.

5.12 Provide construction administration services to ensure the project is completed in accordance with approved plans, specifications and the ESCO contract. Construction Inspection Reports and meeting minutes will be provided to the School District of Philadelphia on an agreed-upon basis, typically bi-weekly.

5.13 Inspect and verify substantial completion of the project and identify all punch list items. Prepare Certificates of Substantial Completion. Monitor all system commissioning. Ensure all guarantees, rebates, training, equipment manuals, and other contractual requirements are provided by the ESCO and documented.

5.14 Review the detailed and comprehensive M&V Plan prepared by the ESCO. This is considered by the School District as a critical element of the performance contract because it provides the basis for the energy savings guarantee. The EPE firm will, for a period of at least 24 months after substantial completion, evaluate actual energy savings realized by the Energy Performance Project. This will include discussions with the ESCO and the review of the M&V report and the review of related calculations.

If the guaranteed energy savings are not realized, the EPE firm shall document and assist the School District of Philadelphia to recover the shortfall from the ESCO.

6.0 Proposal Requirements

Technical proposals shall provide the following required information. Technical proposals shall provide a comprehensive, but concise summary of qualification and capabilities to satisfy the requirements of the RFP.

Adhere to the following organization in the proposal by providing tabs for sections listed below as noted.

No tab required for introduction section.

-
1. Cover Letter: Provide a cover letter that references the RFP and confirms that all elements of the RFP have been read and understood. The cover letter shall be signed by an individual authorized to contractually bind the proposer and shall include Attachment F. – Acceptance of

Terms and Conditions of the Contract. In the event that the firm does not provide signed and sealed Attachment F, the SDP will deem the firm's proposal non-responsive to the RFP.

6.1.1 Table of Contents

6.1.2 Identification of the legal structure of the firm, or consortium of firms, making the proposal. Discuss the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.

Tab 1 – EPE Project Experience

- Provide information on performance and experience in past projects that would demonstrate the proposer's ability to successfully assist the School District of Philadelphia to complete an Energy Performance Contract and select and supervise an ESCO. Provide contact information, project size, completion date and verification of energy savings report (minimum 5 projects).
- Describe any project(s) monitored by their firm that did not realize the energy savings guarantee and identify what was the course of action or outcome. If None, provide statement.
- Sample reports, including: RFP proposal evaluation report, construction inspection report and a Comprehensive Energy Audit (CEA) evaluation report.
- Explanation of the practices and procedures the Proposer will employ to ensure that energy saving proposals submitted by ESCOs are reasonable, justifiable, measurable and adhere to professional practices.

Tab 2 – Project Organization, Personnel Experience, and Qualifications

- Provide information for the organization of the project staff that will be used to successfully deliver this project. Define the key personnel of each team component and how the team will be managed, the decision-making ability in the process, and the qualifications of the key personnel. At a minimum, include the following:
 - A. Project Organization – Provide an organization chart that defines the project management and staff plan, key personnel, for the preconstruction, construction, and post-construction portions of the project and include:
 - a. A narrative of how the staff will function during each of the respective phases and personnel change for each of the phases.
 - b. Each position within the project organization and the role and responsibilities of the individuals.
 - c. The individual team members/position within the organization that will be on the project for the entire duration of the delivery or whether a specific position will not be required for the entire project delivery.

- B. Personnel Experience – Each proposer shall submit bios demonstrating the qualifications of the key personnel defined on the organization chart for this project, including licensed professional engineers, Certified Energy Managers (CEM) and Project Managers that are available to work on this project and their related experience developing and managing Energy Performance Contracts.
 - Provide a “Certificate of Authorization” from the State Office of Professions granting the authority of the proposing engineering firm to provide engineering services in the Commonwealth of Pennsylvania.
 - Provide a minimum of three references with recent experience with the firm and key personnel.

Tab 3 – Project Schedule and Plan

Schedule for work on the project, including the time estimated for developing the RFP, identifying buildings, permitting, Design, Public Bid, Procurement and award of ESCO contract, and Construction duration with an estimated overall project completion date.

The project schedule and plan is intended to show the EPE understands the overall process and sequencing of activities.

Tab 4 – Proof of Current Insurance Coverages

The firm shall provide a Certificate(s) of Insurance reflecting current insurance coverage of the firm for the following:

- B. Workers’ Compensation and Employees’ Liability Insurance
- C. Commercial General Liability Insurance
- D. Automobile Liability Insurance
- E. Professional Liability Insurance
- F. Excess Umbrella Insurance

Successful proposer(s) must provide evidence of current insurance coverage prior to the execution of the Contract for Professional Energy Performance Engineering (EPE) consulting services. The amounts and types of such insurance coverage are indicated in the (EPE) consulting services sample Contract.

Tab 5 – Good Standing or Subsistence Certificate

All firms must submit a copy of their firm’s Good Standing or Subsistence Certificate issued by the Pennsylvania Department of State, Corporation Bureau. You can contract the Corporation Bureau at (717) 787-1057 or you can go online and order the Certificate. You may have to register your company before ordering.

Tab 6 – Completed Executed Attachments

The RFP proposing firm shall complete attachments as follows:

1. Attachment A – Complete the Disclosure of Ownership form.
2. Attachment B – Equal Opportunity
3. Attachment C – Review and sign the Anti-Discrimination Policy.
The proposer shall not discriminate in employment and shall abide by all anti-discrimination laws.
4. Attachment D – MBE/WBE Participation Plan
5. The MBE/WBE Participation Goal will be set for the entire EPC, and will not be specific to EPE services. See Attachment “C”, ANTI- DISCRIMINATION POLICY, for details. Proposers must complete and sign Attachment “D”, MBE/WBE Participation Plan. Proposers shall identify the specific firms that make up its commitment to the percentage goals stated. Do not put TBD (to be determined) for M/WBE participation goals. Goals are scored by the % provided in Attachment “D”, M/WBE Participation Plan of your Proposal.
6. Attachment F – Acceptance of Terms and Conditions of the Contract
In the event that the firm does not provide signed and sealed Attachment F, the SDP will deem the firm’s proposal non-responsive to the RFP.
7. Attachment G – City of Philadelphia Tax Compliant Certificate
The School District will not enter into a contract with a firm, business, or other legal entity that has not submitted a copy of its “Certificate of Tax Clearance” with the City of Philadelphia to the School District. See the attachment for the City of Philadelphia website to obtain the certificate and the City of Philadelphia Department of Revenue Tax Clearance Unit phone number.

Tab 7 – Acknowledgement of Receipt of Addenda (if any)

The firm will acknowledge and list the number of addenda received.

Tab 8 – Company’s Financial Statements

The proposing firm must provide a copy of the most current financial statement. Audited financial statements are preferred. If not available, provide reviewed financial statements or compilation.

7.0 Fee Proposal

Firms responding to the RFP shall complete and return a separate fee proposal in a separate sealed envelope at the same time as their technical proposals however, the proposer’s fee proposal will not be opened unless and until that firm has been selected for fee negotiation.

All fees are to be based on a percentage of total construction cost of the ultimate Energy Performance Contract. Provide the percentage here, whether that varies depending on the project size (with a maximum of 3 levels), and what additional fees or differences in fee structure are being proposed for Measurement & Verification for the required 24-month period and optionally, beyond.

Recommend key project milestones for which invoices would be issued for partial payment (via the ESCO ultimately selected).

Proposed fee percentage should cover all related overhead, profit, supplies, materials, travel, etc., for performance of work required.

8.0 Evaluation Criteria

The selection committee will review all RFP submittals and assign a technical score based on the evaluation criteria and the weighting for each section described, including:

- a. Qualifications of the personnel and education of the key team members to provide the services being proposed.
- b. Proposer's ability to responsibly manage the completion of the proposed renovations.
- c. Ability to support meeting M/WBE goals for the EPC as a whole.
- d. Extent and depth of experience specific to energy performance design, contract development and management, including quality of RFP, CEA and M&V evaluation and project administration specifically for K-12 schools.
- e. Level of client satisfaction determined from supplied references
- f. Experience with green, sustainable and renewable energy systems and energy conservation measures.

9.0 Selection Procedure

The SDP is following a two-stage qualifications-based-selection (QBS) process for this solicitation (sometimes referred to as the Brooks Act process). The School District may at any time terminate the RFP process provided for herein for any reason or no reason in the sole discretion of the School District. The receipt of proposals or other documents by proposers during any state of the RFP process will in no way obligate the School District to enter into any agreement with any proposer or make the School District liable for any proposer costs.

Stage 1:

Step 1: Technical proposals of firms will be evaluated by the selection committee and ranked on the basis of their technical qualifications and suitability for this assignment.

Step 2: A limited number of firms (to be determined by the SDP) with the highest rated technical proposals will be invited to interviews and oral presentations with the selection committee.

Step 3: The interview described below is an integral part of the evaluation process. The makeup of the proposed EPE project team and their ability to communicate and work effectively with the rest of the team is of critical importance to the SDP.

The EPE presentation should focus on the following:

- 9.1.1 Introduction of the proposed staffing for the project. What qualities will each proposed staff member bring to the team that will lead to the success of this project?

- 9.1.2 The factors that differentiate the proposing firm from the other firms. What makes your firm uniquely qualified to perform on this project?
- 9.1.3 Descriptions by EPE staff persons of their process and previous projects providing energy performance engineering services, specifically for projects for K-12 or government clients.

Highlight any areas of the firm's proposal that warrant the special attention of the evaluation team, especially projects that the team has completed together in the local area that demonstrate their ability to successfully complete this project.

Stage 2:

In the second stage, the fee proposal of the highest rated firm will be opened and the SDP will enter into fee negotiations. (Fee proposals for the other firms will not be opened until such time as the firm in question has been selected for fee negotiation.)

If the SDP cannot reach an agreement on fee with that firm, negotiations with that firm shall be terminated. The fee proposal of the next highest rated firm will be opened and fee negotiations with that firm commenced.

The process will be repeated as necessary until agreement is reached or the SDP elects to terminate this solicitation.

Each technical proposal will be reviewed by a selection committee to determine responsiveness. Proposals deemed non-responsive will be rejected without evaluation. The SDP reserves the right to reject any or all proposals when such rejection is in the best interest of the SDP. A responsible proposal is complete and addresses all requirements of the RFP. The SDP reserves the right to waive any informalities and technicalities in the RFP process or any non-material defects in proposals.

If for any reason whatsoever, the SDP rejects the proposer's proposal, the proposer agrees that it will not seek to recover lost profits on work not performed nor will it seek to recover its proposal preparation costs. By submitting its proposal, the proposer expressly states that it intends to be legally bound and accepts the limitation of remedies set forth in this paragraph. By submitting its proposal, the proposer further expressly states that should it file, initiate, or persuade another to file, initiate or in any other manner pursue or encourage any lawsuit or that such filing, initiating, or other pursuit constitutes a breach of its agreement with the SDP and that it will be liable for damages incurred by the SDP arising from the breach of this agreement including, but not limited to, the SDP's attorneys' fees and costs of defending such action.

The School District may at any time terminate the RFP process provided for herein for any reason or no reason in the sole discretion of the School District. The receipt of proposals or other documents by proposers during any state of the RFP process will in no way obligate the School District to enter into any agreement with any proposer or make the School District liable for any proposer costs. The School District may alter these and any other procedures as it deems necessary and appropriate. The School District will evaluate all proposals based on a number of factors to determine what is in the best interests of the School District.

If the selected firm(s) are approved by the School Reform Commission, the SDP will notify the successful proposer(s) of the award and prepare and distribute the necessary documents for execution. The unsuccessful proposers will be notified by letter after the awarding of the contract.

ATTACHMENT "A"

**DISCLOSURE OF OWNERSHIP
FOR PROFESSIONAL AND CONSULTING SERVICES**

All businesses submitting proposals are required to complete the appropriate portion of this form. If more space is needed attach additional pages. In submitting its proposal, of which this Disclosure of Ownership form is a part, the business certifies that the information submitted in this Disclosure of Ownership form is correct as of the date of the submittal of the proposal.

1. If the business is a corporation, check here _____ and complete the following:

If the shares of the Corporation are not listed on the New York Stock Exchange or any regional exchange, list the names of each person who possesses either normal or beneficial ownership of 5% or more of the Corporation's stock (listed below). If none, type or print "none" in space below.

Is the Corporation listed on the New York Stock Exchange? yes _____ no

If the Corporation is listed on an exchange other than the NYSE, list the name of the exchange

Name	% Interest
-------------	-------------------

2. If the business is a partnership, check here _____ and complete the following:

The name of each general, limited or individual partner entitled to receive 5% or more of the profit derived from partnership activities (list below). If none, type or print "none" in space below.

Name	% Interest
-------------	-------------------

3. If the business is a sole proprietorship, check here _____ and complete the following:

The name of each person other than the owner entitled to receive 5% or more of the profits derived from the activities of the business (list below). If none, type or print "none" in space below.

Name	% Interest
-------------	-------------------

This form is completed and certified as accurate by:

Signature: _____

Title: _____

Date: _____

ATTACHMENT "B"

**EQUAL OPPORTUNITY NON-
DISCRIMINATION IN HIRING NON-
DISCRIMINATION IN CONTRACTING**

NOTICE

1) The successful Proposer shall not discriminate nor permit discrimination against any person because of race, color, religion, age, national origin, ancestry, creed, handicap, sexual orientation, union membership, disabled or Vietnam era veteran status, in the performance of the contract including but not limited to, preparation, manufacturer, fabrication, installation, erection and delivery of all supplies and equipment. In the event of receipt of such evidence of such discrimination by the successful Proposer or its agents, employees or representatives, SDP shall have the right to terminate the Contract. In the event of the continued refusal on the part of the Proposer to comply with this anti-discrimination provision, the Proposer may be removed from the list of approved bidders of SDP

2) The successful Proposer agrees to include subparagraph (1) above with appropriate adjustments for the identity of the parties in all subcontracts, which are entered into for work to be performed pursuant to the Contract.

_____ (seal)
(Trade Name of Firm)

_____ (seal)
(Signature of Owner or Partner)

(Date)

ATTACHMENT "C"

ANTI-DISCRIMINATION POLICY of the SCHOOL DISTRICT OF PHILADELPHIA ADOPTED NOVEMBER 14, 2007

SECTION 1. THE POLICY

It is the policy of the School District of Philadelphia (the "District") acting through and by the School Reform Commission (the "SRC") to ensure equal opportunity in all contracts let by the District (the "Contracts"). In light of this policy, the District has adopted this Anti-discrimination Policy (the "Policy") which is applicable to all Contracts, including but not limited to, Contracts for the design, development, construction, operation and maintenance of school buildings and other buildings and structures owned, leased or used by the District or its contractors, assignees, lessees and licensees (the "Facilities"); Contracts for professional services and Contracts for the purchase of goods, services, supplies and equipment for the District and the Facilities. The objective of the Policy is the promotion of prime contract and subcontract opportunities for minority and woman-owned business enterprises ("M/W/BEs") that are approved by the District or that are certified by the Minority Business Enterprise Council of the City of Philadelphia, Southeastern Pennsylvania Transportation Authority or any other certifying agency designated by the District in its discretion.

The fundamental requirement of the Policy is that all contractors, vendors and consultants that contract with the District (the "Contractors"), satisfy the District that they will: (1) not discriminate against any person in regard to race, color, religion, age, national origin, sex, ancestry, handicap or disability; and (ii) provide a full and fair opportunity for the participation of M/W/BEs in Contracts. Contractors must demonstrate that the participation of M/W/BEs is "meaningful and substantial" in all phases of a Contract under criteria adopted by the District. "Meaningful and substantial" shall be interpreted by the District as meaning the range of participation that reflects the availability of bona fide M/W/BEs in the Philadelphia Metropolitan Statistical Area. Participation shall be measured in terms of the actual dollars received by M/W/BEs.

As used in this Policy, the word "Contractors" includes any person, firm, partnership, non-profit corporation, for-profit corporation, Limited Liability Company or other legal entity that contracts with the District.

For purposes of this policy, "minority person" refers to the following: African American or Black (persons having origins in any of the Black racial groups of Africa); Hispanic American (persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin regardless of race); Asian American (persons having origins from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, Hong Kong, India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka); and Native Americans (which includes persons who are American Indians, Eskimos, Aleuts or Native Hawaiians).

SECTION 2. PROCEDURES FOR IMPLEMENTATION

1. Articulation of the Policy. Staffing and Reporting

The Office of General Counsel and Office of Small Business Development will develop language to be included in bid solicitations and requests for proposals that clearly sets forth the objective of the Policy (the "Solicitation Language"). District employees shall include the Solicitation Language in all bids, public solicitations, requests for proposals and all communications to potential Contractors, including those who wish to provide professional services to the District. The Policy shall be articulated to the public in general, and to each Contractor, assignee, lessee or licensee doing or seeking to do business with the District. The District may employ additional staff or contract with other public or private entities to assist in the implementation of the Policy. SBD shall provide the SRC with annual reports on the level of M/W/BE participation in all contracting activities.

2. Promotion of M/W/BEs

The District recognizes the importance of having meaningful and substantial M/W/BE participation in all Contracts. To that end, the District will take steps to ensure that M/W/BEs are afforded a fair and equal opportunity to participate. Those steps may include but are not limited to: (i) making public contracting opportunities; (ii) advertising in newspapers and periodicals published by community-based organizations and M/W/BEs; and (iii) designing bid packages in such a way as to promote rather than discourage M/W/BE participation.

3. Contracting Requirements

a. Bids, Request for Proposals, and Public Solicitations

Prior to the dissemination of any bid, request for proposals or public solicitation (the "Solicitation"), the applicable contracting department of the District shall submit proposed ranges of M/W/BE participation in the area to be bid (the "Participation Range") to SBD for approval. The Participation Range, as approved by SBD, shall be included in each Solicitation and, if applicable, the Solicitation shall include the names and addresses of bona fide M/W/BEs that are available for contracting or joint-venture opportunities. Each bidder or respondent shall be required to submit: (i) a plan with its bid or proposal that meets the Participation Range set forth in the Solicitation and lists the names, addresses, dollar amounts and scope of work to be performed by M/W/BEs (the "Participation Plan"); or (ii) brief narrative explaining its reasons for not submitting a Plan that meets the Participation Range set forth in the Solicitation. Submission of the Participation Plan is an element of responsiveness. Failure to submit a completed Participation Plan or a narrative explaining the reasons that the Participation Ranges could not be met may result in the rejection of a bid or proposal. If the Participation Range in a bid or proposal meets or exceeds the level determined by the District to be meaningful and substantial, there shall be a presumption of compliance with the Policy. If, however, the proposed Participation Range falls below the level determined by the District to be meaningful and substantial, the bidder or respondent must prove to the satisfaction of the District that it did not discriminate in the solicitation of potential subcontractors and/or joint venture partners.

b. Contracts for Professional Services

Contracts for professional services that are not the subject of a Solicitation must also include approval Participation Plans. If a proposed Contract for professional services is subject to the approval of the Limited Contracts Authority Committee of the District (the "LCA"), the applicable contracting

department shall submit a proposed Participation Plan for the written approval of SBD prior to the submission of the Contract to the LCA. In instances where proposed Contract for professional services must be approved by a Resolution adopted by the SRC, SBD's approval of the Participation Plan shall be incorporated into the on-line resolution process prior to the submission of Resolution to the SRC.

4. Sanctions

The Participation Plan shall be a part of each Contract between the District and a Contractor and shall be enforceable as any other contractual term or condition. Sanctions for breach of a Participation Plan may include suspension, cancellation of the Contract and/or disbarment from future contracting opportunities with the District.

EQUAL OPPORTUNITY

A. EQUAL OPPORTUNITY

The School District of Philadelphia (the "School District") is an Equal Opportunity Employer and demands no less of the companies with which it does business. The School District will not do business with companies or persons who unlawfully discriminate on the basis of race, color, national origin, sex, creed, disability, or any other impermissible ground in their hiring, promotion, subcontracting or procurement practices. By submitting any proposal to contract or entering into any contract with the School District, the Respondent (the "Respondent") represents and certifies that Respondent is an Equal Opportunity Employer; and conducts business affairs without improper regard to race, color, national origin, sex, creed, or disability, and has not been debarred, suspended, or declared ineligible to contract by any public or private agency or entity because of the Respondent's discriminatory practices. If the Respondent has been debarred or suspended, Respondent must submit a statement with the bid identifying the debarring or suspending entity and giving the date that the debarment or suspension was or is scheduled to be lifted. All certifications contained in a Respondent's proposal are material representations of fact upon which reliance will be placed if the School District awards a contract pursuant to this Request for Proposals. If it is later discovered or determined that the Respondent knowingly rendered an erroneous certification, then the School District may pursue available remedies, including termination of the contract.

B. NON-DISCRIMINATION

1. Non-Discrimination in Hiring

The Respondent agrees that it will comply with provisions of the Philadelphia Fair Practices Ordinance administered by the Human Relations Commission of the City of Philadelphia, the Pennsylvania Human Relations Act. No. 222, October 27, 1955, as amended, 43 P.S. Section 951 et seq; Title 7 of the Civil Rights Act of 1964, 42 U.S.C. Section 2000 et seq., and all pertinent regulations adopted pursuant to the foregoing in providing equal employment opportunities in connection with all work performed by it pursuant to any contract awarded to Respondent, (the "Contract"). The Respondent therefore agrees:

- (a) That it will not discriminate nor permit discrimination by its agents, servants or employees against any employee or applicant for employment with regard to hiring, tenure or employment, promotion, or any other terms, conditions or privileges of employment because of race, color, sex, religion, age, national origin, sex, ancestry, handicap or disability and will move aggressively as is hereinafter set forth to prevent same.
 - (i) In all publications or advertisements for employees to work at the job site covered by the Contract placed by or on behalf of the Respondent, the Respondent will state that all qualified applicants will receive consideration for employment without regard to race, color, religion, age, national origin, sex, ancestry, handicap or disability.
 - (ii) The Respondent will notify each labor union or workers' representative from whom it seeks workers of the Respondent's commitment as set forth in its proposal, and request that each union or workers' representative include minority group members and women among its referrals.
 - (iii) The Respondent will hire minority and female workers for the skilled and unskilled jobs required to perform the Contract in proportion to their availability in the relevant labor pools in the Philadelphia Metropolitan Statistical Area, or to their availability in its qualified applicant pool, whichever is greater.

- (iv) The Respondent will post in conspicuous places available to its employees and to applicants for employment, a notice of fair practices to be provided by the Philadelphia Human Relations Commission.
 - (v) The Respondent will maintain a work environment free of harassment, intimidation and coercion, and will ensure that all on-site supervisory personnel are aware of and carry out Respondent's obligation to maintain such a working environment.
- (b) That it will identify on each certified payroll form submitted to the School District those of its employees who are minority group members and those who are female. As used here, "minority" means African American, Hispanic, Asian, or Native American. The School District shall at all times have access to work site and to the Respondent's employment records to assure compliance with this subsection.
 - (c) That it will maintain on forms to be supplied by the School District, the name, race, sex, national origin, skill or craft, address, telephone number, and source of referral of each applicant for employment, which record shall show which applicants were hired.
 - (d) (That in the event apprentices are hired in any skilled craft area, the Respondent will endeavor to hire equal numbers of culturally diverse male and female trainees in each skill area.

2. Non-Discrimination in Contracting

It is the policy of the School District of Philadelphia, that business concerns owned and controlled by minority group members and women shall have full and fair opportunity to participate in performance of contracts let by the School District. A Respondent's plan to joint venture with or subcontract to minority and woman-owned firms (M/WBEs) and/or to utilize M/WBEs as sources of supplies, equipment, or services will be a significant part of the evaluation of the Respondent's responsibility.

- (a) The Respondent will consider all proposals from potential M/WBE firms and document on the forms supplied by the School District, the reasons for not entering into a joint venture or subcontract with a M/WBE.
- (b) Respondent to this RFP shall employ the services of Sub-consultant(s), as necessary, to achieve combined Minority Owned Business Enterprise (MBE) and Woman Owned Business Enterprise (WBE) participation goals in a range of 15%-20% of the total amount of services provided. If the Firm is a MBE or WBE firm, then the Firm will have achieved the goal for that category. A non-MBE or WBE firm shall employ a MBE or WBE firm to achieve these goals.**
- (c) The Respondent's agreement to meet the requirements of the Section is a material representation of fact upon which reliance will be placed if a contract is awarded. If it is later determined that the Respondent has not made a good faith effort to comply, within the School District's sole judgment, the School District may pursue available remedies, including suspension or debarment of the Respondent from future School District work as non-responsible.

3. Liability of Subcontractors

Any subcontractor of the Respondent shall have the same responsibilities and obligations as the Respondent to comply with the provisions of this Section and shall be subject to the same penalties for failure to comply as set forth below.

4. Penalties for Failure to Comply

It is hereby agreed that failure to comply and demonstrate a good faith effort to comply with the foregoing requirements shall constitute a substantial breach of the Contract.

_____ (seal)
(Trade Name of Firm)

_____ (seal)
(Signature of Owner or Partner)

(Date)

ATTACHMENT "D"

SCHOOL DISTRICT OF PHILADELPHIA
OFFICE OF PROCUREMENT SERVICES

MINORITY/WOMAN-OWNED BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN FORM

I. Information in this section refers to the Prime Contractor/Vendor.

Company Name _____ Contact Person: _____
Address: _____ Phone: _____
City: _____ State: _____ Zip: _____
Fax: _____ E-mail: _____
Owner: African-American, Hispanic, Asian, Native American, Woman, Non-Profit, Caucasian, Other
Federal Tax ID _____ Certifying Agency: _____ Certification No.: _____
Bid Number or Subject of Resolution: _____

II. Information in this section refers to MWBE firms to be used in the performance of this contract.

Company Name _____ Contact Person: _____
Address: _____ Phone: _____
City: _____ State: _____ Zip: _____
Fax: _____ E-mail: _____
Owner: African-American, Hispanic, Asian, Native American, Woman, Non-Profit, Caucasian, Other
Federal Tax ID _____ Certifying Agency: _____ Certification No.: _____
Description of Work: _____
Dollar Value \$ _____ Percentage of Total Contract _____
Vendor Signature _____

If no commitment, give reasons and supporting documentation (e.g., evidence of contacting M/WBEs).

I certify that the information provided is true and correct _____ Date: _____

Authorized Representative

ATTACHMENT "E"

**PROFESSIONAL ENERGY PERFORMANCE ENGINEERING
(EPE) SERVICES FOR ENERGY PILOT PROJECT**

The "Professional Energy Performance Engineering (EPE) Services for Energy Pilot Project Contract" shall serve as a "sample" document for the Firms to review. Said "sample" contract shall not be construed as a contract between the Firm and the SDP.

The Sample Contract will be posted on the website for this RFP.

ATTACHMENT "F"

**ACCEPTANCE OF TERMS AND CONDITIONS OF CONTRACT
FOR
PROFESSIONAL ENERGY PERFORMANCE ENGINEERING
(EPE) SERVICES FOR ENERGY PILOT PROJECT**

I have read the "PROFESSIONAL ENERGY PERFORMANCE ENGINEERING (EPE) SERVICES FOR ENERGY PILOT PROJECT" and agree to enter into a Contract for this Project under the Terms and Conditions of the CONTRACT and will not take any exceptions to the Terms and Conditions.

Firm Name: _____ Corporate Seal: _____ Affix Here

Signature: _____ Title: _____ Date: _____
(Principal/Owner)

ATTACHMENT "G"

**TAX COMPLIANCE
WITH THE CITY OF PHILADELPHIA**

Provide a copy of your firm's "Certificate of Tax Clearance" with the City of Philadelphia.

You can search your firm's tax compliance at the following website:

<https://secure.phila.gov/revenue/TaxCompliance/Header.aspx>

If your firm is compliant, you can print out the "Certificate of Tax Clearance".

If your firm is not tax compliant, please contact the City Revenue Department Tax Clearance Unit at (215) 686-6565.