

REQUEST FOR PROPOSAL #12-0244BG ENERGY POLICY ACT COORDINATOR (EPACT)

Manatee County Florida is soliciting Proposals from qualified and experienced consultants to provide EPACT Coordinator Services for County facilities.

To insure that all prospective Proposers have sufficient information and understanding of the County's needs, a **Non- Mandatory Information Conference** will be held **February 7, 2012 at 8:30A.M in the Osprey Room 4th floor at the County Administration Building 1112 Manatee Ave West, Bradenton, Florida 34205.** All proposers are encouraged to attend this information conference.

DEADLINE FOR CLARIFICATION REQUESTS: February 14, 2012 at 5:00 PM shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request For Proposals to the Manatee County Purchasing Office. This deadline has been established to maintain fair treatment for all potential bidders or proposers, while ensuring an expeditious transition to a final agreement.

TIME AND DATE DUE: Proposals will be received until **February 29, 2012 at 1:00 P.M.** at which time they will be **publicly opened**. All interested parties are invited to attend this opening.

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NOTE: A prohibition of Lobbying is in place. Please review Section A item A.16 carefully to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:

Blair C. Getz, Purchasing Division Contracts Negotiator at (941) 749-3053, FAX (941)749-3034
Manatee County, Financial Management Department, Purchasing Division

AUTHORIZED FOR RELEASE: 

SECTION A: INFORMATION TO PROPOSERS

INTRODUCTION

INTRODUCTION

Section 1331 of the Federal Energy Policy Act of 2005 enacted § 179D of the Internal Revenue Service Code, which provides a deduction with respect to energy efficient commercial buildings. Section 26 U.S.C. § 179D and Internal Revenue Bulletin: 2008-14, Notice 2008-40. Section 179D(a) allows a deduction to a tax payer for part or all of the cost of energy efficient commercial building property that the tax payer places in service after December 31, 2005, and before January 1, 2014. Sections 179D(d)(1) and 179D(f) allow a deduction to a tax payer for part or all of the costs of certain partially qualifying commercial building property that the tax payer places in service after December 31, 2005, and before January 1, 2014.

Manatee County is soliciting written proposals from interested parties and qualified firms to provide services that will enable the County to take advantage of deductions allowable under the Energy Policy Act in accordance with the tasks herein. Attachment A provides a listing of potential facilities.

The County does not guarantee a minimum number, size or scope of projects for any selected coordinator. The County reserves the right to not enter into any proposed Energy Policy Act Coordinator contract or to reduce the scope of improvements under any such contract.

PROPOSERS MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS TO BE CONSIDERED FOR SELECTION.

A.01 OPENING LOCATION

These proposals will be publicly opened at Manatee County Purchasing, 1112 Manatee Avenue West, 8th Floor, Suite 803, Bradenton, Florida 34205, in the presence of County officials at the time and date stated on the cover sheet. All proposers or their representatives are invited to attend.

A.02 PROPOSAL INFORMATION AND PROPOSAL DOCUMENTS

Bids and Proposals on <http://www.mymanatee.org>

Bid or Proposal documents and the Notices of Source Selection related to those Bids or Proposals are available for download in a portable document format (.PDF) file on the Manatee County web page on the Purchasing tab under "Bids and Proposals".

A.02 PROPOSAL INFORMATION AND PROPOSAL DOCUMENTS continued

You may view and print these files using Adobe Acrobat software. You may download a free copy of this software (Adobe) from the County's web page if you do not have it.

Manatee County collaborates with the Manatee Chamber of Commerce on distributing solicitations using the RFP Tool web page on the Chambers website: <http://www.Manateechamber.com> to post Bid and Proposal documents in a portable document format (.PDF) file and made available to the its' members.. This step is in addition to the posting on Manatee County Government web pages.

Manatee County may also use an internet service provider to distribute Bids and Proposals. A link to that service <http://www.DemandStar.com>, is provided on this website under the Tab "**DemandStar**". Participation in the DemandStar system is not a requirement for doing business with Manatee County.

Note: The County posts the **Notice of Source Selection** seven (7) calendar days prior to COMMENCING NEGOTIATIONS with the selected firms.

IT IS THE RESPONSIBILITY OF EACH PROPOSER, PRIOR TO SUBMITTING THEIR PROPOSAL, TO CONTACT THE MANATEE COUNTY PURCHASING OFFICE (see contact information on page one of this document) TO DETERMINE IF ADDENDA WERE ISSUED AND TO MAKE SUCH ADDENDA A PART OF THEIR PROPOSAL.

A.03 PROPOSAL FORM DELIVERY REQUIREMENTS

Any proposals received after the stated time and date will not be considered. It shall be the sole responsibility of the proposer to have their proposal delivered to the Manatee County Purchasing office for receipt on or before the stated time and date. If a proposal is sent by U.S. Mail, the proposer shall be responsible for its timely delivery to the Purchasing Office.

Proposals delayed by mail shall not be considered, shall not be opened at the public opening, and arrangements shall be made for their return at the proposer's request and expense.

Proposals must be submitted in the format specified in Section B hereof. The contents of each proposal shall be **separated and arranged with tabs in the same order as listed in the Subsections within Section B** identifying the response to each specific item thereby facilitating expedient review of all responses.

A.04 CLARIFICATION & ADDENDA

Each proposer shall examine all Request For Proposal documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the Request For Proposal shall be made in writing through the Manatee County Purchasing Office. The County shall not be responsible for oral interpretations given by any County employee, representative, or agent. The issuance of a written addendum by the Purchasing Official's Office is the only official method whereby interpretation, clarification or additional information can be given.

Addenda shall be posted on <http://www.mymanatee.org>

It shall be the responsibility of each proposer, prior to submitting their proposal, to contact the Manatee County Purchasing Office at (941)748-4501, ext. 3053 to determine if addenda were issued and to make such addenda a part of the proposal.

DEADLINE FOR CLARIFICATION REQUESTS

----- 2012 at 5:00 PM shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request For Proposals to the Manatee County Purchasing Office.

This deadline has been established to maintain fair treatment for all potential bidders or proposers, while ensuring an expeditious transition to a final agreement.

A.05 SEALED & MARKED

One (1) signed Original (marked Original) and FIVE (5) Copies (marked Copy) of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #12-0244BG**" and addressed to:

Manatee County Purchasing
1112 Manatee Avenue West, Suite 803
Bradenton, FL 34205

A.06 LEGAL NAME

Proposals shall clearly indicate the legal name, address and telephone number of the proposer (company, firm, partnership, individual, joint venture). Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the proposer to the submitted proposal.

A.07 PROPOSAL EXPENSES

All expenses for making proposals to the County are to be borne by the proposer.

A.08 EXAMINATION OF OFFER

The examination of the proposal and the proposer generally requires a period of not less than ninety (90) calendar days from the date of the opening of the proposals.

A.09 DISCLOSURE

Proposals become "Public Records" Thirty days (30) after the proposal opening or if an award decision is made earlier than this time as provided by Florida Statute 119.071 (1) (b). **No review of the proposal documents shall be conducted at the public opening of the proposals.**

Manatee County will make public at the opening the names of the business entities of all that submitted an offer and any amount presented as offers by location without any verification of the mathematics or the completeness of the offer.

A.10 ERRORS OR OMISSIONS

Once a proposal is submitted, the County shall not accept any request by any proposer to correct errors or omissions in the proposal.

A.11 RESERVED RIGHTS

The County reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the County, depending on available competition and timely needs of the County. The County reserves the right to award the contract to a responsible proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the County. The County shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final.

Also, the County reserves the right to make such investigation as it deems necessary to determine the ability of any proposer to perform the work or service requested. Information the County deems necessary to make this determination shall be provided by the proposer. Such information may include, but shall not be limited to: current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; and past performance records.

A.12 APPLICABLE LAWS

Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting agreement. Any involvement with any Manatee County procurement shall be in accordance with Manatee County Code of Laws 2-26, as amended. Procedures and deadlines concerning protests related to this Request For Proposals shall be those which are set forth in §2-26-61 of the County Code.

A.13 CODE OF ETHICS

With respect to this proposal, if any proposer violates or is a party to a violation of the Code of Ethics of Manatee County per Manatee County Code of Laws, Article III, Ethics in Public Contracting, and/or Florida criminal or civil laws related to public procurement including but not limited to Florida Statutes Chapter 112, Part II, Code of Ethics for Public Officers and Employees, such proposer may be disqualified from performing the work described in this proposal or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from submitting any future proposals for work or for goods or services for Manatee County.

The County presumes that all statements made and materials submitted in a proposal will be truthful. If a proposer is determined to be untruthful in its proposal or any related presentation, such proposer may be disqualified from further consideration regarding this Request for Proposals.

A.14 COLLUSION

By offering a submission to this Request For Proposal the proposer certifies the proposer has not divulged to, discussed or compared his proposal with other proposers and has not colluded with any other proposer or parties to this proposal whatsoever. Also, the proposer certifies, and in the case of a joint proposal, each party thereto certifies, as to their own organization that in connection with this proposal:

- a. any prices and/or data submitted have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices and/or cost data, with any other proposer or with any competitor;
- b. any prices and/or cost data quoted for this proposal have not been knowingly disclosed by the proposer prior to the scheduled opening directly or indirectly to any competitor;
- c. no attempt has been made or will be made by the proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition;

A.14 COLLUSION continued

- d. the only person or persons interested in this proposal as principal or principals is/are named therein and that no person other than therein mentioned has any interest in this proposal or in the contract to be entered into; and
- e. no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees.

A.15 PUBLIC ENTITY CRIMES

In accordance with Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

In addition, Manatee Code of Laws Chapter 2-26 Article V prohibits the award of County contracts to any person or entity who/which has, within the past 5 years, been convicted of, or admitted to in court or sworn to under oath, a public entity crime or of any environmental law that, in the reasonable opinion of the purchasing official, establishes reasonable grounds to believe the person or business entity will not conduct business in a reasonable manner.

To ensure compliance with the foregoing, the Code requires all persons or entities desiring to contract with the County to execute and file with the purchasing official an affidavit, executed under the pain and penalties of perjury, confirming that person, entity, and any person(s) affiliated with the entity, does not have such a record and is therefore eligible to seek and be awarded business with the County. Proposer is to complete Attachment "C"

A.16 LOBBYING

After the issuance of any Request For Proposals, prospective proposers or any agent, representative or person acting at the request of such proposer shall not contact, communicate with or discuss any matter relating in any way to the Request For Proposals with any officer, agent or employee of Manatee County other than the Purchasing Official or as directed in the Request For Proposals. This prohibition begins with the issuance of any Request For Proposals and ends upon an award of the final contract, when all solicitations have been rejected, or when the request has been canceled. Violators of this prohibition shall be subject to sanctions as provided in the Manatee County Code of Law Chapter 2-26.

A.17 EQUAL EMPLOYMENT OPPORTUNITY

In accordance with the provisions of Title VI of the Civil Rights Act of 1964 and Title 15, part 8 of the code of Federal regulations, Manatee County hereby notifies all prospective proposers that it will affirmatively ensure minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

A.18 AMERICANS WITH DISABILITIES ACT

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the County's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for the public meetings specified herein (i.e. Information Conference or Proposal Opening), should contact the person named on the first page of this document at least twenty four (24) hours in advance of the activity to request accommodations.

END SECTION A

SECTION B: FORM OF PROPOSAL

This section identifies specific information which must be contained within each proposal. The contents of each proposal shall be **separated** and **arranged with tabs** in the same order as listed in **Sections B.01 through B.08**, identifying the response to each specific item.

The information that you provide shall be used to determine those Proposers with perceived ability to perform the Scope of Services as stated in this Request for Proposal which may overall best meet the needs of Manatee County. A review with those Proposers reasonably susceptible of being selected for award may be conducted for the purposes of clarification of both ability and benefit to Manatee County. See Section C Selection.

B.01 MINIMUM QUALIFICATIONS (Licensing) TO BE CONSIDERED:

To qualify for any consideration, the Proposer must:

- A. Present proof of certification and copies of any current valid licensing that is or may be required in and by the State of Florida to provide the services required by this document.
- B. The Proposer whose name appears on the PROPOSAL SIGNATURE FORM must be authorized to sign and/or negotiate contracts and related documents to which the proposer will be duly bound.

Proposals may be submitted by one (1) or more sole proprietorship, corporation, partnership or a joint venture, the entity(ies) submitting the proposal shall be properly registered, certified, and licensed as required by the State of Florida .

Proposers intending to submit a proposal as a Joint Venture are required to have filed proper documents with the Florida Department of State, the Division of Professions and any other state or local licensing Agency prior to submitting the proposal, (see section 489.119 Florida Statutes).

Joint Venture Firms must provide an affidavit attesting to the formulation of a joint venture and provide either proof of incorporation as a joint venture or a copy of the formal Joint Venture agreement between all joint venture parties, indicating their respective roles, responsibilities and levels of participation for the project.

After Manatee County staff validates the Minimum Qualifications have been met, those Proposals found to be in compliance will be considered.

B.01 MINIMUM EXPERIENCE TO BE CONSIDERED:

Prior to any consideration of the responses to the criteria in this Request For Proposals, Proposers are to document in their Proposals they have the following minimum experience:

If subcontractors are included in your proposal to meet the minimum experience detail the business entities, description of the service provided, and responses in the same level of detail and tabbed order as instructed in this Request For Proposal for the proposer.

Proposers shall submit prior projects of proven experience that are the same as or closely related to in the requirements of this RFP and currently held the required licenses under appropriate State and local laws related to this activity.

To validate experience, expertise and capabilities, Proposers shall provide the following:

For each of the qualifying past performance projects, provide the following details:

- a. Name and location of the Client and the project, the year of performance and the date the project was fully prepared and accepted. The specific details of the project including the components and sub-contractors utilized.

Specify the name, title and telephone number for the Clients contract manager for the project; and
- b. Provide the names of your firm's staff and their direct involvement in the project.
- c. The name and telephone numbers of the persons representing the individual agencies with which the identified key staff directly worked; and
- d. State agency, if any, which verified compliance with its requirements or standards, and the names and telephone numbers of the key persons with direct knowledge of this process to achieve compliance.
- e. Specify the designer of the qualified projects which were assignable by the government entity.
- f. Indicate projects that were allocated to multiple parties.

After Manatee County staff validates the Minimum Experience have been met, those Proposals found to be in compliance will be considered.

B.02 ADMINISTRATIVE SUBMITTAL

- a. Proposal Signature Form.
- b. Public Contracting and Environmental Crimes Cert. (Attachment C).
- c. Proposer shall submit their firm's policy or program as it relates to maintaining a zero tolerance drug free workplace. This response will be considered with the other criteria described herein.

B.03 INFORMATION TO BE SUBMITTED REGARDING PROPOSER(S)

Tabs are required to identify each item defined in this Section

B.03.1. BACKGROUND AND SIZE

Provide a description of the proposer's **background and size**. Provide a general statement of qualifications that includes your firm's professional credentials, the legal status of your organization, and experience in providing the service enumerated in this Request For Proposal.

B.03.1.1 DIRECT ECONOMIC BENEFIT

Submit a narrative **explaining the direct economic benefit to Manatee County to be realized by selecting your firm**. During the term of this engagement detail the employment, subcontracting, and support services contracting as economic stimulus that your entity may generate that would directly benefit Manatee County.

B.03.2. EXPLANATION OF ENTITY

Provide an **explanation of the business entity which you represent**. Specify the business entity which would be bound by a contract, should your firm be selected: company or corporation; subcontractor roles; and if a joint venture, include the specific experience that the joint venture partners have working together on similar projects. If the proposer is a joint venture, or partnership, the details of the responsibilities for provision of the required services must be clearly disclosed. Provide a narrative on how you anticipate the partnerships to manage the work and any prior experience that the individual entities may have had in working together on other projects. Disclose the lead firm of a joint venture.

B.03.3. REFERENCES

Provide a list, with **references, of your business entity's Energy Policy Act experience**. Specify which key personnel were responsible for the contracted services.

B.03INFORMATION TO BE SUBMITTED REGARDING PROPOSER(S) continued

References given must specify employees in senior level management positions with knowledge of the operations to confirm the claimed details. Include the name of the entity the work was completed for, a description of the services provided, the dates of service and the name(s) and telephone number(s) of the contact persons. This list shall be for both Governmental and Private clients for the past five (5) years.

B.03.4. KEY PERSONNEL

Identify each **principal of the firm and other “key personnel”** who will be professionally associated with the County. Do not include personnel that will not have a key role in providing services. Describe their respective areas of expertise.

For each identified person, list:

- Full Name
- Professional credentials; Title;
- Area of expertise, individual's roles and duties in providing services
- Office address
- Email address
- Telephone number
- Personalized resumes which identify the qualifications, training and experience of each key personnel
- Telephone number Personalized resumes which identify the qualifications, training and experience of each key personnel.

B.03.5 Provide Technical Capacity

- Submit a copy of any licenses, professional certificates and memberships that Proposer possesses as part of doing business as it relates to this RFP.
- Provide a brief description of the firm's approach to the project.
- Confirm the firm's commitment to meet the minimum requirements of this request for proposal.
- Proposer must complete and submit the Price Proposal Form included herein as Attachment B based on the Attachment A Facilities List. **The percentage shall include ALL costs associated with performance of the contract including travel and out-of-pocket expenses.**

B.03INFORMATION TO BE SUBMITTED REGARDING PROPOSER(S) continued

B.03.5.1 TECHNICAL APPROACH

Summarize the general project approach and scope of services that would be offered by the Proposer for this program. The County recognizes that the specific approach will depend on the facility. The Proposer shall evidence its understanding of the program and shall describe in narrative format its proposed means and methods for completing each project. Proposals should clearly identify opportunities for: identify underused tax benefits, identify monetary savings and reduced up-front costs on energy efficiency projects, energy conservation, operating cost savings, infrastructure improvements and financing sources, including grant opportunities for implementation of recommended strategies.

The Proposal should generally describe how a project will be commenced, initial procedures, the collection of data, methodology, scheduling, time frames, coordination and administration of the project. Describe Proposer's approach to project management. Describe the involvement of County staff.

B.03.5.2 Recommended Program Areas

Identify those County buildings and facilities which, in Proposer's opinion, are capable of achieving the greatest overall energy tax benefit. The Proposer may make any other recommendations regarding the County's program it believes will benefit the County.

B.03.5.3 Other Considerations

Indicate any problems or concerns regarding any term or condition of the County's program and the RFP. Describe any factors that Proposer views as a concern that may need to be addressed prior to any contract.

Include any other information you wish the County to consider.

B.03.6 Representations and Disclosures

By submitting its Proposal, Proposer shall make the following representations and disclosures.

1. Conflict of Interest. Proposer has disclosed any actual, apparent or potential conflicts of interest that are present or could develop with respect to the scope of services for the Project and any parties to this solicitation or any third parties. Proposer has identified the name of any officer, director, or agent who is also an employee or official of the County of Manatee.

The existence of any such conflicts of interest will not automatically disqualify any proposing team from consideration. The County will evaluate such disclosures and determine whether they are disqualifying or subject to possible mitigation measures.

2. Good Faith. Proposer represents that the Proposal is made without connection with any persons, company or party submitting another proposal, and that it is in all respects fair and in good faith without collusion or fraud.

3. Financial. Proposer certifies that Proposer has not filed for bankruptcy in the past five (5) years.

4. Criminal. Proposer certifies that neither Proposer nor any of Proposer's principals have been convicted of a felony or fraud. Indicate if any principals have been indicted for a felony or fraud.

5. Procurement. Proposer certifies that Proposer and any parent corporations, affiliates, subsidiaries, members, shareholders, partners, officers, directors or executives thereof are not presently debarred, proposed for debarment or declared ineligible to proposal or participate in any federal, state or local government agency projects and are not listed on the Florida convicted vendor list. Pursuant to F.S. 287.133, a person or affiliate who has been placed on the convicted vendor list maintained by the State of Florida may not submit a proposal to the County of Manatee for 36 months following the date of being placed on the convicted vendor list.

6. No Contingency. Proposer warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Proposer, to solicit or secure an award under this RFP and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for Proposer, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from an award.

7. Truth in Negotiation. Proposer certifies the compensation and hourly rates and other expenses or costs to be compensated under the contract are accurate, complete and current and the time of contracting and no higher than those charged to the Proposer's other customers for the same or substantially similar service in the Southeast Region of the United States during the preceding twelve (12) month period. The fees and expenses payable under the contract shall be adjusted to exclude any significant sums should the County determine that the fees and costs were increased due to inaccurate, incomplete or non-current wage rates or due to inaccurate representations of fees paid to sub-consultants or sub-contractors.

8. Use of Funds. Proposer certifies to the best of its knowledge and belief that no funds or other resources received in connection with an award of a contract from this RFP will be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

9. Proposer recognizes and agrees that the County will not be responsible or liable in any way for any losses that the Proposer may suffer from the disclosure of Proposal information to third parties.

B.04 OFFICE LOCATION

Specify the office location of the business entity explained in response to item B.03, 2 which is to be the primary location of the principal and key personnel. List the key personnel at that location. For the remaining key personnel detail at what location(s) they will work from and how they will provide management or service or supply support from the locations that they will work from.

B.05 DISCLOSURE OF OWNERSHIP INTEREST

Disclose any ownership interest in other entities involved in the project which may be a potential participant in this Request For Proposals. This ownership disclosure shall be included, whether such ownership occurs by the proposer through a parent, subsidiary or holding company or any other form of business entity. Submit entity names and the percent of ownership for each.

B.06 FINANCIAL RECORDS

Provide authorization for a Manatee County auditor and/or financial analysts to have access to your financial records at the primary location of the business entity explained in response to item B.04, or such other location as may be agreed, for the purposes of verifying your financial representations, review and assessment of the historical and current financial capacity of your business entity and its expected ability to meet ongoing financial obligations to the County. as proposed in this proposal to Manatee County. The County's audit and /or financial analyst agents will report their findings in a summary report to the Manatee County Purchasing Official, which will be placed in the proposal files for subsequent use and review.

NOTE: The County reserves the right to make such investigation and solicit additional information or submittals as it deems necessary to determine the ability of any proposer to perform the Scope of Services stated in this Request For Proposal

END SECTION B

SECTION C: SELECTION

C.01 EVALUATION FACTORS

Evaluation factors are (1) the perceived ability of the Proposer to perform the Scope of Services as stated in this Request for Proposal in the most timely and efficient manner, and (2) the proposed Fee Schedule. These evaluation factors shall determine the proposal which will overall best meet the needs of Manatee County as determined from the responses to this Request for Proposal and subsequent investigation by the County.

C.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

No weight has been assigned to the Evaluation Factors stated above.

C.03 PRELIMINARY RANKING

A Selection Committee shall determine from the responses to this Request For Proposals and subsequent investigation as necessary, the proposer(s) most susceptible of being selected for award.

C.04 REVIEW OF PROPOSERS AND PROPOSALS

In-person reviews may be conducted with responsible proposers who are deemed reasonably susceptible of being selected for award, for the purposes of assuring full understanding of (a) conformance to the solicitation requirements, (b) the abilities of the proposer, and (c) the proposal submitted.

Proposers shall be available for presentations to and interviews with the Selection Committee, upon notification from the Purchasing Office. The date(s) and time(s) of any such presentations / interviews shall be determined solely by the County.

C.05 SELECTION FOR NEGOTIATION

The Proposer whose ability and proposal is determined to be the most advantageous to the County, taking into consideration the evaluation factors set forth in this Request for Proposal, shall be selected to negotiate an agreement for the stated Scope of Services.

C.06 AWARD

Award of an agreement is subject to the successful negotiations and the authorization of the appropriate approved authority to approve and execute an agreement.

END SECTION C

SECTION D: NEGOTIATION OF THE AGREEMENT

D.01 GENERAL

The following general terms and conditions apply to the proposal submitted for consideration and the subsequent negotiations:

- a. The proposal will serve as a basis for negotiating an agreement.
- b. Upon submission, all proposals become the property of the County which has the right to use any or all ideas presented in any proposal submitted in response to this Request for Proposal whether or not the proposal is accepted.
- c. Pursuant to this Section "D" it is anticipated the Agreement shall remain in effect for a period of one (1) year, but may be renewed through mutual agreement of both parties, for up to a total aggregate of five years.
- d. All products and papers produced in the course of this engagement become the property of the County upon termination or completion of the engagement.

D.02 AGREEMENT

The selected proposer shall be required to negotiate an agreement, in a form and with provisions acceptable to Manatee County.

Negotiated Agreements may or may not include all elements of this RFP or the resulting successful proposal where alternative terms or conditions become more desirable to the County, and the parties agree to such terms.

Negotiated Agreements may or may not include all elements of this RFP or the resulting successful proposal where alternative terms or conditions become more desirable to the County, and the parties agree to such terms.

END SECTION D

SECTION E: SCOPE OF SERVICES

E.01 Background Information:

Section 1331 of the Federal Energy Policy Act of 2005 enacted § 179D of the Internal Revenue Service Code, which provides a deduction with respect to energy efficient commercial buildings. Section 26 U.S.C. § 179D and Internal Revenue Bulletin: 2008-14, Notice 2008-40. Section 179D(a) allows a deduction to a taxpayer for part or all of the cost of energy efficient commercial building property that the taxpayer places in service after December 31, 2005, and before January 1, 2014.

In the case of energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under § 179D) that is installed on or in property owned by a Federal, State, or Local government or a political subdivision thereof, the owner of the property may allocate the § 179D deduction to the person primarily responsible for designing the property (the designer). If the allocation of a § 179D deduction to a designer satisfies the requirements of this section, the deduction will be allowed only to that designer. The deduction will be allowed to the designer for the taxable year that includes the date on which the property is placed in service.

A designer is a person that creates the technical specifications for installation of energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under § 179D). A designer may include, for example, an architect, engineer, contractor, environmental consultant or energy services provider who creates the technical specifications for a new building or an addition to an existing building that incorporates energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under § 179D). A person that merely installs, repairs, or maintains the property is not a designer.

E.02 SCOPE OF SERVICES

Task 1 - Services Related to Determining Tax Deductibility of County Projects under the Energy Policy Act of 2005, as amended.

Under this task, services shall be provided to assist Manatee County to maximize tax savings under the Energy Policy Act of 2005. These services are expected to include, but not be limited to, the following assignments:

- Determine the retroactive extent of tax deduction under the Energy Policy Act of 2005, as amended, available to designer(s) of construction or renovation of applicable County buildings;

E.02 SCOPE OF SERVICES continued

- Provide appropriate level of expertise in each area required in the Energy Policy Act to comply (ie. Professional Engineer, Tax Accountant).
- Negotiate, as directed by County, agreements with the designers to maximize direct payments to County by designers in return for County's assignment of tax deduction to designer.
- Alternatively, negotiate, as directed by County, agreements to maximize benefit to County by which designers will reduce cost of County project in return for County's assignment of tax deduction to designer.

E0.3 SCOPE OF SERVICES:**Task 2 - Services Related to the Allocation of Tax Deductibility.**

Under this task, services shall be provided to assist Manatee County in allocating and supplying all supporting documentation, as required by the Energy Policy Act of 2005, as amended, and the guidance and implementing rules and regulations of the Internal Revenue Service, to achieve tax deductibility. These services are expected to include, but not be limited to, the following assignments:

- Assist Manatee County staff in identifying the documentation necessary to achieve allocation of tax deductibility under the Energy Policy Act of 2005, as amended;
- Assist the designer, as requested by County staff, to identify the documentation necessary to achieve allocation of tax deductibility under the Energy Policy Act of 2005, as amended;
- Produce and provide to appropriate governmental agencies all supporting documentation to achieve certification.
- Provide documentation of errors and omissions or similar insurance policy to provide of assurance to mitigate disallowance risk.
- Provide appropriate level of expertise in each area required in the Energy Policy Act to comply (ie. Professional Engineer, Tax Accountant).
- Obtain engineering modeling, site visit & certification to meet IRS 179D guidelines.

E0.3 SCOPE OF SERVICES: continued

- Provide modeling and calculation services to render maximum valuation of tax benefit.
- Provide incentive program management services

END OF SECTION E

PROPOSAL SIGNATURE FORM
RFP #12-0244BG

Firm Name

Mailing Address:

() _____
Telephone Number

City, State, Zip Code

The undersigned attests to his (her, their) authority to submit this and to bind the firm herein named to perform as per the Agreement. If the firm is selected by the County the undersigned certifies that he/she will negotiate in good faith to establish an agreement to provide **Energy Policy Act COORDINATOR (EPACT)**

Energy Performance Contracting Services for Manatee County, according to the requirements of this **RFP #12-0244BG**.

Signature

Witness Signature

Name and Title of Above Signer

Name and Title of Above Signer

Date: _____

Date: _____

Telephone Number

Email Address

Attachment A

List of potential facilities

New Buildings Completed after December 31, 2005

Manatee County Judicial Center	263,000 SF
Emergency Operation Center	105,180 SF
G. T. Bray Administration Building	19,000 SF
Marine Rescue Headquarters	4,500 SF
Palmetto Bus Transfer Station	1,200 SF
DeSoto Bus Transfer Station	1,200 SF
Myakka Community Center	4,600 SF
Fleet Services Administration Building	6,200 SF
Jiggs Landing Buildings	4,050 SF
Emerson Classroom and Restrooms	2,000 SF
Parks & Rec Maintenance Building	4,200 SF
Ag & Nat Resource Administration Building	8,800 SF

Total **406,830 SF**

Renovated Buildings Completed after December 31, 2005

Manatee County Administration Building	136,060 SF
Parrish Community Center	14,100 SF
Manatee County Convention Center	95,650 SF
Historic Court House	90,680 SF
Crosley Carriage House	1,700 SF
Valentine House	2,080 SF
Rocky Bluff Library	10,000 SF
East Bradenton Aquatic Center	2,230 SF
WIC Building	6,600 SF
JAC Building	3,500 SF

Total **362,600 SF**

New Buildings Under Construction (To be completed prior to January 1, 2014)

Utilities Administration Building	17,000 SF
Downtown Transit Facility	800 SF

Total **17,800 SF**

Renovated Buildings Under Construction (To be completed prior to January 1, 2014)

Coquina Café	920 SF
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Partial Renovations

Manatee County Tax Collector	24,000 SF
3 rd Floor Hensley Building (MSO)	50,000 SF
5 th Floor Hensley Building (Old Jail)	78,000 SF
Animal Services Additions	2,400 SF
South County Library	12,750 SF

Total **167,150 SF**

Roof Projects

Merrill Lynch Building	11,300 SF
26 th Avenue Public Works	30,000 SF
MSO 57 th Street	14,500 SF
MSO Central Jail	285,000 SF
Central Library	28,800 SF
Health Department	34,900 SF
G T Bray Recreation Center	13,900 SF
Harlee Building	8,700 SF
Kendrick Building	6,600 SF
Desoto Center	106,100 SF
Island Library	7,300 SF

Total **547,100 SF**

ATTACHMENT B
RFP#12-0244BG

PRICE PROPOSAL FORM

The contractor shall provide all plant, labor, equipment, manpower and other resources necessary to provide the supplies, equipment and/or services in strict accordance with the scope of services, scope of work or specifications defined in this solicitation including all certification fees, legal and /or accounting fees for the amounts specified in this Price Proposal Form.

*Percentage of receipts per project to be retained by EPACT Coordinator % _____

*This percentage shall be a single fixed figure. Ranges of percentage will not be accepted.

Attachment "C"

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO ARTICLE 6, MANATEE COUNTY PURCHASING CODE

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the Manatee County Board of County Commissioners by _____
[print individual's name and title]

_____ for _____
[print name of entity submitting sworn statement]

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____. If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____

I understand that no person or entity shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease, franchise, concession or management agreement, or shall receive a grant of county monies unless such person or entity has submitted a written certification to the County that it has not:

- (1) been convicted of bribery or attempting to bribe a public officer or employee of Manatee County, the State of Florida, or any other public entity, including, but not limited to the Government of the United States, any state, or any local government authority in the United States, in that officer's or employee's official capacity; or
- (2) been convicted of an agreement or collusion among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid a fixed price, or otherwise; or
- (3) been convicted of a violation of an environmental law that, in the sole opinion of the County's Purchasing Director, reflects negatively upon the ability of the person or entity to conduct business in a responsible manner; or
- (4) made an admission of guilt of such conduct described in items (1), (2) or (3) above, which is a matter of record, but has not been prosecuted for such conduct, or has made an admission of guilt of such conduct, which is a matter of record, pursuant to formal prosecution. An admission of guilt shall be construed to include a plea of nolo contendere; or
- (5) where an officer, official, agent or employee of a business entity has been convicted of or has admitted guilt to any of the crimes set forth above on behalf of such and entity and pursuant to the direction or authorization of an official thereof (including the person committing the offense, if he is an official of the business entity), the business shall be chargeable with the conduct herein above set forth. A business entity shall be chargeable with the conduct of an affiliated entity, whether wholly owned, partially owned, or one which has common ownership or a common Board of Directors. For purposes of this Form, business entities are affiliated if, directly or indirectly, one business entity controls or has the power to control another business entity, or if an individual or group of individuals controls or has the power to control both entities. Indicia of control shall include, without limitation, interlocking management or ownership, identity of interests among family members, shared organization of a business entity following the ineligibility of a business entity under this Article, or using substantially the same management, ownership or principles as the ineligible entity.

Attachment "C" (Cont'd.)

Any person or entity who claims that this Article is inapplicable to him/her/it because a conviction or judgment has been reversed by a court of competent jurisdiction, shall prove the same with documentation satisfactory to the County's Purchasing Director. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with the County.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR MANATEE COUNTY IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OR THE COUNTY ADMINISTRATOR DETERMINES THAT **SUCH PERSON OR ENTITY HAS MADE FALSE CERTIFICATION.**

[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, 20__ by _____

Personally known _____ OR Produced identification _____
[Type of identification]

Notary Public Signature My commission expires _____

[Print, type or stamp Commissioned name of Notary Public]

Signatory Requirement - In the case of a business entity other than a partnership or a corporation, this affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, this affidavit shall be executed by the general partner(s). In the case of a corporation, this affidavit shall be executed by the corporate president.