

1. For this SOQP, is it required that the ESCO possess a Certificate of Authorization in New York from SED? Or, will the ESCO be able to wait to identify a Certificate holder for specific projects?

Include a copy of this certificate for the entities included in your team that will be providing professional engineering services. Given the critical nature of the engineering component of the project, it is requested that the proposal identify the firm(s) that will be providing this service in your proposal.

2. For this SOQP, for the Utilization Plan in Tab 9, does the ESCO need to specify specific firms at this time, or will the ESCO be able to wait to identify firms for specific projects?

While ESCO's are not expected to identify all firms that will be used given that specific projects have not been identified, it is still expected that your proposal will identify firms that are likely to be used and those you have previously partnered with on other projects.

3. For this SOQP, for the Use of Service-Disabled Veteran-Owned Businesses Plan in Tab 11, does the ESCO need to specify specific firms at this time, or will the ESCO be able to wait to identify firms for specific projects?

While ESCO's are not expected to identify all firms that will be used given that specific projects have not been identified, it is still expected that your proposal will identify firms that are likely to be used and those you have previously partnered with on other projects.

4. What does DASNY expect for the requested "sample ESCO Project's metrics report" as stated in Section 3, Tab 6.

Firms should respond with a form report that firms issue to clients when reporting on ECM's actual performance relative to guaranteed performance levels.

5. For Part 1-Option 2, Part 2-Option 4 – where the ESCO firm provides the financing for the project – please describe how DASNY intends to pay the ESCO for the services and over what time frame for the payments.

The financing costs would be rolled into the total cost of the project and would be paid over the period of the expected energy savings guarantee.

6. Is there a maximum payback period that the projects must be within?

There is no maximum payback but the expectation is that most projects would have a payback period of 20 years or less.

7. The webinar this morning was pretty concise. We are an MBE in New York State, I am wondering if we are encouraged to reach out to ESCO for teaming-up opportunities? And if it is possible for us to have a list of the firms attended the webinar?

DASNY will make available the list of firms who participated in the webinar. Firms are encouraged to reach out for teaming opportunities.

8. Secondly, this RFP is for new ESCO who are not on DASNY-qualified list, right? Or existing qualified ESCO can apply this program too?

Existing qualified ESCO's can apply for this program.

9. Based on page count clarification included in the WebEx presentation, please confirm that DASNY is expecting completed SF 330 forms for not only the lead firm, but for each of our proposed sub-consultants as well.

The SF 330 is only expected from the lead firm.

10. Page two of the RFP; section 1.2 a; Last sentence of paragraph states: *"This ESCO Program will differ from DASNY's Existing Program in the following ways: (and a series of bullets follow. First bullet states):*

- *The ESCO will be entering into a fixed-price, date certain design-build contract for the of ECMs, as opposed to separate work orders for each component of work;"*

Question a): when DASNY utilizes the term "design-build", should the expectation be that the contractor will be providing the services and performing the work in the traditional manner of design-build projects? (i.e. Providing a firm Guaranteed Maximum Price for all design and installation services, material and equipment using its own choice of vendors and contractors or does the work need to be done "open-book" with all material, equipment and installation labor being competitively bid?).

Question b): The Existing Program requires 3rd Party Commissioning prior to final acceptance. Is that not a requirement of this Program?

- a) The expectation is that the services will be provided in a traditional design build manner including a firm fixed price as allowed by the NYS Energy Law.
- b) 3rd party commissioning will be a part of this program.

11. Page 5 of the RFP; Section 1.4; Project Specific RFP Process, Paragraph (iii) states that a Project specific RFP will be issued to certain pre-qualified ESCOs for purposes of producing a *"Project Specific Proposal and then Final Proposal"*.

Question: Is the Project Specific Proposal simply the ESCO's price to produce an IGA or will the ESCO also be required to produce a preliminary assessment as part of this initial Project Specific Proposal?

The expectation is that the ESCO will be required to produce a high level assessment that will allow DASNY to evaluate your understanding of the project requirements and assist in determining the most qualified firm for the project.

12. The term "date certain" is used several times in this RFP (i.e. in the first bullet on page 2; in the last sentence of paragraph (iv) on page 6).

Question: What does DASNY mean by "date certain?"

Date certain means that the ESCO will provide a specific schedule for the project undertaken including a guaranteed payback period.

13. In paragraph (v) on page 6 of the RFP, it states: *“If DASNY does not accept the Preferred ESCO Proposer’s Final Proposal, DASNY may seek similar proposals from other ESCOs that responded to the relevant Project Specific RFP and may issue a new Project Specific RFP.”*

Question: If DASNY does not accept the Preferred ESCO Proposer’s Final Proposal does the ESCO receive payment for producing the IGA?

If DASNY does not accept a proposal from an ESCO for an otherwise compliant IGA, the ESCO will receive payment. If the IGA is not compliant with the contractual requirements then the ESCO will not be paid.

14. Page 10 of the RFP paragraph 2.1.6 states that *“DASNY may be engaged by a Program Participant to oversee the ESCO’s performance of ongoing M&V as a Program Participant’s representative.”*

Question: who covers the costs associated with DASNY’s role as the Program Participant’s representative?

The project Owner will cover the costs associated with DASNY’s role as the Program Participant’s representative, however these costs may be accounted for in determining the resultant payback period for the project.

15. Page 12 of the RFP paragraph 2.4 Project Labor Agreements. Last sentence of the first paragraph states *“Any selected ESCO, as a condition of being awarded an IGA or EPC may be required to execute a PLA.”*

Question: Is it DASNY’s intention that the ESCO execute the PLA or should it read the ESCO’s sub-contractors execute the PLA?

Upon selection for a project assignment, the ESCO will need to execute the PLA and each sub-contractor will need to execute a letter of assent.

16. Page 15 of the RFP, Tab 12. First sentence states: *“Provide license numbers or copies of registration certificates, as appropriate.”*

Question: Is DASNY requesting license numbers/certificates for all licensed design professionals intended to be used on the Projects or is this just the Certificate of Authorization for the design firm that is being requested?

Only the design firm should submit the Certificate of Authorization with the appropriate license numbers.

17. Where is Tab 5?

This was an error in the cost proposal section. There is no Tab 5.

18. Will ESCOs still be considered for the contract award of this RFP if they opt to only do work in regions outside of NYC?

Yes. DASNY will consider firms who do not want to work in the NYC region.

19. Per attachment 6 - Price Proposal, Section 1.1 Cost Markups / Construction Costs, for an ESCO who self-performs all or a portion of the proposed scope of work (i.e. controls, lighting or mechanical upgrades) Based on the pricing sheet provided there is no place holder identified for self-performed construction work. Will you be modifying the price sheet accordingly, if not how should we account for this information?

The ESCO should indicate what its overall profit margin is for performing any self-performed work.

20. Will you weight the scoring of a firm's project experience for an ESCO who operates locally, only in New York State; or will the local firm be penalized for not having as many projects as an ESCO who operates in multiple states?

A firm's overall experience in delivering ESCO work will be evaluated, there will not be any geographic considerations.

21. Does the ESCO need to have its own errors and omissions insurance or can it be subcontracted?

Provided that the ESCO satisfies the E&O requirements under the EPC the ESCO will have discretion to provide such insurance directly or through one of its subcontractors.

22. Does the ESCO need to provide the bonding for all its own work and subcontracted work?

Bonding will need to be provided for all subcontractors performing work and any work self performed by the ESCO; however, ESCOs can satisfy the bonding requirement solely through a subcontractor that satisfies the full bonding requirement under the EPC. The bonding would need to name DASNY and any of DASNY's clients as a third party obligee pursuant to a multiple obligee rider.

23. It appears that DASNY is looking for two separate markup structures, can you please elaborate on the difference between the simple overhead and profit table and the maximum markup structure table, and what they are driving at?

The maximum mark-up structure table pertains to mark-up on discrete items of work; whereas the simple overhead and profit table pertains to the overall project's overhead and profit

24. Page 13 – Section 3.1 - Tab 2 : Please confirm that within the SF 330 15 page limit is information both describing our firm (company/resumes/project sheets) as well information of our sub-consultants and their key principals and staff. While I'm still drafting the SF 330 forms I expect that info for our firm alone (base form info + resumes + project sheets) will come close to meeting the 15 page limit. Names of our proposed sub-consultants are included on SF330 Part 1/Section C. Is that listing sufficient? I'm not asking that the page limit be increased; only that I want to be sure we're responsive

to how much info you require for our proposed team partner firms. We will be listing about 6 – 7 alliance partners; most of whom already have relationships with our firm on existing DASNY projects.

The SF 330 only needs to be provided for the ESCO firm submitting the proposal or in the case of a joint venture the component firms of the JV.

25. Does the tab 3 page count of 20 pages include the forms?

Tab 3 will not include the SF 330 form.

26. What does “Mechanical and Electrical Inspection Capabilities” mean as part of the “approach to Construction Management of an ESCO project? Is this post-installation? How is this capability differentiated from Commissioning?

It is expected that the ESCO will have staff capable of evaluating the progress of the work from the standpoint of the work’s compliance with the design documents and the quality of the work being installed. This would occur during the performance of the work.

27. What is the difference between the information requested under Tab 4 *Requested Scope of Services*, which includes “mechanical and electrical inspections capabilities, M&V procedures, commissioning and performance testing” and the information requested in Tab 5 which names these same services?

Tab 4 should be focused on financing experience and New York State experience and Tab 5 should be focused more on construction management, commissioning and M&V

28. What is a sample Metrics report?

CTI can supply a month AIA report for work progress. Once an ECM is installed in an EPC and we are supplied with utilities use and cost data from our customer, we can supply a metrics report to DASNY. Would an actual month-month M&V report showing our monthly savings metrics by ECM suffice?

Yes this would be sufficient. Please see response to question 4 above.

29. Tab 5 – There is no Tab 5. Should there be a Tab 5?

This was an error in the cost proposal section. There is no Tab 5.

30. My challenge is that with the requirement of including Form 330 (attached with email) and that it states we need to fill out Form 330 Section E for each person it doesn’t take into consideration the use of sub-consultants that would be a part of our team as well.

DASNY will accept the 330 Form from the prime only.

31. Could you please provide some direction as to what is most important to include under tab 2. In the past we provided a general overview of the team along with an org chart outlining the responsibilities and resumes of partners, principals, associates and other key staff to deliver ESCO Projects under the ESCO Program.

Firms are asked to supply sufficient information to allow for DASNY to assess the qualifications, experience and depth of the employees and team members that are anticipated to provide services under this contract.

32. After reviewing the above referenced bid there is a reference in Section 1.2.a that DASNY plans to concurrently pre-qualify under a separate procurement process financing parties that will be available to provide financing through DASNY's TELP program for projects to be delivered under the ESCO Program. When do you plan to issue this separate RFP?

A specific date has not yet been determined for the release of this RFQ, however it is anticipated that it will be out within 30 to 60 days.

33. Are ESCOs limited to only use designer and contractors specified in the initial RFP response in responding to future specific RFPs?

No. ESCO's may add team members at a later date based on the specific needs of a project.

34. Are potential designers and contractors required to only be listed on one ESCOs Utilization Plan pre-qualification response?

Firms may appear on more than one utilization plan.

35. Per the RFP page 16 regarding the *NYS Vendor Responsibility Questionnaire* and the *Procurement Lobbying Law* (below "Tab 6"), since they are not incorporated into either the technical or cost proposal, please confirm that these "loose" forms are included as entirely separate documents within the hard copy's sealed envelope and as separate PDFs on the electronic copy's thumb drive.

These are to be submitted as loose forms.

36. Form SF-330 CTI is an ESCO, not an Architecture-Engineering firm. When we do an EPC, we would hire these specialties as subcontractors. Thus, how do we handle SF-330 on this Base Contract proposal.

For purposes of this RFP response, the SF 330 should be completed by the ESCO is if it were an A/E firm.

37. Tab 5 – There is no information listed for inclusion in Tab 5. Should there be a Tab 5?

This was an error in the cost proposal section. There is no Tab 5.

38. Would DASNY entertain a minimum 2-week deadline extension?

DASNY will not be issuing an extension to the submittal deadline.

39. Are Resumes included in the 15-page count maximum for this tab?

The Tab number is not noted in the question but the SF 330 is the only exclusion to the page limits noted in the RFP.

40. Can you provide more specifics on what you are looking to see in regard to “sample ESCO Project’s Metrics report”?

Firms should respond with a form report that firms issue to clients when reporting on ECM’s actual performance relative to guaranteed performance levels.

41. Are all sections of the SF330’s required or just the resume portion?

DASNY is requesting that all portions of the SF 330 be submitted.

42. Price Proposal Form – 1.3 Audit Fee - Can we modify the table to include additional rows? If not, are we allowed to provide backup information in the proposal?

Yes, modifications are permitted.

43. Is it permissible to provide the sample IGA report as either a link or on a USB flash drive due to the size of the document?

DASNY will accept the submission of the sample USB flash drive.

44. Price Proposal -Table 1.1 – DASNY requests the maximum mark up above various costs; in Table 1.2 – DASNY requests overhead and profit percentages. Are the markups on Table 1.2 supposed to be in addition to the markups on table 1.1? OR is DASNY seeking the total markups on 1.1 to add into table 1.2?

Table 1.2 is intended to be cumulative of all fees indicated in Table 1.1.

45. Please confirm that ESCOs (aka Proposers) should complete and submit Standard Form 330 - PART II - GENERAL QUALIFICATIONS and that ESCOs are not required to submit Standard Form 330 PART I - CONTRACT-SPECIFIC QUALIFICATIONS for the SOQP.

All parts of the SF 330 should be completed to the proposers best ability. DASNY understands that the nature of the projects undertaken under this contract may vary and that based on the type of projects undertaken may require changes over time in the composition of the ESCO’s team.

46. Please provide a sample Project metrics report or list of key metrics. Related to: Section 3.1 Tab 6. “Provide a sample ESCO Project’s metrics report for one of the examples listed in Tab 3.”

Firms should respond with a form report that firms issue to clients when reporting on ECM’s actual performance relative to guaranteed performance levels.

47. Please confirm that the documentation requested in Tab 12 is applicable to the ESCO only, and not to the ESCO's potential subcontractors. Related to: Section 3.1 Tab 12. "Provide license numbers or copies of registration certificates, as appropriate. Business entities proposing to provide professional engineering services must possess a Certificate of Authorization to provide Engineering Services in New York State from the State Education Department. Include a copy of this certificate."

Yes, unless specific subcontractors are identified, in which case any specific subcontractors identified will also need to satisfy this requirement.

48. Please confirm that there is no content in Section 4.1 Tab 5.

This is confirmed. There is no content.

49. Referencing section 2.1.5 financing - Is providing financing a pre-requisite to submitting a bid?

The provision of financing is an optional service and not a pre-requisite.

50. What percentage of projects do you expect will be funded by ESCO, and what percentage will be funded by DASNY?

This is not known at this time, however we would expect most of our clients to benefit where possible from tax exempt financing regardless of source.

51. Section 2.4 - If a bidder does not desire to execute the discussed PLA, will bidder be allowed to submit its qualifications, and if selected, respond only to work outside New York City?

Bidders may submit for work outside of New York City only. Please note this in your response.

52. Tab 12 – Beyond required submission of Certificate of Authorization to provide Engineering Services in New York State from the State Education Department, are there other specific licenses or registrations required for submission?

No other licenses or registrations are required.