

MARTIN LUTHER KING HALL  
REQUEST FOR PROPOSALS (RFP) FOR AN  
ENERGY PERFORMANCE CONTRACTING PROJECT

**Issued by:** Lincoln University

Lincoln University (hereinafter referred to as Institution) is seeking specific proposals from Qualified Providers who are capable of providing comprehensive infrastructure and energy related capital improvement services. In accordance and full compliance with RSMO 8.231. The Institution is requesting services to plan, develop, design, and implement innovative solutions for energy conservation measures.

### PROJECT OVERVIEW

Institution is interested in contracting for a full range of energy and water service and energy-related capital improvements (hereinafter referred to as Project). These services and improvements are to be delivered on a performance contracting basis with guaranteed savings and the provider shall comply with the terms and conditions of RSMo 8.231 in doing so.

Currently, the institution is only seeking services for one building and not a comprehensive campus wide project. Martin Luther King Hall, which houses Pawley Theater, was originally constructed in 1969. The proscenium theater space is a single level (no balcony) and currently contains approximately 250 seats on a shallow rake; and has received only minimal upgrades within its lifespan. Current uses include large classroom functions, occasional meetings, presentations, and cinema.

Along with the energy services, we anticipate relying on the selected contractor to help identify and prioritize functional improvements to help the University in determining to what degree Pawley Theater is renovated within a proposed \$1 million construction improvements budget by September 30, 2023.

The Institution's objective in issuing this Request for Proposals is to provide a competitive means in which to select a single provider to fulfill all aspects of this Project. However, the Institution also reserves the right to reject any and all proposals, in whole or in part, and/or not select a provider. This RFP does not commit the Institution to award a Guaranteed Energy Savings Contract, to pay any costs incurred in preparing a proposal, to procure or contract services, or to adhere to any predetermined timeline or schedule of events. Further, the Board of Curators may elect to implement improvement measures in phases pursuant to the final Guaranteed Energy Savings Contract. The work to be included in the contract may include upgrades to or replacement of equipment included in, but would not be limited to, the following systems: roofing, insulation, building envelope, windows, doors, weather stripping, caulking, asbestos removal, painting, electrical, lighting, heating, air conditioning, building automation, temperature control, security, access control, facility management, fire alarm, energy recovery systems, or other Energy Cost Savings Measures that provide long term operating cost reductions and comply with terms and conditions of [RS Mo 8.231](#).

The institution anticipates that the contractor completes the following scope of work in Pawley Theater by September 30, 2023 and will be allocated up to \$1 million in grant related funds for the project. No grant extensions are allowed, and goods and services related to the renovations must be completed on time and within budget.

- Evaluate current life safety components & egress configuration and upgrade as required.

- Evaluate current patron & performer accessibility and upgrade as required.
- Maintain intimate feel of the theater space.
- Maintain some or all current uses and add Virtual Classroom capabilities.
- Ensure current acoustic performance of the space.
- Modernize lighting & audio/video equipment to support improved and expanded use.

## QUALIFIED PROVIDER

A person or business experienced in the design, implementation, and installation of energy cost savings measures. In addition, the Institution is requiring that the ESCO have at least 10 years of experience in performance contracting work.

## REQUIRED CAPABILITIES

The Qualified Provider must have the demonstrated technical and managerial capabilities to provide a comprehensive set of energy and water services including, but not limited to planning, design, acquisition, installation, training, and commissioning of new and/or existing energy systems as well as project monitoring and savings measurement and verification. Additional services may include operation and maintenance for all improvements and/or training of Institution's staff on routine maintenance and operation of systems. Monitoring and verification services shall include appropriate measurement and timely reporting of the performance and savings from project.

## OVERVIEW OF TERMS AND CONDITIONS

1. Contract Term. The duration of the contract will be mutually determined between the Qualified Provider and the Institution based on authorizing legislation, applicable law, final project scope and financial factors. No Contract shall exceed 15 years in duration related to energy savings and the University only anticipates investing the \$1 million in grant funds for this renovation project.
2. Guarantee. Per state law, the project must result in a guaranteed minimum annual energy, water and O&M savings guarantee, as well as defined levels of occupant comfort, maintenance, monitoring, training or other services.
3. Execution of Guaranteed Energy Savings Contract and Financing Documents. The Institution will negotiate and provided there is agreement as to terms, execute the Guaranteed Energy Savings Contract with the selected Qualified Provider. The Qualified Provider to whom the contract is awarded shall give sufficient payment and performance bonds to the Institution for its faithful performance. The Qualified Provider shall also provide a written guarantee that either the energy or operational cost savings, or both, will meet or exceed within 15 years the costs of the energy conservation measures. The Qualified Provider shall reimburse the Institution for any shortfall of guaranteed energy savings projected in the contract.

## PROCUREMENT PROCESS

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

**Advertisement and Issue RFP**—This will be released on March 9, 2023 via email and on the University Website for Facility related projects.

A walk through of the facility will be available on Thursday March 16<sup>th</sup> at 1 p.m. Interested contractors should RSVP via email at: [lufacilitiesplanning@lincolnu.edu](mailto:lufacilitiesplanning@lincolnu.edu)

**Submissions of Proposals**—Proposals must be submitted by 5:00 pm on Friday March 24<sup>th</sup>. Three sets of proposals shall be provided and an electronic copy must also be provided.

**Decision**—The Institution will review and award the project by Friday March 31<sup>st</sup>.

Submission of Written Proposals. Qualified Providers interested in providing the services requested, must respond in writing. All submissions become the property of Institution and will not be returned to the Qualified Provider. All costs associated with submission preparation will be borne by the submitting Qualified Provider.

Institution reserves the right to reject any or all submissions and to waive informalities and minor irregularities in submissions received and to be the sole judge of the value and merit of the proposals offered.

### 1. Submitting your Response

Your response should follow the outline below and be concise. Failure to follow any of the RFP's instructions could nullify your response from consideration. It will be the responsibility of the Qualified Provider to submit 3 copies of your proposal and an electronic copy. Submissions should be addressed to:

LU Facilities and Planning  
Room 309 Young Hall  
820 Chestnut  
Jefferson City, MO 65101

The proposal must be sealed and packaged with clear identification on the envelope to read as follows: "MLK Request for Proposals-Performance Contractors"

Questions or clarifications may be directed to: [lufacilitiesplanning@lincolnu.edu](mailto:lufacilitiesplanning@lincolnu.edu)

Any contact with the Institution's Board of Curators members or the President during the RFP process about the bid process will be grounds for immediate disqualification of the firm.

## 2. Proposal Review and Selection of Finalists

Responses will be evaluated based on the quality and completeness of the information provided. Failure to provide any of the requested information may result in disqualification. The criteria listed below will be used in the evaluation of the written proposals, client references and responses of the Qualified Provider finalist during oral interviews, as appropriate.

- Company Proposals
- Personnel Proposals
- Solution Development Approach
- Project Management Approach
- Financial Approach

Selection and contract negotiation may be considered for the Qualified Provider who rates the highest in the evaluation and who best meets the needs of the Institution.

## 3. Professional Engineer and Architect Involvement

A registered professional engineer and/or architect must design all work done under this contract. The Institution requires the firm to directly employ a professional engineer who will head the Project design team. Some preliminary drawings are available and included with this RFP.

## 4. As-Built Drawings

Qualified Provider must provide reproducible "as built" and record drawings (or such electronic equivalents as may be agreed to with District) of all existing and modified conditions associated with the Project, conforming to typical engineering standards. These should include architectural, mechanical, electrical, structural, and control drawings and operating manuals within 30 days of completed Project installation. Qualified Provider will be responsible for permits and associated paperwork and construction documents.

## 5. Bonding Requirements

By submitting a proposal each Firm agrees to furnish a Performance Bond and Labor and Material Payment Bond in the amount of one hundred percent (100%) of the Contract sum. The Institution requires that the bond surety must carry a "AM Best Rating of A+ or Better" and the Institution has no objection to the Bond Surety.

6. Insurance Requirements

Prior to the commencement of work, the Qualified Provider must provide evidence of insurance in amounts and types acceptable to the District, for both the construction and operations phases of the Project.

7. Subcontractor Approval

Institution retains the right to approve any Qualified Provider selected subcontractor with preference given to local subcontractors prior to its commencement of work on this Project. Names and Proposals of subcontractors must be submitted at least two weeks in advance of subcontractor scheduled start date.

8. Hiring and Wage Requirements

The Qualified Provider shall comply with prevailing wage requirements and, if applicable, requirements as to minority and women-owned business enterprises.

9. Other Public Works Requirements The Project is a public work to be performed for a public entity so the Provider will be subject to other requirements including E verify compliance, OSHA construction training, drug testing, criminal background checks and certification as to Anti-Discrimination against Israel.

10. Follow-up Maintenance, Monitoring and Training Services

The Qualified Provider will be responsible for measurement and verification of implemented measures to ensure optimal performance as well as for ongoing training, however, Institution has the option to negotiate the extent of any contracted on-going maintenance service contract. Project savings will be verified and reconciled on an annual basis. Per state statute:

*“The guaranteed energy cost savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the energy cost savings measures, adjusted for inflation, within fifteen years. The qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract may provide for payments over a period of time, not to exceed fifteen years, subject to appropriation of funds therefor.”*

## **PROPOSAL CONTENT & FORMAT**

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

## A. EXECUTIVE SUMMARY

## B. QUALIFIED PROVIDER PROFILE

1. General Firm Information- Firm name, mailing address, and phone number. Names, titles, and phone number of two principal contact persons. List any division or Branch Offices that will participate materially in the development of the proposal, in its evaluation process, and/or in the conduct of any services provided.
2. Type of Firm
3. Federal Employer Identification Number
4. Year Firm Established
5. Three-year summary of Contract values for energy related services
6. Corporate Background
  - a. Years under present name- How many years has your firm been in business under its present business name.
  - b. Former names- Indicate all other names by which your organization has been know and the length of time by each name.
  - c. How many years has your firm offered performance contracting services?
  - d. Is performance contracting services your primary business, if not indicate what % of your business is performance contracting business vs. your core business.
  - e. Bankruptcy involvement- Has your firm, or any of its parents or subsidiaries, ever had a bankruptcy petition filed in its name, voluntarily or involuntarily? If yes, explain in detail the circumstances, date of the protection order was filed and the resolution of the case (or current status, if still ongoing)
  - f. Is your firm an Accredited member of the National Association of Energy Service Companies (NAESCO)? If so how many years has your company been an accredited member?
7. Litigation/Customer Complaints. \_In the last five (5) years, have you been involved in any litigation with clients or received any default notices from clients? If so, include a brief description of the issue that prompted same.

## C. GENERAL QUALIFICATIONS

1. Areas of Expertise:

List all areas of expertise related to potential energy and water improvements in facilities and infrastructure. Include specialized area of expertise in areas that might be relevant to

the Project. Also, describe the professional and skilled trades that your firm customarily performs with in-house employees.

2. Personnel Information:

Full time personnel- indicate the number of full-time personnel employed by your firm and those specifically that will take an active role on this Project. Provide all energy related engineering and architectural proposals for the company's personnel assigned to this Project.

3. Proposals and experience:

Include an organizational chart for all members of your company with specific responsibilities for performance-based facility planning, modernization and energy services. Include a brief description and/or resume for each team member to whom will be actively involved in the proposed Project.

4. Include current Professional Engineering License for lead member of the Qualified Provider's Project team.

5. References: Provide a list of your most recently completed projects with co Guaranteed Energy Savings Contract for educational institutions.

6. Energy Guarantee History: Briefly describe all energy performance contract guarantees and/or Guarantee Energy Savings Contracts that your firm has managed within the last ten (10) years. Identify those project guarantees involving buildings similar to the Institution 's type. Provide, at a minimum, a copy of at least one measurement and verification report for the above referenced Projects. Provide a description of any situation where your firm has been called on to perform under a project guarantee.

7. Grants and Rebates:

- a. Identify grants and rebates you have applied for and received for your customers in the past 5 years.
- b. Explain your approach to obtaining loans, grants, and rebates.

## D. GENERAL APPROACH

1 . Project Summary:

Summarize the scope of services (planning, auditing, design, construction, monitoring, operations, maintenance, training, financing, etc.) that would be offered for this project. Include a brief description of your firm's approach to management and specific benefits your firm can offer the Institution.

2. Training Provisions:

Describe your firm's capabilities in providing technical training for Institution 's facility personnel and experience on past projects. Describe your firm's involvement in developing training manuals for facility staff.

3. Engineering Design:

Describe your firm's approach to the technical design of the Project.

4. Technical Audit:

Briefly describe your approach to auditing and long-term facility planning.

5. Monitoring and Verification:

Describe the methodology proposed for ongoing monitoring and savings verification of each recommended Project's performance, including the frequency of such efforts. Note if an industry standard such as the International Performance Measurement and Verification Protocol is used describe the preferred method.

6. Baseline Calculation Methodology:

Describe in detail the methodology your firm normally uses to compute baseline of energy and water use as well as performance.

7. Adjustment to Baseline Methodology:

Describe the method(s) used to adjust the energy, water, and O&M baseline due to such factors as weather and facility use changes. Describe the factors that would necessitate adjustment.

8. Savings Calculations:

List all procedures, formulas, and methodologies including special metering or equipment your firm will use to calculate energy, water, and O&M savings. Include assumptions made in calculations.

9. Dollar Savings Calculations:

Describe the procedure to assign values to the O&M and energy & water savings.

11. Services Flexibility:

Describe the types of services your firm can provide the Institution for ongoing planning and maintenance of systems. Comment on how your firm interacts with the Institution's maintenance staff.

12. Provision of Warranties:

State the nature and term of all warranties that will apply to the Project. Describe how your firm supports the Institution in the applications of warranties.

13. Provisions of Insurance:

Describe the level and types of insurance policies applicable to the Project.



14. Sample Contract:

Give the name and address of the person who will have primary responsibility for contract negotiations.

- a. Provide a sample copy of your firm's standard contract document including the energy guarantee.

## E. SPECIFIC APPROACH AND IMPLEMENTATION PLAN

1. Project Management:

- a. Describe how your firm would work with current building management and maintenance personnel in order to coordinate construction and avoid conflicts with the building's operation and use.
- b. Describe your flexibility and/or limitations regarding possible monitoring and installation and performance of Guaranteed Energy Savings projects, owner's integration of other identified capital needs with Guarantee Energy Savings projects that may or may not contain energy and water savings opportunities.

2. Project Financing:

- a. Describe your firm's approach to providing or arranging financing for the proposed Project if the Institution should consider financing for additional scope beyond the identified budget.
- b. Describe the mechanics of the financing arrangement, equipment ownership, responsibilities/liabilities of each party, security interest required and any special terms and conditions that may be associated with financing this Project.

## COMPLIANCE

In addition to the public works requirements described herein and not in limitation thereof, all work completed under this Contract must be in compliance with all applicable federal, state and local laws, rules and regulations including all building codes and appropriate accreditation, certification and licensing standards. Work must be in accordance with sound engineering and safety practices, be installed in a workmanlike manner and be in compliance with all Institution regulations relative to the premises. The Qualified Provider and its subcontractors will be responsible for obtaining any and all required governmental permits, consents and authorizations, and for payment of any and all state and city required taxes and fees which result from this Contract.

## CONTRACT NEGOTIATIONS

The Institution will attempt to negotiate and contract for services described in this RFP solicitation with the most qualified firm. If an agreement cannot be reached, there may be an attempt to negotiate a Contract with the second qualified firm. By submitting a proposal, each firm acknowledges and agrees that the Contract form is subject to approval by the Institution and the final form must therefore be acceptable to and signed by the Institution before the Institution has any obligation.

## COST FOR PROPOSAL PREPARATION

The Institution is not liable for any cost incurred by the respondent in preparing or submitting a proposal.