

**EXHIBIT “A”**

**SCOPE OF SERVICES/REQUIREMENTS**

**REQUEST FOR PROPOSALS**

**Hidalgo County  
“PROFESSIONAL ENERGY CONSULTING SERVICES ”**

**(NIGP CODE: 910-16)**

**RFP: 2014-070-00-00-**

**OVERVIEW:**

Hidalgo County is requesting sealed proposals from interested and qualified consultants/firms to provide “**Professional Energy Consulting Services**” related to the procurement and delivery of electricity of its facilities, along with auditing of the electricity bills. will assist with the details of the RFP (if authorized by Hidalgo County Commissioners’ Court) to evaluate the proposals and to assist Commissioner’s Court during the decision making process and/or to seek proposals from all cooperative purchasing programs utilized and approved by Hidalgo County. The County’s current Retail Energy contract expires on, November 30, 2015.

The term of this agreement will commence upon final acceptance of negotiated contract by Commissioner’s Court and will continue for a period of two (2) years with Hidalgo County’s option to extend one (1) additional year. The final agreement may be terminated by Hidalgo County upon providing consultant a thirty (30) day written notice.

The Hidalgo County Purchasing Department will receive sealed envelopes containing proposals for the provision of “**RFP No: 2014-000-00-00- Professional Energy Consulting Services**” as specified herein. Sealed Proposals will be accepted until **9:30 A.M., 2014. ANY PROPOSALS RECEIVED AFTER THAT DATE AND TIME WILL NOT BE ACCEPTED AND WILL BE RETURNED UNOPENED.**

Deliver Submittal to: Martha L. Salazar, CPPB, Purchasing Agent, at:

<u>US Postal Mail Address:</u> Martha L. Salazar, CPPB, Purchasing Agent Hidalgo County Purchasing Department Administration Building 2812 S. Business Hwy 281 Edinburg, Texas 78539	<u>Physical Address:</u> Martha L. Salazar, CPPB, Purchasing Agent Hidalgo County Purchasing Department Administration Building 2802 S. Business Hwy. 281 Edinburg, Texas 78539
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**The Submittal Envelope Must Show the RFP Number, Name and Acceptance Date.**

The following outlines the Request for Proposal:

## **SECTION I**

### **GENERAL TERMS AND CONDITIONS**

#### **ADDITIONAL INFORMATION:**

Hidalgo County is requesting that sealed proposals must be routed to

<b><u>US Postal Mail address:</u></b> Martha L. Salazar, CPPB, Purchasing Agent Hidalgo County Purchasing Department Administration Building 2812 S. Business Hwy. 281 Edinburg, Texas 78539	<b><u>Physical Address:</u></b> Martha L. Salazar, CPPB, Purchasing Agent Hidalgo County Purchasing Department Administration Building 2802 S. Business Hwy. 281 Edinburg, Texas 78539
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**ALL WRITTEN QUESTIONS WILL BE ACCEPTED VIA FACSIMILE (956)292-7612 OR VIA E-MAIL TO: [@co.hidalgo.tx.us](mailto:@co.hidalgo.tx.us) BY NO LATER THAN, Friday, by 5:00 P.M. Responses will be sent to all applicants via e-mail by no later than, Monday, by 5:00 P.M. **TELEPHONE INQUIRIES WILL NOT BE ACCEPTED.****

#### **DISCLOSURE OF CONFLICT OF INTEREST:**

Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor, person, consultant or consultant considering doing business with Hidalgo County (“the County”) to disclose in the Conflict of Interest Questionnaire (the “CIQ”) attached as **EXHIBIT D**, the vendor, person consultant or consultant’s affiliation or business relationship that might cause a conflict of interest with the County. By law, the CIQ must be filed with the Hidalgo County Clerk’s Office no later than the seventh business day after the date the person becomes aware of facts that require that statement to be filed. The disclosure requirement applies to a person or business who contract or seeks to contract with Hidalgo County for the sale or purchase of property, goods or service. Any purchase order or contract resulting from this process shall be considered null and void if the successful bidder fails to comply with Texas Local Government Code Chapter 176. Participants, consultants, consultants and others who desire to conduct business with Hidalgo County are encouraged to refer to Texas Local Government Code Chapter 176 for the details of this law. An offense under Texas Local Government Code Chapter 176 is a Class C Misdemeanor.

Please submit complete CIQ forms to the Hidalgo County Clerk’s Office located at 100 North Clossner, Edinburg, Texas 78539-Hidalgo County Courthouse **COMPLETION AND SUBMISSION OF FORM CIQ IS THE SOLE RESPONSIBILITY OF THE PROSPECTIVE PARTICIPANT.**

#### **PROPOSER’S AFFIDAVIT:**

Prior Contract award, respondents to this RFP must submit a signed Proposer’s Affidavit (attached herein in **Exhibit “E”**) certifying that the submission is: (1) not the result of Collusion as described in the Proposer’s Affidavit; (2) that the Respondent does not have a Conflict of Interest as described in Proposer’s Affidavit; or that the Respondent has not and will not attempt to lobby directly or indirectly as described in the Proposer’s Affidavit.

**NON-COLLUSION:**

Submitters, by submitting the signed Participant's Affidavit (Exhibit E), certify that the accompanying submission is not the result of , or affected by, any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under Texas or United States law.

**NON-DISCRIMINATION:**

Submitters, during the performance of this contract, will not discriminate against any employee or applicant for employment because of race, religion, sex, national origin or disability except where religion, sex, national origin or disability is a bona fide occupational qualification reasonably necessary to the normal operation of the consultant.

**ELECTRONIC TRANSMISSION OF BIDS:**

Hidalgo County's Purchasing Department **WILL NOT** accept telegraphic or electronically transmitted submissions.

**PROOF OF FINANCIAL AND BUSINESS CAPABILITY:**

Submitters must, upon request, furnish satisfactory evidence of their ability to furnish products or services in accordance with the terms and conditions of these requirements. Hidalgo County will make the final determination as to the submitter's ability.

**SUBMITTER DEFAULT:**

Hidalgo County reserves the right, in case of submitter default, to procure the articles or services from other sources and hold the defaulting submitter responsible for any excess costs occasioned thereby.

**RESTRICTIVE OR AMBIGUOUS REQUIREMENTS:**

It is the responsibility of the submitter to review the Request for Proposal (RFP) packet and to notify the Purchasing Department if the requirements are formulated in a manner that would unnecessarily restrict competition. Any such protest or question regarding the requirements or bidding procedures must be received in the Purchasing Department not less than seventy-two (72) hours prior to the time set for the opening. These criteria also apply to requirements that are ambiguous.

**PROPOSAL DELIVERY:**

Hidalgo County requires submitters, when hand delivering RFP to make sure that it is stamped with time and date by the County Purchasing Staff.

**SIGNING OF PROPOSAL:**

In order to be considered all submittals **must** be signed. **Please sign the original in [blue ink](#).**

**WAIVING OF INFORMALITIES:**

Hidalgo County reserves the right to waive minor informalities or technicalities when it is in the best interest of Hidalgo County.

**SUBCONTRACTING:**

The successful submitter may not subcontract the award without the written consent of the Commissioners' Court of Hidalgo County.

**TERM OF CONTRACT:**

The term of this agreement will commence upon final acceptance of negotiated contract by Commissioner's Court and will continue for a period of two (2) years with the county's option to renew for an additional one (1) years term, at the same rates, terms and conditions. The final agreement may be terminated by Hidalgo County upon providing consultant a 30 day written notice.

Hidalgo County reserves the right to continue this proposal for an additional sixty (60) day Grace Period at the end of the contract under the same rates, terms and conditions.

**DAVIS BACON ACT: (If applicable)**

All selected and awarded firms are required to include the Davis-Bacon Act when advertising and developing specifications.

**SECTION II- SCOPE OF SERVICES/REQUIREMENTS**

**SCOPE OF SERVICES:**

- A. The consultant to assist Hidalgo County including, but not limited to the following:
  1. Assist in development of the requirements for an RFP (Request for Proposal) for the procurement of electricity services provider to the facilities operated by Hidalgo County.
  2. Create RFP to obtain price quotes from RFP's prior to the current electricity contract expiration.
  3. Review current electrical billings, meters and identify current contract requirements and/or terms that are of concern to Hidalgo County.
  4. Inputting the electrical bill on a customized excel spreadsheet for energy quote comparison.
  5. Assist the evaluation of the RFP's for delivery of electric services to Hidalgo County facilities.
  6. Assist Hidalgo County's evaluation committee in reviewing the RFP's submitted to the County.
  7. Assist in negotiating and reviewing energy contracts and quotes from Retail electric services providers.
  8. Meet with County officials to review electrical RFP details such as, company references, financial stability, pricing; pass thru fees, gross receipts tax and other terms of the proposed contract.
  9. Assist in providing a recommendation of the proposals received to Commissioner's Court and/or provide answers to any questions posed by Commissioner's Court during the decision making process. Provide a presentation of findings to County staff and Commissioner's Court.
  10. Provide an analysis/comparison/assessment of prices, products and contract business terms of the County's electric provider and work the County's legal counsel to negotiate terms of final agreement with County and awarded electric provider.
  11. Be available for presentation to Commissioner's Court during the procurement process of the energy contract and during the term of the contract with the energy provider.
  12. Be available to provide presentation to commissioner's Court as required by Hidalgo County to Commissioner's Court.

- B. The consultant will be required to provide the following services during the term of the contract (after selection of the electric services provider and during the term of the electric services provider contract).
1. Evaluate the electrical consumption of the County and provide recommendations to reduce energy consumption.
  2. Analyze peak hours of electric usage.
  3. Monitor and audit utility bills on a monthly basis. Providing month electricity bill audit analysis and yearly budget reports starting upon awarded of contract by Hidalgo County Commissioners' Court and execution of final agreement.
  4. Provide support of energy cost reductions, meter consolidation and comply with HB 3693. Provide information needed to conform with SB 12 and HB 3693.
  5. Assist with the addition and/or deletion of accounts for county buildings.
  6. Resolve billing issues with REP or TDSP and dispute and provide support for bill error credits and corrections and meter additions and/or deletions.
  7. Provide recommendations on how to reduce or consolidate the number of meters and meter cost at County facilities.
  8. Provide recommendations on energy reduction projects for county facilities.
  9. Provide recommendations during new & renovation construction projects on possible energy reduction measures.

### **REQUEST FOR PROPOSALS**

The required contents and limitations for the preparation of the RFP are described in this section. Failure to provide the requested information or adhere to any County limitations will result in disqualification of the submitted RFP.

### **RFP SUBMISSION:**

A total of one (1) original and seven (7) copies response shall be submitted to: Martha L. Salazar, Purchasing Agent, Hidalgo County Purchasing Department, 2812 So. Business Hwy 281, New Administration Building, Edinburg, Texas 78539 by **no later than 9:30 a.m. on Friday, \_\_\_\_\_.**

### **CONTENTS:**

The required contents for the RFP are presented below in the order they should be incorporated into the submitted document.

### **UNDERSTANDING OF THE PROJECT:**

This section should demonstrate the submitter's understanding of the project needs, the work required, and any local issues or concerns. This description should be concise, candid, and limited to 3 pages in length.

### **FIRM QUALIFICATIONS:**

The County of Hidalgo is seeking to contract with a competent firm(s), registered and licensed (if applicable) for the services being requested in the RFP and/or do business in the State of Texas, who has experience in, but not limited to:

- A. Before a consultant is considered for selection for energy consultant the following qualifications must be demonstrated:
1. The consultant or his/her firm shall not engage in the sale of energy.
  2. The consultant must disclose any potential conflict of interest with participating in the recommendation of an energy provider.
  3. Consultant shall have experience of at least 3 years working in deregulated working energy markets.
  4. Consultant shall be certified by the State of Texas Public Utilities Commission.
  5. Consultant shall have 3 years experience in negotiating electricity contracts for counties, cities, school districts with the capacity of at least 20,000,00 kwh load.
  6. Consultant shall have 3 years experience in providing competitive assessment and procurement advisory
  7. Provide a list of three (3) references with contact information where the proposed consultant has assisted in obtaining a retail electricity contract.

### **PERSONNEL AND STAFFING:**

The firm should provide an organizational chart for the project and a summary paragraph of the project work to be performed by each proposed staff member. Biographic summaries that highlight the experience relevant to the specific project responsibilities should be provided for all proposed personnel. There is a one (1) page limitation for each biographic summary provided.

Additionally, this section should include a description of the firm's project personnel and their most recent similar projects. For each project, a client contract name and phone number should be included for reference purposes. Additionally, the names of the personnel proposed for this project who participated in the listed projects should be provided. This project list is limited to 5 pages.

### **REQUIRED CERTIFICATIONS AND SUBMITTAL:**

This section will contain any licenses and certifications as required by HIDALGO COUNTY, the STATE OF TEXAS, etc. The Proposer(s) should add copies of their Professional Liability Insurance in the response.

### **PROPOSERS ARE TO PROVIDE A FEE SCHEDULE WITH THIS SUBMITTAL:**

Hidalgo County is hereby requesting a lump sum flat rate proposal fee based on the scope of services/requirements.

RFPs must be submitted by no later than 9:30 a.m. on \_\_\_\_\_.

**RFP SUBMITTED TO: An original and seven (7) copies of RFPs should be submitted to:**

**US Postal Mail Address:**

Martha L. Salazar, CPPB, Purchasing Agent  
Hidalgo County Purchasing Department  
Administration Building  
2812 S. Business Hwy 281  
Edinburg, Texas 78539

**Physical Address:**

Martha L. Salazar, CPPB, Purchasing Agent  
Hidalgo County Purchasing Department  
Administration Building  
2802 S. Business Hwy. 281  
Edinburg, Texas 78539

**ADDITIONAL INFORMATION:**

Hidalgo County is requesting that any and all questions, inquiries, and all clarifications regarding quotes, bids, proposals or statements of qualifications be addressed to, Martha L. Salazar, CPPB, Purchasing Agent, **Attn: , via email: [@co.hidalgo.tx.us](mailto:@co.hidalgo.tx.us)**, 2812 South Business Highway 281, Edinburg Texas 78539. **TELEPHONE CALLS WILL NOT BE ACCEPTED!**

Any/All costs and expenses associated with the preparation and submission of (bids, proposals and/or quotes) shall be the responsibility of the proposer and not reimbursements for such charges or expenses shall be passed onto Hidalgo County.

Hidalgo County has the authority to utilize State Contracts from its membership with their existing or new cooperatives whenever it is in the County's best interest to do so.

**SECTION III- SELECTION/EVALUATION/RANKING**

**SELECTION PROCEDURES/EVALUATION SYSTEM:**

The evaluation consists of a 100-point scoring system. However, after the 100-point evaluation, Hidalgo County Commissioner's Court may elect to narrow the participating firms and request a presentation from a representative from firms.

- A. Evaluation Committee selected by Hidalgo County Commissioner's Court, Elected Official or User Department will review, score and evaluate the Request for Proposals (RFP's) responses received.
- B. After the RFP responses have been reviewed, scored and evaluated, a grid will be presented to Commissioner's Court for the purposes of ranking.
- C. Categories are further detailed in the Selection Criteria (Exhibit B) section of this RFP.

## **SCORING AND EVALUATION PROPOSALS**

Proposals will be evaluated and scored for innovation and completeness, in response to each of the elements outlined in the Scope of Services including but not be limited to, the items listed below:

1. Qualifications/Experience: 40pts

- a. Experience in negotiating electricity contract for counties, cities, school districts with at least 20,000,000 kwh load, which must be identifies in this RFP .
- b. Certified by the State of Texas Public Utilities Commission

2. Capacity to perform services: 30pts.

- a. Consultant shall have a proven record in providing competitive assessment and procurement advisory services for the procurement & audit of electricity.
- b. Provide resumes on key personnel that have more than three (3) years experience working in deregulated energy markets.
- c. Identify team members to be assigned to Hidalgo County's accounts, including qualifications.
- d. List of three (3) references with contact information where the proposed consultant or firm has assisted in obtaining a retail energy contract.

3. Knowledge of Rules, Regulation, Codes and Other Information: 20pts

- a. Knowledge of utility rate schedules TDSP Tariff's.
- b. Provide written documentation communicating your knowledge of rules, regulations, codes and other information.

4. Understanding & Capacity to provide suggestions and ideas for Energy Savings to Hidalgo County. 10pts

- a. Provided traditional savings efforts for energy savings for future for Hidalgo County.

Total 100 points

## **EVALUATION PROCESS**

All proposals will be examined by Hidalgo County Purchasing Department Staff and/or designated committee.

The evaluators will consider the most cost productive, efficient and effective plan. Emphasis will be placed on qualifications, as well as meeting the needs of the using department(s). While Hidalgo County appreciates a brief straight forward and concise reply, the participants must fully understand that the evaluation is based on the information provided herein Accuracy and completeness are essential. Omissions, ambiguous or equivocal statements may be construed against the participant. The proposal response may be incorporated into any contract, which results from this RFP, and participants are cautioned not to make claims or statements, which they are not prepared to commit to contractually. Failure of the participant to meet such claims will result in a requirement that the vendor provide the resources necessary to meet submitted claims.

Hidalgo County, reserves the right to accept such a proposal if it is determined to be in the best interest of Hidalgo County.

Hidalgo County may initiate discussions with selected participants(s); however, discussions **may not** be initiated by participants. Hidalgo County expects to conduct discussions with participant's representatives authorized to contractually obligate the vendor with an offer. Consultant(s) shall not contact any personnel of Hidalgo County during the RFP process without the express permission from the Office of the Hidalgo County Purchasing Agent. Hidalgo County Purchasing may disqualify any participant who has made site visits, contacted any personnel of Hidalgo County, or distributed any literature without authorization from the Purchasing Department.

All documents will be held by Hidalgo County and are NOT subject to public view until an award is made. Under the Request for Proposal process, sealed offers will be received and opened in the Office of the Hidalgo County Purchasing Agent. At and after opening, proposals will NOT be part of the public record and subject to disclosure, but will be kept confidential until time of award. When an award is made, proposals are subject to review under the "Public Information Act". To the extent permitted by law, participants may request in writing non-disclosure of confidential data. Such data shall accompany the proposal, be readily separable from the proposal, and shall be CLEARLY MARKED "CONFIDENTIAL".

## **NEGOTIATION PROCESS:**

The number one ranked firm will be contacted to submit a letter of engagement/contract for negotiations. If negotiations prove unsuccessful, Commissioner's Court will terminate negotiations with the firm and will contact the next highest ranked firm to open negotiations. The County of Hidalgo reserves the right to reject any and all RFPs.

## **TERMINATION OF SERVICES:**

Any contract awarded to a qualified firm will be in effect until (a) the contract expires or (b) performance of all services are completed, or (c) terminated by County with or without cause, with thirty (30) days written notice prior to cancellation.