

EXHIBIT “A”

SCOPE OF SERVICES/REQUIREMENTS

REQUEST FOR PROPOSALS

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

(NIGP CODE: 910-16)

RFP: 2019-161-08-19-ABV

OVERVIEW:

Hidalgo County is requesting sealed qualifications from interested and qualified consultants/firms to provide professional consulting services related to the procurement and delivery of electricity of its facilities, along with auditing of the electricity bills. **“Professional Energy Consulting Services”** 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, 2019.**

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: 2019-161-08-19-ABV- Professional Energy Consulting Services”** as specified herein. Sealed Proposals will be accepted until **9:30 A.M., August 19, 2019.** **ANY PROPOSALS RECEIVED AFTER THAT DATE AND TIME WILL NOT BE ACCEPTED AND WILL BE RETURNED UNOPENED.**

SECTION I

GENERAL TERMS AND CONDITIONS

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

ADDITIONAL INFORMATION:

Hidalgo County is requesting that sealed proposals must be routed to

<p><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</p>	<p><u>Physical Address:</u> Martha L. Salazar, CPPB, Purchasing Agent Hidalgo County Purchasing Department Administration Building 2802 S. Business Hwy. 281 Edinburg, Texas 78539</p>
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ALL WRITTEN QUESTIONS WILL BE ACCEPTED VIA E-MAIL TO: alexandra.vela@co.hidalgo.tx.us BY NO LATER THAN, Monday, August 12, 2019 by 5:00 P.M. Responses will be sent to all applicants via e-mail by no later than, Wednesday, August 14, 2019 by 5:00 P.M. **TELEPHONE INQUIRIES 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.

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.

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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.
 13. To develop a RFP for Energy Performance Contract.
- 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 award 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, two (2) USB and one (1) copy 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.

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 20,000,000 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:

Contractor will be paid a contractual percentage of the verified refund paid to Hidalgo County by utility company. Payment will be made by Hidalgo County within thirty (30) days of receipt of refund. The Contractor will provide the Hidalgo County Auditor's Office with weekly progress reports presenting by category, period and/or department including but not limited to the following information: the number of utility bills that have been reviewed and evaluated, the amount of refund due to Hidalgo County, correspondence from said utility provider agreeing to or contesting the refund due to Hidalgo County, and the method to be used to refund the moneys owed Hidalgo County i.e. dollar or percentage discount from monthly utility bills for a specific period of time, etc.). Within six (6) months or the completion of the engagement, contractor will submit to Hidalgo County a report summarizing the results of the audit including the amounts actually recovered from the utility companies. Hidalgo County will owe the Contractor nothing unless and until a refund is received by Hidalgo County from the utility provider.

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 20,000,00 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 experience, 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.