



Procurement
Operations

Request for Qualifications

For

Third Party Energy Audit Services

Project No. 12-27

Submittal Deadline: April 05, 2012 at 2:00 p.m. (local time)

REQUEST FOR QUALIFICATIONS

TABLE OF CONTENTS

RFQ No. 12-27

Cover Page		Page
Table of Contents		1
I.	General Information	2
II.	Contract Term	2-3
III.	Document Submission	3
IV.	Inquiries	3-4
V.	Document Format & Content	4-6
VI.	Evaluation Criteria	7
VII.	Eligibility for Award	7-8
VIII.	Texas Open Records Act	8
IX.	Small Business Development Program (SBDP)	8-9
X.	Prohibited Communications	9
XI.	Commitment	10
XII.	Drug Policy	10
XIII.	Conflict of Interest	10
XIV.	Ethics Conduct	10
XV.	Submission Waiver	10
XVI.	Obligations and Waivers	11
XVII.	Vendor Registration	11
XVIII.	Terms and Conditions	11

Attachments

Attachment No. 1	Scope of Services / Deliverables	12-13
Attachment No. 2	Determination of Good Faith Effort	14-16
Attachment No. 3	Small Business Unavailability Certificate	16
Attachment No. 4	Contractor & Subcontractor Participation Form	17
Attachment No. 5	Small Business Development Questionnaire	18
Attachment No. 6	Respondent Certifications	19-20
Attachment No. 7	Conflict of Interest Questionnaire	21
Attachment No. 8	Disclosures	22-24

REQUEST FOR QUALIFICATIONS

Date: March 05, 2012

Project Name: Third Party Energy Audit Services

HCC Project No. 12-27

ISSUED BY:

Houston Community College
Procurement Operations Department
3100 Main Street (11th Floor)
Houston, Texas 77002

SUBMIT INQUIRES TO:

Name: Georgia M. Coats
Title: Purchasing Agent
Telephone: (713) 718-5004
Fax: (713) 718-2113
Email: georgia.coats@hccs.edu

RESPONDENTS ARE CAUTIONED TO READ THE INFORMATION CONTAINED IN THIS RFP CAREFULLY AND TO SUBMIT A COMPLETE RESPONSE TO ALL REQUIREMENTS AND QUESTIONS AS DIRECTED.

I. General

The Houston Community College ("HCC") is seeking a statement of qualifications from firms interested in providing Third Party Energy Audit Services to (i) validate energy savings of proposed projects, and/or (ii) verify the energy performance of completed projects to determine the energy savings achieved. The selected firm must have extensive knowledge of energy and water-using systems found in institutional buildings, a working knowledge of energy efficiency retrofits utilizing state-of-the art technologies and a specific understanding of building operations and maintenance procedures. They must also be experienced in conducting energy and water analyses that identify energy and water efficiency retrofit projects in institutional or commercial buildings. The firm must be knowledgeable in Measurement and Verification (M&V) techniques and protocols. The selected firm will be expected to perform the services in accordance with the Scope of Services set forth in Attachment No. 2 and in accordance with the requirements of this solicitation, as well as the State Energy Conservations Office.

The Request for Qualifications (RFQ) provides the information necessary to prepare and submit qualifications for consideration by HCC based on the listed criteria. HCC may request additional clarification and oral interviews solely on the written responses to this request for qualifications.

By submitting its Qualifications in response to this RFQ, respondent accepts the evaluation process and acknowledges and accepts that determination of "most-qualified" firm(s) will require subjective judgments by the Evaluation Committee.

Qualifications shall not include any information regarding respondent's fees, pricing or other compensation. Such information will be solicited from the firm selected as the most highly qualified by HCC, in accordance with the published evaluation criteria

II. Contract Term

Three (3) years with HCC reserving the right to renew for an additional two (2) year period

III. Document Submission:

- A. Interested firms shall submit original and **four (4) printed** copies of their statement of qualifications documents to the below address no later than April 05, **2012 @ 2:00 p.m.** (local time). Original and copies of the submission should be accompanied by one (1) CD or flash drive with electronic copies of the submission. The electronic copies should be in non-editable .PDF format and should include the entire submission.

**Houston Community College
Procurement Operations**

Attn:

3100 Main Street (11th Floor, Room No. 11A06)

Houston, Texas 77002

Project Name: Third Party Energy Audit Services Project No. 12-27

- B. **Please complete and return the following documents in your statement of qualifications package:**

- Response to Section V
- Attachment No. 1 Scope of Services
- Attachment No. 2 Determination of Good Faith Effort
- Attachment No. 3 Small Business Unavailability Certificate
- Attachment No. 4 Contractor & Subcontractor Participation Form
- Attachment No. 5 Small Business Development Questionnaire
- Attachment No. 6 Respondent Certifications
- Attachment No. 7 Conflict of Interest Questionnaire
- Attachment No. 8 Disclosures

C. Notes:

C.1 All applicable attachments contained in the RFQ shall be completed. Failure to do so may result in the firm's Qualification Submittal being declared non-responsive to the solicitation requirements.

C.2 In addition to signature, Attachment Nos. 6, and 8 must be notarized.

C.3 Late Qualification Submittals properly identified will be returned to submitting respondent unopened. Late Statement of Qualifications will not be considered under any circumstances.

C.4 Facsimile ("FAX") or electronic (email) submittals are not acceptable when in response to this Request for Qualifications.

IV. Inquiries and Interpretations

Any questions or concerns regarding this Request for Qualifications shall be directed to the above named HCC individual.

HCC specifically requests that Respondents restrict all contact and questions regarding this RFQ to the above named individual. Interested firms may make written inquiries only concerning this Request for Qualifications to obtain clarification of the requirements. Written inquiries shall be submitted no later than close of business on **March 20, 2012** to the above named individual. Requests received after this date and time will not be accepted. It is HCC's intent to respond to all

appropriate questions and concerns; however, HCC reserves the right to decline to respond to any questions.

Responses to inquiries which directly affect an interpretation or change to this RFQ will be issued in writing by addendum (amendment) and all parties recorded by HCC as having received a copy of the RFQ will be notified of the addendum; and all addenda will be posted on the HCC Website. www.hccs.edu. All such addenda issued by HCC prior to the time that statement of qualifications are received shall be considered part of the RFQ. Firms receiving this proposal other than directly from HCC are responsible for notifying HCC that they are in receipt of a proposal package and are to provide a name and address to utilize in the event an amendment is issued.

Only those HCC replies to inquiries which are made by formal written addenda shall be binding. Oral and other interpretations or clarification will be without legal effect.

V. Document Format and Content

A. Responses shall be submitted in 8 ½" x 11" sizes. Responses must be typed and should not include any unnecessarily elaborate or promotional material. The form, content and sequence of the response should follow the outline presented below.

B. Document Content:

1. **Transmittal Letter/Introduction (1 Page maximum):** The letter of transmittal shall be addressed to Georgia Coats, Purchasing Agent, and must, at a minimum, contain the following:

- Identification of the offering firm(s), including name, mailing address, e-mail address, telephone number and fax number of each firm;
- Acknowledgement of receipt of RFQ amendments, if any;
- Name, title, address and telephone number and fax number of a contact person for the firm(s);
- Identification of any information contained in the response documents which the respondent deems to be, and establishes as, confidential or proprietary and wishes to be withheld from disclosure to others under the Texas Open Records Act (a blanket statement that all contents of the response document are confidential or proprietary will not be honored by HCC); and signature of a person authorized to bind the offering firm to the terms of the response documents.

2. **Table of Contents:**

Immediately following the transmittal letter and introduction, include a complete table of contents for material included in the response documents.

3. **Company Profile, Qualification and Experience:** Briefly furnish background information about your firm, including date of founding, legal form (sole proprietorship, partnership, corporation/state of incorporation), number and location of offices, and principal lines of business. Certify that the firm is legally permitted or licensed to conduct business in the State of Texas for the services offered. **Only individual firms or lawfully formed business organizations may apply (This does not preclude a respondent from using consultants.) HCC will contract only with the individual firm or formal organization that submits a Statement of Qualifications.**

4. **Proposed Staffing and Organization:** This section should discuss the staff of the responding firm who would provide the Third Party Energy Auditing Services.

- a. **Key Personnel:** Identify the Key personnel that would be assigned to HCC and will provide the Work described in Attachment No. 1, Scope of Services. Please include the following:

- a brief description of their unique qualifications as it pertains to this Work,
 - availability and commitment of the respondent, its principal(s) and assigned professionals to undertake the project,
 - Respondent's job functions and office location.
 - Designate the individual who is authorized to sign and enter into any resulting contract.
 - Provide brief resumes (not more than one (1) page) for each key personnel.
 - Provide any/all certification that is required by the state of Texas to conduct required scope of services.
- b. Include and organizational chart, which identifies key personnel and their particular roles in furnishing the services required under this RFQ
5. **Past Performance:** This section should establish the ability of the respondent (and its sub-consultant), if any to satisfactorily perform the required work. Provide examples of similar project experience; public institutions or public entities, preferred. HCC may verify all information furnished. As a minimum, include the following per project experience:
- Project Name, Location – Year Completed;
 - Brief project description describing your experience, work performed by your firm and work subcontracted.
 - Owner Name, title, and current phone number.
- 5.1 Provide your experience with cogeneration projects, include:
- Project Name, Location – year completed;
 - Brief project description describing your experience, work performed by your firm and work subcontracted.
 - Owner Name, title and current phone number.
6. **Firm's Financial Status:**
- a. Provide copies of your audited financial statements for the **last 3 years;**
 - b. Identify if your firm is currently for sale or involved in any transaction to expand or to become acquired by another business entity? If so, please explain the impact both in organization and company direction and the estimated timing for the transaction to be completed.
 - c. Provide details of any past or pending litigation, or claims filed, against your firm that may affect your performance under a Contract with HCC.
 - d. Identify if your firm is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity? If so, specify date(s), details, circumstances, and prospects for resolution.
7. **Small Business Commitment:** For this Project HCC has a small business participation goal of **15%**. At a minimum, your response must include: (a) a description of previous projects where your firm has successfully subcontracted work to small businesses, minority/women owned businesses, and/ or disadvantaged businesses including the percentage (%) of work subcontracted to these firms under each project; (b) a narrative outlining your overall approach to subcontracting and how you will solicit and select small businesses, minority/women owned businesses, and/ or disadvantaged businesses for participation as part of this Project; and (c) indicate what challenges you anticipate in attaining HCC's goal of **15%**.

Note: Refer to Attachment Nos. 2, 3 & 4, Determination of Good Faith Effort, Contractor and Subcontractor Participation Form, and Small Business Unavailability Certificate, respectively These forms are provided as Samples only and do not need to be completed by Respondents at this time.

8. Subcontracting:

- a. Describe what opportunities you foresee to utilize sub-consultants/subcontractors to perform portions of the work contemplated under this RFQ?
- b. Describe your company's process for the selection sub-consultants/subcontractors and process for evaluating sub-consultants/subcontractors performance?

9. Potential Conflicts of Interest:

- a. Please identify all projects that your firm has performed services for with Chevron Energy Resources and/or its affiliated companies as a client;
- b. Please identify projects that your firm has performed services for which you have reviewed/audited projects performed Chevron Energy Resources and/or its affiliated companies;
- c. Please identify projects that members of you staff have performed services for with Chevron Energy Resources and/or its affiliated companies as a client and/or as an employee.

10. Business Relationship Strength:

"Business Relationship Strength" for the purpose of this RFQ shall mean the definition and commitment of the respondent towards a mutually successful "relationship" between the selected contractor and HCC for the duration of the contract term.

Respondent's Qualification Statement must include their definition, proposal and commitment to forge, foster and maintain a mutually successful "relationship" with HCC. At a minimum, your response must include: (a) your definition of a mutually successful "relationship" between your firm and HCC; and (b) your firm's commitment to a mutually successful "relationship" in the form of at least three, and not more than five, specific, obtainable criteria, activities, agreements or requirements that shall, subject to negotiation and mutual consent, become features of the awarded contract and shall guide the HCC-Contractor relationship for the duration of the Project

11. General:

Provide any other details regarding special services, products, advantages or other benefits offered to HCC by the Respondent.

VI. Evaluation Criteria

Selection of the most qualified firm will be made on the basis of demonstrated competence and qualifications to perform the Third Party Energy Auditing Services. An Evaluation Committee will review the statement of qualifications submitted in response to the solicitation. Evaluation factors for the selection of the firm(s) are as follows:

Evaluation Criteria	Available Points
Professional Qualifications and Experience (See description at Section V.3)	40
Staffing and Organization (See description at Section V.4)	25
Past Performance (See description at Section V.5)	15
Firm's Financial Status (See description at Section V.6)	5
Small Business Commitment (See description at Section V.7)	acceptable/unacceptable
Business Relationship Strength (See description at Section V.9)	5
Total Points	100

HCC may request additional clarification and oral interviews from a short-list of the top rated firms solely on the written responses to this request for qualifications.

VII. Eligibility for Award

- a. In order for a respondent to this solicitation to be eligible to be awarded the contract, the Qualification submittal must be responsive to the solicitation and HCC must be able to determine that the respondent is responsible and has the resources and capacity to perform the resulting contract satisfactorily.
- b. Responsive Qualification submittals are those that comply with all material aspects of the solicitation, conform to the solicitation documents and meet the requirements set forth in this solicitation. Qualification submittals, which do not comply with all the terms and conditions of this solicitation, will be rejected as non-responsive.
- c. Responsible respondents, at a minimum, must meet the following requirements:
 - Have adequate financial resources, or the ability to obtain such resources as required during the performance of any resulting contract;
 - Be able to comply with the required performance schedule, taking into consideration all existing business commitments;
 - Have a satisfactory record of past performance;
 - Have necessary personnel and management capability to perform any resulting contract;
 - Be qualified as an established firm regularly engaged in the type of business necessary to fulfill the contract requirements;:
 - Certify that the firm is not delinquent in any tax owed the State of Texas under Chapter 171, Tax Code; and is not delinquent in taxes owed to the Houston Community College System; signing and submitting the proposal is so certifying to such non-delinquency;

- Be a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract/work under review, and is not otherwise associated with the contract.
 - Be otherwise qualified and eligible to receive an award under applicable laws and regulations.
- d. Respondents(s) may be requested to submit additional written evidence verifying that the firm meets the minimum requirements described in Section VII. (c), above and as necessary to perform the requirements of the solicitation and be determined a responsible respondent. Failure to provide any requested additional information may result in the respondent being declared non-responsive and the proposal being rejected.
 - e. A person is not eligible to be considered for award of this solicitation or any resulting contract or to be a subcontractor of the respondent or prime contractor if the person assisted in the development of this solicitation or any part of this solicitation or if the person participated in a project related to this solicitation when such participation would give the person special knowledge that would give that person or a prime contractor an unfair advantage over other bidders.
 - f. A person or respondent shall not be eligible to be considered for this solicitation if the person or respondent engaged in or attempted to engage in prohibited communications as described in Section X of this solicitation.

VIII. Texas Public Information Act

HCC considers all information, documentation and other materials requested to be submitted in response to this solicitation to be of a non-confidential and/or non-proprietary nature, and therefore, shall be subject to public disclosure under the Texas Public Information Act (Texas Government Code, Chapter 552.001, et seq.) ("the Act") after a contract if any, is awarded. If the respondent considers any information submitted in response to this request for proposal to be confidential under law or constitute trade secrets or other protected information, the respondent must identify such materials in the proposal response. Notwithstanding the foregoing, the identification of such materials would not be construed or require HCC to act in contravention of its obligation to comply with the Act and the respondent releases HCC from any liability or responsibility for maintaining the confidentiality of such documents.

IX. Small Business Development Program (SBDP)

- a. HCC has adopted a Small Business Development Program for small businesses attempting to provide goods and/or services as prime contractors or as subcontractors to other prime contractors to HCC. The program is designed to prevent discrimination by ensuring that small, underutilized and disadvantaged businesses are informed and prepared to compete for HCC procurements. HCC will neither discriminate nor select vendors on the basis of race, color, national origin, religion, gender, age, veteran status, sexual orientation or disability in its procurement selection process.
- b. Small businesses whose gross annual income averaged over the past three (3) years does not exceed the Small Business Administration's size standard as specified in 13 CFR Part 121 are eligible to apply for participation in the program.
- c. For this solicitation, HCC has established **15%** as its goal for Small Business participation.
- d. Good Faith Efforts- HCC will make a good faith effort to utilize small businesses in all contracts. The annual program goals may be met by contracting directly with small businesses or indirectly through subcontracting opportunities. Therefore, any business that contracts with HCC will be required to make a good faith effort to award subcontracts to small businesses. The subcontracting goal applies to all vendors regardless of their status by implementing the following procedures, a contractor shall be presumed to have made a good faith effort:

- To the extent consistent with industry practices, divide the contract work into reasonable lots.
- Give notice to SBDP eligible firms of subcontract opportunities or post notices of such opportunities in newspapers and other circulars.
- Document reasons for rejecting a firm that submitted a proposal for subcontracting opportunities.

To the extent required by the solicitation, the contract shall require the selected contractor to agree to attain small business participation goal or target set forth in the solicitation.

X. Prohibited Communications

Except as provided in exceptions below, the following communications regarding this solicitation or any other invitation for bids, requests for proposal, requests for qualifications, or other solicitation are prohibited:

- [1] Between a potential vendor, subcontractor to vendor, service provider, respondent, Offeror, lobbyist or consultant and any Trustee;
- [2] Between any Trustee and any member of a selection or evaluation committee; and
- [3] Between any Trustee and administrator or employee.

The communications prohibition shall be imposed from the day the solicitation is first advertised through the day the contract documents are signed by all parties. During this period, no HCC Trustee and no vendor shall communicate in any way concerning any pending Solicitation involving the Vendor, subject to the penalties stated herein.

In the event the Board refers the recommendation back to the staff for reconsideration, the communication prohibition shall be re-imposed.

The communications prohibition shall not apply to the following:

- [1] Duly noted pre-bid or pre-proposal conferences.
- [2] Communications with the HCC General Counsel.
- [3] Emergency contracts.
- [4] Presentations made to the Board during any duly-noticed public meeting.
- [5] Unless otherwise prohibited in the solicitation documents, any written communications between any parties, provided that the originator shall immediately file a copy of any written communication with the Board Services Office. The Board Services Office shall make copies available to any person upon request.
- [6] Nothing contained herein shall prohibit any person or entity from publicly addressing the Board during any duly-noticed public meeting, in accordance with applicable Board policies, regarding action on the contract.

Any potential vendor, subcontractor vendor, service provider, bidder, offeror, lobbyist or consultant who engages or attempts to engage in prohibited communications shall not be eligible for the award of any resulting contract under this solicitation. Any other direct or indirect actions taken to unduly influence competitive purposes, to circumvent equal consideration for competitive bidders, or to disregard ethical and legal trade practices will disqualify bidders, vendors, service providers, lobbyist, consultants, and contractors from both this current and any future consideration for participation in HCC orders and contracts.

XI. Commitment

This RFQ is issued predicated on anticipated requirements for Energy Audit Services. HCC makes no guarantee as to any minimum or maximum number of projects or dollar amount (\$) of work to be contracted for as a result of this solicitation. The firm selected and awarded a contract from this solicitation will be HCC's Primary Provider of Energy Audit Services; however, the firm selected will not be an "exclusive" provider and HCC may, at its sole discretion contract with other firms to perform like energy audit services as HCC deems necessary and appropriate.

XII. Drug Policy

HCC is a drug-free workforce and workplace. The manufacture, sale, distribution, dispensation, possession or use of illegal drugs (except legally prescribed medications under physician's prescription and in the original container) or alcohol by vendors or contractors while on HCC's premises is strictly prohibited.

XIII. Conflict of Interest

If a firm, proposer, contractor or other person responding to this solicitation knows of any material personal interest, direct or indirect, that any member, official or employee of HCC would have in any contract resulting from this solicitation, the firm must disclose this information to HCC. Persons submitting a proposal or response to this solicitation must comply with all applicable laws, ordinances, and regulations of the State of Texas Government Code, including, without limitation, Chapter 171 and 176 of the Local Government Code. The person /respondent submitting a response to this solicitation must complete (as applicable), sign and submit Attachment No. 7, Conflict of Interest Questionnaire Form, and Attachment No. 8, Disclosures – Financial Interest and Potential Conflict of interests with the proposal package. HCC expects the selected contractor to comply with Chapter 176 of the Local Government Code and that failure to comply will be grounds for termination of the contract.

Note: Attachment No. 7 and Attachment No. 8 shall be completed signed and returned to HCC. Enter N/A in those areas on the Attachments that are not applicable to your company. Failure to complete, sign and notarize (if applicable) these Attachments shall render your proposal non-responsive.

XIV. Ethics Conduct

Any direct or indirect actions taken to unduly influence competitive purposes, to circumvent equal consideration for competitive bidders, or to disregard ethical and legal trade practices will disqualify vendors and contractors from current and future consideration for participation in HCC orders and contracts.

XV. Submission Waiver

By submitting a response to this RFQ, the Offerer or respondent agrees to waive any claim it has or may have against Houston Community College System and its trustees, employees or agents arising out of or in connection with (1) the Administration, evaluation or recommendation of any offer or response; (2) any requirements under the solicitation, the solicitation or response package or related documents; (3) the rejection of any offer or any response or any part of any offer or response; and/or (4) the award of a contract, if any.

XVI. Obligation and Waivers:

THIS RFQ IS A SOLICITATION FOR STATEMENTS OF QUALIFICATION AND IS NOT A CONTRACT OR AN OFFER TO CONTRACT.

This Request for Qualifications does not obligate HCC to award a contract or pay any costs incurred by the respondent in the preparation and submittal of a proposal.

HCC, IN ITS SOLE DISCRETION, RESERVES THE RIGHT TO ACCEPT ANY STATEMENTS OF QUALIFICATION AND/OR REJECT ANY AND ALL STATEMENTS OF QUALIFICATION PROPOSALS OR A PART OF A STATEMENT OF QUALIFICATION, WITHOUT REASON OR CAUSE, SUBMITTED IN RESPONSE TO THIS RFQ.

HCC RESERVES THE RIGHT TO REJECT ANY NON-RESPONSIVE OR CONDITIONAL STATEMENTS OF QUALIFICATION. HCC RESERVES THE RIGHT TO WAIVE ANY INFORMALITIES, IRREGULARITIES AND/OR TECHNICALITIES IN THIS SOLICITATION, THE STATEMENTS OF QUALIFICATION DOCUMENTS AND /OR STATEMENTS OF QUALIFICATION RECEIVED OR SUBMITTED.

BY SUBMITTING A STATEMENT OF QUALIFICATION, RESPONDENT AGREES TO WAIVE ANY CLAIM IT HAS, OR MAY HAVE, AGAINST HOUSTON COMMUNITY COLLEGE SYSTEM AND ITS TRUSTEES OR AGENTS ARISING OUT OF OR IN CONNECTION WITH (1) THE ADMINISTRATION, EVALUATION OR RECOMMENDATIONS OF ANY STATEMENTS OF QUALIFICATION; (2) ANY REQUIREMENTS UNDER THE SOLICITATION, STATEMENTS OF QUALIFICATION PACKAGE, OR RELATED DOCUMENTS; (3) THE REJECTION OF ANY O STATEMENTS OF QUALIFICATION OR ANY PART OF ANY STATEMENTS OF QUALIFICATION; AND/OR (4) THE AWARD OF A CONTRACT, IF ANY.

HCC reserves the right to withdraw this solicitation at any time for any reason; remove any scope component for any reason and to issue such clarifications, modifications and/or amendments as deemed appropriate.

HCC is an equal opportunity/educational institution, which does not discriminate on the basis of race, color, religion, national origin, gender, age, disability, sexual orientation or veteran status.

XVII. Vendor Registration

A PROPERLY COMPLETED VENDOR APPLICATION IS REQUIRED AND IS A CONDTION OF CONTRACT AWARD. The website address to access the vendor registration form is:

<https://hccs.sbcompliance.com/FrontEnd/VendorsIntroduction.asp>

XVIII. Terms and Conditions

The HCC General Terms and Conditions of Contracts dated October 20, 2012 shall govern any Purchase Order/Contract issued as a result of this solicitation (RFQ). A copy is available and posted on the HCC website at www.hccs.edu.

ATTACHMENT NO. 1

SCOPE OF SERVICES
FOR
THIRD PARTY ENERGY AUDIT SERVICES

General: In 2009 HCC contracted with Chevron Energy Solutions (Chevron) to provide Energy Savings Performance Contract Services under Texas Higher Education Code, Section 51.927 it is required that the cost savings projected by an offeror be reviewed by a licensed engineer. These reviews may, at HCC's discretion, be performed prior to commencement of an energy savings project, upon completion of and energy savings project, or both. Accordingly, HCC requires the services of a licensed professional engineer to conduct the review of its energy savings projects.

The work to be performed will be on an "as needed" basis and may include projects that arise under HCC's contract with Chevron or other energy projects identified by HCC.

The Engineer acknowledges and understands that this document provides a general description of the work to be performed and is not intended to be all inclusive. In performing the work the Engineer represents that it is familiar with the requirements and general conditions that it will be required to operate under and agrees to perform all necessary and required work to deliver Energy Audit Services consistent with industry best practices and in accordance with Texas Higher Education Code, Section 51.927 and all licensing, regulations, and professional standards.

The following is provided a framework and minimum requirement of the work to be performed by the engineer.

- a. In conducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment.
- b. The engineer must make an assessment of the overall program scope of work and conduct a technical review of the consumption savings methodology, program investment and economic justification.
- c. The engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract.
- d. The engineer must perform on-site investigations of the facilities involved and must determine that the savings calculations and cost reduction estimates presented are factual, accurate, reasonable, and in accordance with generally accepted engineering practices to the best of the reviewer's knowledge.

- e. Prepare all reports and filings as required per State laws and regulations.

- f. The engineer shall provide any pertinent information and perform any reasonable duty that will position HCC to effectively and efficiently verify cost savings as reported by Energy Savings Performance Contractor.

ATTACHMENT NO. 2

**DETERMINATION OF GOOD FAITH EFFORT
PROJECT NO. 12-27**

Respondent _____

Address _____

Phone _____ Fax Number _____

In making a determination that a good faith effort has been made, HCC requires the Respondent to complete this form as directed below:

Section 1.

After having divided the contract work into reasonable lots or portions to the extent consistent with prudent industry practices, the Respondent must determine what portion(s) of work, including goods or services, will be subcontracted. Check the appropriate box that identifies your subcontracting intentions:

Yes, I will be subcontracting portion(s) of the contract.

(If Yes, please complete Section 2, below and Attachments No.4 Contractor/Subcontractor Participation Form and No. 5 SBD Questionnaire)

No, I will not be subcontracting any portion of the contract, and will be fulfilling the entire contract with my own resources. (If No, complete Section 3, below.)

Section 2.

In making a determination that a good faith effort has been made, HCC requires the Respondent to complete this form Section and submit supporting documentation explaining in what ways the Respondent has made a good faith effort to attain the goal. The Respondent will respond by answering "yes" or "no" to the following and provide supporting documentation.

_____ (1) Whether the Respondent provided written notices and/or advertising to at least five (5) certified small businesses or advertised in general circulation, trade association and/or small businesses focus media concerning subcontracting opportunities.

_____ (2) Whether the Respondent divided the work into the reasonable portions in accordance with standard industry practices.

_____ (3) Whether the Respondent documented reasons for rejection or met with the rejected small business to discuss the rejection.

_____ (4) Whether the Respondent negotiated in good faith with small businesses, not rejecting qualified subcontractors who were also the lowest responsive bidder.

NOTE: If the Respondent is subcontracting a portion of the work and is unable to meet the solicitation goal or if any of the above items (1-4) are answered "no", the Respondent must submit a letter of justification.

Section 3.

SELF PERFORMANCE JUSTIFICATION

If you responded “No” in SECTION 1, please explain how your company will perform the entire contract with its own equipment, supplies, materials, and/or employees.

(Signature of Respondent)

(Title)

(Date)

Balance of page intentionally left blank

ATTACHMENT NO. 3
SMALL BUSINESS UNAVAILABILITY CERTIFICATE
PROJECT NO. 12-27

I. _____ TITLE _____
 OF _____ FIRM NAME _____ CERTIFY THAT ON _____ DATE _____

THE SMALL BUSINESSES LISTED HEREIN WERE CONTACTED TO SOLICIT PROPOSALS FOR MATERIALS OR SERVICES TO BE USED ON THE ABOVE STATED PROJECT.

DATE	SMALL BUSINESS	TELEPHONE #	CONTACT PERSON	MATERIALS OR SERVICES	RESULTS
1.					
2.					
3.					
4.					
5.					

TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SMALL BUSINESS WAS UNAVAILABLE FOR THIS SOLICITATION, UNABLE TO PREPARE A PROPOSAL THAT WAS REJECTED FOR THE REASON(S) STATED IN THE RESULTS COLUMN ABOVE.

THE ABOVE STATEMENT IS A TRUE AND ACCURATE ACCOUNT OF WHY I AM UNABLE TO COMMIT TO AWARDING SUBCONTRACT(S) OR SUPPLY ORDER(S) TO THE SMALL BUSINESS LISTED ABOVE.

NOTE: THIS FORM TO BE SUBMITTED WITH ALL PROPOSAL DOCUMENTS FOR WAIVER OF SMALL BUSINESS PARTICIPATION (SEE RESPONDENT INSTRUCTIONS)

 PRINT NAME

 SIGNATURE

 TITLE

 DATE

ATTACHMENT NO. 4

HCC PROJECT NO. 12-27

CONTRACTOR AND SUBCONTRACTOR PARTICIPATION FORM

RESPONDENT/OFFERER PRESENTS THE FOLLOWING PARTICIPANTS IN THIS SOLICITATION AND ANY RESULTING CONTRACT. ALL RESPONDENTS/OFFERORS, INCLUDING SMALL BUSINESSES SUBMITTING PROPSALS AS PRIME CONTRACTORS, ARE REQUIRED TO DEMONSTRATE GOOD FAITH EFFORTS TO INCLUDE SMALL BUSINESSES IN THEIR PROPOSAL SUBMISSIONS.

CONTRACTOR	TYPE OF WORK TO BE DONE	TYPE OF SMALL BUSINESS CERTIFICATION	PERCENT OF CONTRACT EFFORT	PRICE \$
BUSINESS NAME: _____ ADDRESS: _____ CONTACT NAME: _____ TELEPHONE #/E-MAIL ADDRESS: _____				
SMALL BUSINESS SUBCONTRACTOR(S)/ATTACH SEPARATE SHEET IF NEEDED				
BUSINESS NAME: _____ ADDRESS: _____ CONTACT NAME: _____ TELEPHONE #/E-MAIL ADDRESS: _____				
BUSINESS NAME: _____ ADDRESS: _____ CONTACT NAME: _____ TELEPHONE #/E-MAIL ADDRESS: _____				
NON-SMALL BUSINESS SUBCONTACTOR(S)/ATTACH SEPARATE SHEET IF NEEDED				
BUSINESS NAME: _____ ADDRESS: _____ CONTACT NAME: _____ TELEPHONE #/E-MAIL ADDRESS: _____				
BUSINESS NAME: _____ ADDRESS: _____ CONTACT NAME: _____ TELEPHONE #/E-MAIL ADDRESS: _____				

BUSINESS NAME: _____
 ADDRESS: _____
 SUBMITTED BY: _____
 TELEPHONE/FAX: _____
 E-MAIL ADDRESS: _____

	DATE SUBMITTED		
CONTRACTOR'S PRICE/TOTAL SMALL BUSINESS	\$	=	
SUBCONTRACTOR(S) PRICE/TOTAL NON- SMALL BUSINESS	\$	=	
SUB-CONTRACTOR'S PRICE/TOTAL	\$	=	
GRAND TOTAL	\$	=	

ATTACHMENT NO. 5

**SMALL BUSINESS DEVELOPMENT QUESTIONNAIRE
PROJECT NO. 12-27**

Note: Vendors are to complete and submit this form in a separate envelope marked "Small Business Development Questionnaire" as part of the Statement of Qualification response.

FIRM NAME: _____

FIRM ADDRESS: _____

TELEPHONE: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

CONTACT PERSON'S NAME AND PHONE NO. _____

SIGNATURE OF FIRM'S AUTHORIZED OFFICIAL: _____

NAME AND TITLE (Type or Print): _____

COMPANY MAJORITY OWNERSHIP (Check one in each column)

<u>ETHNICITY</u>	<u>GENDER</u>	<u>LOCATION</u>
___ African American (AA)	___ Male	___ Houston (H)
___ Asian Pacific American (APA)	___ Female	___ Texas (T)
___ Caucasian (C)		___ Out of State (O)
___ Hispanic American (HA)		Specify State _____
___ Native American (NA) ___ Public Owned (PO)		
___ Other (O) Specify _____		

BUSINESS CLASSIFICATION

___ **DBE** Disadvantaged Business Enterprise ___ **SB** Small Business
___ **WBE** Women Owned Business Enterprise ___ **MBE** Minority Business Enterprise
___ **HUB** Historically Underutilized Business ___ Other: _____

Please provide information regarding certifying agency (if any)

Name of Agency	Certificate Number	Expiration Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATTACHMENT NO. 6

RESPONDENT CERTIFICATIONS PROJECT NO. 12-27

1. NON-DISCRIMINATION STATEMENT:

The undersigned certifies that he/she will not discriminate against any employee or applicant for employment or in the selection of subcontractors because of race, color, age, religion, gender, national origin or disability. The undersigned shall also take action to ensure that applicants are employed, and treated during employment, without regard to their race, color, religion, gender, age, national origin or disability. Such action shall include, but shall not be limited to, the following non-discriminatory employment practices: employment, upgrading or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other compensation and selection for training, including apprenticeship.

2. ASSURANCE OF SBDP GOAL:

The undersigned certifies that he/she has read, understands and agrees to be bound by the small business provisions set forth in this Solicitation. The undersigned further certifies that he/she is legally authorized to make the statements and representations in the Solicitation and that said statements and representations are true and accurate to the best of his/her knowledge. The undersigned will enter into formal agreement(s) for work identified on the CONTRACTOR AND SUBCONTRACTOR PARTICIPATION form conditioned upon execution of a contract with HCC. The undersigned agrees to attain the small business utilization percentages of the total offer amount as set forth below:

Small Business Participation Goal = 15%

The undersigned certifies that the firm shown below has not discriminated against any small business or other potential subcontractor because of race, color, religion, gender, age, veteran's status, disability or national origin, but has provided full and equal opportunity to all potential subcontractors irrespective of race, color, religion, gender, age, disability, national origin or veteran status.

The undersigned understands that if any of the statements and representations are made knowing them to be false or there is a failure to implement any of the stated commitments set forth herein without prior approval of HCC's Chancellor or the duly authorized representative, the Respondent may be subject to the loss of the contract or the termination thereof

3. BLACKOUT PERIOD COMPLIANCE:

The undersigned certifies that he/she has read, understands and agrees to be bound by the Prohibited Communications provision set forth in the RFP. The undersigned further understands that the Respondent shall not communicate with a HCC Trustee, employee, or any member of the selection/evaluation committee in any way concerning this Solicitation from the day it is first advertised through the day the contract documents are signed by all parties. This period is known as the "Blackout Period," as further defined in Section 1.7.10 and 3.3 of the Procurement Operations Manual. Violation of the Blackout Period is considered unethical conduct and will be handled as such with regard to a Trustee and all applicable federal and state laws and regulations, local ordinances, board policies and procurement procedures with respect to their conduct as public officials involved in the procurement process.

With regard to a Respondent, violation of the Blackout Period may result in the cancellation of the referenced transaction, disbarment, disqualification from future procurement solicitations and prosecution in accordance with the Laws of the State of Texas.

4. CERTIFICATION AND DISCLOSURE STATEMENT:

A person or business entity entering into a contract with HCC is required by Texas Law to disclose, in advance of the contract award, if the person or an owner or operator of the business entity has been convicted of a felony. The disclosure should include a general description of the conduct resulting in the conviction of a felony as provided in section 44.034 of the Texas Education Code. The requested information is being collected in accordance with applicable law. This requirement does not apply to a publicly held corporation.

If an individual:

Have you been convicted of a felony? YES or NO

If a business entity:

YES or NO

Has any owner of your business entity been convicted of a felony? _____

Has any operator of your business entity been convicted of a felony? _____

If you answered yes to any of the above questions, please provide a general description of the conduct resulting in the conviction of the felony, including the Case Number, the applicable dates, the State and County where the conviction occurred, and the sentence.

I attest that I have answered the questions truthfully and to the best of my knowledge.

Signed: _____

Name of Company: _____

Address of Company: _____

State of _____

Sworn to and subscribed before me at _____, _____,
(City) (State)

this, the _____ day of _____, 2012.

Notary Public for the State of: _____

ATTACHMENT NO. 7

CONFLICT OF INTEREST QUESTIONNAIRE		FORM CIQ
For vendor or other person doing business with local governmental entity		
<p><small>This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.</small></p> <p><small>This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).</small></p> <p><small>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.</small></p> <p><small>A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.</small></p>	OFFICE USE ONLY	
<p>1 Name of person who has a business relationship with local governmental entity.</p> 	<p>Date Received</p> 	
<p>2 <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire.</p> <p align="center"><small>(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)</small></p>		
<p>3 Name of local government officer with whom filer has employment or business relationship.</p> <p align="center">_____</p> <p align="center">Name of Officer</p> <p><small>This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.</small></p> <p>A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>D. Describe each employment or business relationship with the local government officer named in this section.</p> 		
<p>4</p> <p align="center">_____</p> <p align="center">Signature of person doing business with the governmental entity Date</p>		

Adopted 06/29/2007

Note: When completing this Questionnaire, please be certain to answer each and every question; indicate "Not Applicable", if appropriate. Please sign and date.

ATTACHMENT NO. 8

**DISCLOSURES
FINANCIAL INTERESTS AND POTENTIAL CONFLICTS OF INTERESTS
PROJECT NO. 12-27**

Texas Local Government Code Chapter 176 requires that vendors desiring to enter into certain contracts with a local governmental entity must disclose the financial and potential conflict of interest information as specified below.

Vendor shall disclose the financial interest and potential conflict of interest information identified in Sections 1 through 3 below as a condition of receiving an award or contract. Submit this information along with your bid, proposal, or offer. **This form must be received by HCC Office of Systemwide Compliance before the vendor's bid, proposal, or offer will be considered received or evaluated.** Completed forms must be **NOTARIZED** and delivered to:

**Houston Community College
Attn: Procurement
3100 Main Street
Houston, TX 77002**

With a copy to:

**Houston Community College
Attn: Office of System-wide Compliance, Compliance Officers
3100 Main Street
Houston, TX 77002**

This requirement applies to contracts with a value exceeding \$50,000.

Section 1 - Disclosure of Financial Interest in the Vendor

a. If any officers or employees of HCC ("individuals") have one of the following financial interests in the vendor (or its principal) or its subcontractor(s), please show their name and address and check all that apply and (include additional documents if needed):

Name: _____
Address: _____

- Ownership interest exceeding 10% ()
 - Ownership interest exceeding \$15,000 or more of the fair market value of vendor ()
 - Distributive Income Share from Vendor exceeding 10% of individual's gross income ()
 - Real property interest with fair market value of at least \$2,500 ()
 - Person related to or married to individual has ownership or real property interest in Vendor ()
 - No individuals have any of the above financial interests ()
- (If none, go to Section 2)

b. For each individual named above, show the type of ownership/distributable income share:
sole proprietorship ___ stock ___ partnership ___

other (explain) _____

c. For each individual named above, show the **dollar value or proportionate share** of the ownership interest in the vendor (or its principal) or its subcontractor (s) as follows:

If the proportionate share of the named individual(s) in the ownership of the vendor (or its principal) or subcontractor of vendor is 10% or less, and if the value of the ownership interest of the named individual(s) is \$15,000 or less of the fair market value of vendor, check here (___).

If the proportionate share of ownership exceeds 10%, or the value of the ownership interest exceeds \$15,000 of the fair market value of vendor, show either:

the percent of ownership _____%, or
the value of the ownership interest \$ _____

Section 2 - Disclosure of Potential Conflicts of Interest

For each of the individuals having the level of financial interest identified in Section 1 above, and for any other HCC individual not identified in Section 1 above check "Yes" or "No" to indicate which, if any, of the following potential conflict of interest relationships apply. If "Yes," please describe (use space under applicable section-attach additional pages as necessary).

a. Employment, currently or in the previous eighteen (18) months, including but not limited to contractual employment for services for vendor. Yes ___ No ___

b. Employment of individual's spouse, father, mother, son, or daughter, including but not limited to contractual employment for services for vendor in the previous eighteen (18) months. Yes ___ No ___

Section 3- Disclosure of Gifts

For each of the individuals having the level of financial interest identified in Section 1 above, and for any other HCC individual not identified in Section 1 above check "Yes" or "No" to indicate which, if any, of the following potential conflict of interest relationships apply. If "Yes," please describe (use space under applicable section-attach additional pages as necessary).

a. Received a gift from vendor (or principal), or subcontractor of vendor, of \$250 or more within the preceding 12 months. Yes ___ No ___

b. Individual's spouse, father, mother, son, or daughter has received a gift from vendor (or principal), or subcontractor of vendor, of \$250 or more within the preceding 12 months.

Yes ____ No ____

This disclosure is submitted on behalf of

(Name of Vendor)

Certification. I hereby certify that to the best of my knowledge and belief the information provided by me in this disclosure statement is true and correct. I understand that failure to disclose the information requested may result in my bid, proposal, or offer, being rejected, and/or may result in prosecution for knowingly violating the requirements of **Texas Local Government Code Chapter 176**. I understand that it is my responsibility to comply with the requirements set forth by HCC as it relates to this disclosure. I also understand that I must submit an updated disclosure form within seven (7) days of discovering changes in the significant financial interests of the individuals I identified in Section 1 of this disclosure or if individuals that were not identified, later receive a financial interest in my company or a subcontractor of my company.

Official authorized to sign on behalf of vendor:

Name (Printed) _____ Title _____

Signature _____ Date _____

AFFIX NOTARY SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this, the _____ day of _____, 2012, to certify which, witness my hand and seal of office.

"NOTE: RESPONDENT MUST COMPLETE THE ABOVE "DISCLOSURE OF FINANCIAL INTERESTS AND POTENTIAL CONFLICTS OF INTERESTS" FORM. FAILURE TO COMPLETE AND RETURN THIS FORM WITH YOUR OFFER MAY RESULT IN YOUR OFFER BEING CONSIDERED AS "NON-RESPONSIVE" TO THIS SOLICITATION."

For assistance with completing this form, please contact the **Office of System-wide Compliance** at (713)718-2099.