



REQUEST FOR STATEMENT OF QUALIFICATIONS

The City of Edinburg is soliciting sealed request for statement of qualifications; hereinafter referred to as RFQ, to be received by the City Secretary's Office located at 415 W. University Drive, Edinburg, Texas 78541. City of Edinburg normal business days are Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m. and shall be closed on recognized holidays.

RFQ'S will be received until **3:00 p.m. Central Time**, on **Monday, September 16, 2013**, shortly thereafter all submitted RFQ'S will be gathered and taken to the Edinburg City Hall Community Room, 1st Floor, to be publicly opened and read aloud. Any RFQ received after the closing time will not be accepted and will be returned to the submitter unopened. It is the responsibility of the submitter to see that any RFQ submitted shall have sufficient time to be received by the City Secretary's Office prior to the RFQ opening date and time. The receiving time in the City Secretary's Office will be the governing time for acceptability of the RFQ's. RFQ's will not be accepted by telephone or facsimile machine. All RFQ'S must bear original signatures and figures. The RFQ shall be for:

RFQ No. 2013-010 ENERGY EFFICIENCY COST SAVINGS PROGRAM

Respondents receiving a "NOTICE TO RESPONDENTS" and/or "REQUEST FOR STATEMENT OF QUALIFICATIONS" notice in the mail or reading same in the newspaper are advised that the solicitation documents can be downloaded from the City of Edinburg web page address: www.cityofedinburg.com, or may obtain copies of same by contacting the office of: LORENA FUENTES, PURCHASING AGENT, LOCATED AT 415 W. UNIVERSITY DRIVE, EDINBURG, TX 78541 by calling (956) 388-1895 Ext. 8972 or by e-mailing your request to the following e-mail address: lfuentes@cityofedinburg.com

If you have any questions or require additional information regarding this RFQ, please contact Mr. Ponciano Longoria, Director of Public Works, PE. , CFM, at (956) 388-8210.

Hand Delivered RFQ'S:

415 W. University Drive
c/o City Secretary Department (1st Floor)

If using Land Courier (i.e. FedEx, UPS):

City of Edinburg
c/o City Secretary
415 W. University Drive
Edinburg, Texas 78541

If Mailing Proposals:

City of Edinburg
c/o City Secretary
P.O. Box 1079
Edinburg, Texas 78540-1079



415 W. University Drive • P.O. Box 1079 • Edinburg, Texas 78540
Phone (956) 388-8204 • Fax (956) 383-7111



The City of Edinburg reserves the right to refuse and reject any or all RFQ's and to waive any or all formalities or technicalities and to accept the RFQ deemed most advantageous to the City, and hold the RFQ's for a period of 60 days without taking action.

RFQ's must be submitted in an envelope sealed with tape and prominently marked on the lower left hand corner of the envelope with corresponding RFQ number and title.

Please read your requirements thoroughly and be sure that the RFQ offered complies with all requirements/specifications noted. Any variation from the solicitation requirements/specifications must be clearly indicated by letter, on a point by point basis, attached to and made a part of your RFQ. If no exceptions are noted, and you are the successful respondent, it will be required that the service(s) be provided as specified.

PURPOSE

(1) The purpose of these solicitation documents is to execute a Professional Services Contract for:

ENERGY EFFICIENCY COST SAVINGS PROGRAM

INTENT

(2) The services to be provided under this RFQ shall be in accordance with and shall meet all specifications and/or requirements as shown in this solicitation for RFQ. There is no intention to disqualify any respondent who can meet the requirements.

SUBMITTAL OF RFQ

(3) RFQs shall be submitted in sealed envelopes as called referenced on the attached solicitation. Five (5) complete sets of the response One (1) original marked "**ORIGINAL**," and four (4) copies marked. RFQs submitted by facsimile (fax) or electronically shall **NOT** be accepted. Submittal of an RFQ in response to this solicitation constitutes an offer by the respondent. Once submitted, RFQ's become the property of the City of Edinburg and as such the City reserves the right to use any ideas contained in any RFQ regardless of whether that respondent/firm is selected. Submission of a RFQ in response to this solicitation, by any respondent, shall indicate that the respondent(s) has/have accepted the conditions contained in the RFQ, unless clearly and specifically noted in the RFQ submitted and confirmed in the contract between the City and the successful respondent otherwise. RFQs which do not comply with these requirements may be rejected at the option of the City. RFQs must be filed with the City of Edinburg before the deadline day and hour. No late RFQs will be accepted. They will be returned to respondent unopened (if properly identified). Failure to meet RFQ requirements may be grounds for disqualification.

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c/o City Secretary
P.O. Box 1079
Edinburg, Texas 78540-1079

TIME ALLOWED FOR ACTION TAKEN

(4) The City of Edinburg may hold RFQ/s 60 days after deadline without taking action. Respondents are required to hold their RFQ/s firm for same period of time.

RIGHT TO REJECT/AWARD

(5) The City of Edinburg reserves the right to reject any or all RFQs, to waive any or all formalities or technicalities, and to make such awards of contract as may be deemed to be the best and most advantageous to the City of Edinburg.

ASSIGNMENT

(6) Respondents are advised that the City of Edinburg shall not allow the successful respondent to sell, assign, transfer, or convey any part of any contract resulting from this RFQ in whole or in part, to a third party without the written approval of the City of Edinburg.

AWARD

(7) Respondents are advised that the City of Edinburg is soliciting RFQs and award shall be made to the respondent that in the opinion of the City of Edinburg is the best qualified.

NUMBER OF CONTRACTS

(8) THE CITY reserves the right to award one, more than one, or no contract(s) in response to this RFQ.

STATUTORY REQUIREMENTS

(9) It shall be the responsibility of the successful respondent to comply with all applicable State & Federal laws, Executive Orders and Municipal Ordinances, and the Rules and Regulations of all authorities having jurisdiction over the work to be performed hereunder and such shall apply to the contract throughout, and that they will be deemed to be included in the contract as though written out in full in the contract documents.

ALTERATIONS/AMENDMENTS TO RFQ

(10) RFQ **CANNOT** be altered or amended after opening time. Alterations made before opening time must be initiated by respondent guaranteeing authenticity. No RFQ may be withdrawn after opening time without acceptable reason in writing and only after approval by the City of Edinburg.

NO RESPONSE TO RFQ

(11) If unable to submit a RFQ, respondent should return inquiry giving reasons.

LIST OF EXCEPTIONS

(12) The respondent shall attach to his/her RFQ a list of any exceptions to the specifications/ requirements.

PAYMENT

(13) The City of Edinburg will execute payment by mail in accordance with the State of Texas Pay Law after SERVICES have been completed, introduced to the City, and found to meet City of Edinburg specifications/requirements. No other method of payment will be considered.

SYNONYM

(14) Where in this solicitation package SERVICES is used, its meaning shall refer to the request for ENERGY EFFICIENCY COST SAVINGS PROGRAM as specified.

RESPONDENT'S EMPLOYEES

(15) Neither the Respondent nor his/her employees engaged in fulfilling the terms and conditions of this Service Contract shall be considered employees of the City. The method and manner of performance of such undertakings shall be under the exclusive control of the vendor on contract. The City shall have the right of inspection of said undertakings at any time.

INDEMNIFICATION CLAUSE

(16) The Respondent agrees to indemnify and save harmless the City, from all suits and actions of every nature and description brought against them or any of them, for or on account of the use of patented appliances, products or processes, and he shall pay all royalties and charges which are legal and equitable. Evidence of such payment or satisfaction shall be submitted upon request of the Purchasing Agent, as a necessary requirement in connection with the final estimate for payment in which such patented appliance, products or processes are used

INTERPRETATIONS

(17) Any questions concerning the project and/or specifications/requirements with regards to this solicitation for statement(s) of qualifications shall be directed to the designated individuals as outlined in the RFQ. Such interpretations, which may affect the eventual outcome of this request for statements of qualifications, shall be furnished in writing to all prospective Respondents via Addendum. No interpretation shall be considered binding unless provided in writing by the City of Edinburg in accordance with paragraph entitled "Addenda and Modifications".

VERBAL THREATS

(18) Any threats made to any employee of the City, be it verbal or written, to discontinue the providing of item/material/services for whatever reason and/or reasons shall be considered a breach of contract and the City will immediately sever the contract with the Respondent/Consultant on contract.

CONFIDENTIAL INFORMATION

(19) Any information deemed to be confidential by the respondent should be clearly noted on the pages where confidential information is contained; however, the City cannot guarantee that it will not be compelled to disclose all or part of any public record under Texas Public Information Act, since information deemed to be confidential by the respondent may not be considered confidential under Texas Law, or pursuant to a Court order.

PAST PERFORMANCE

(20) Respondent's past performance shall be taken into consideration in the evaluation of RFQ submittal.

JURISDICTION

(21) Contract(s) executed as part of this solicitation shall be subject to and governed under the laws of the State of Texas. Any and all obligations and payments are due and performable and payable in Hidalgo County, Texas.

RIGHT TO AUDIT

(22) The City of Edinburg reserves the right to audit the vendor's books and records relating to the performance of this contract. The City of Edinburg, at its own expense, shall have the right at all reasonable times during normal business hours and upon at least twenty-four (24) hours' advance notice, to audit, to examine, and to make copies of or extracts from the books of account and records maintained by the vendor(s) with respect to the Supply/Service and/or Purchase Contract. If such audit shall disclose

overpayment by City to vendor, written notice of such overpayment shall be provided to the vendor and the amount of overpayment shall be promptly reimbursed by vendor to the City. In the event any such overpayment is not paid within five (5) business days after receipt of such notice, the unpaid amount of such overpayment shall bear interest at the rate of one percent (1%) per month from the date of such notice until paid.

VENUE

(23) The parties agree that venue for purposes of any and all lawsuits, cause of action, arbitration, and/or any other dispute(s) shall be in Hidalgo County, Texas.

CONFLICT OF INTEREST

(24) CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, this questionnaire must be filed with the records administrator of the City of Edinburg not later than the 7th business day after the date the person becomes aware of facts that require the statement be filed. See Section 176.006, Local Government Code. A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. For more information or to obtain Questionnaire CIQ visit the Texas Ethics Commission web page at www.ethics.state.tx.us/forms/CIQ.pdf.

IF YOU HAVE ANY QUESTIONS ABOUT COMPLIANCE, PLEASE CONSULT YOUR OWN LEGAL COUNSEL. COMPLIANCE IS THE INDIVIDUAL RESPONSIBILITY OF EACH PERSON OR AGENT OF A PERSON WHO IS SUBJECT TO THE FILING REQUIREMENT. AN OFFENSE UNDER CHAPTER 176 IS A CLASS "C" MISDEMEANOR.

CONFIDENTIALITY OF INFORMATION AND SECURITY

(25) Should the successful respondent become the holder of and have access to confidential information in the process of fulfilling its responsibilities in connection with an awarded contract the successful respondent agrees that it shall keep such information confidential and will comply fully with the laws and regulations of the State of Texas, ordinances and regulations of the City, and any applicable federal laws and regulations relating to confidentiality.

TERMINATION OF CONTRACT

(26) The City of Edinburg reserves the right to terminate the contract if, in the opinion of the City of Edinburg, the successful vendor's performance is not acceptable, no funds are available, or if the City wishes, without cause, to discontinue this contract. Termination will be in written form allowing a 30-day notice.

RESPONSE DEADLINE

(27) Responses to the RFQ must be addressed to City Secretary, City of Edinburg, 415 W. University Drive by **September 16, 2013 until 3:00 p.m.** for consideration. An original and four (4) complete sets of the response must be submitted no later than this date and time in a **sealed envelope** indicating that its contents are in response to the RFQ for **"ENERGY EFFICIENCY COST SAVINGS PROGRAM"**. **Respondents are advised that all confidential records must be submitted in a separate sealed envelope and marked accordingly.**

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Edinburg, Texas 78541

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City of Edinburg
c/o City Secretary
P.O. Box 1079
Edinburg, Texas 78540-1079

ADDENDA AND MODIFICATIONS

(28) Any changes, additions, or clarifications to the RFQ are made by amendments (addenda). Any respondent in doubt as to the true meaning of any part of the RFQ or other documents may request an interpretation from the Purchasing Division. At the request of the respondent, or in the event the Purchasing Division deems the interpretation to be substantive, the interpretation will be made by written addendum. Said Addenda shall be mailed, e-mailed, hand delivered and/or faxed, to all prospective respondents. All Addenda issued in respect to this RFQ shall be considered official changes to the original documents. Verbal statements in response to inquiries and/or requests for explanations shall not be authoritative or binding. It shall be the respondent's responsibility to ensure that they have received all Addenda in respect to this project. Furthermore, respondents are advised that they must recognize, comply with, and attach a signed copy of each Addendum which shall be made part of their RFQ Submittal. Respondent(s) signature on Addenda shall be interpreted as the respondent's "recognition and compliance to" official changes as outlined by the City of Edinburg and as such are made part of the original solicitation documents. Failure of any respondent to receive any such addendum or interpretation shall not relieve such respondent from its terms and requirements. Addendums are available online at www.cityofedinburg.com.

RFQ PREPARATION COSTS

(29) The City of Edinburg shall not be held liable for any costs incurred by any respondent for work performed in the preparation of and production of a RFQ or for any work performed prior to execution of contract.

EQUAL EMPLOYMENT OPPORTUNITY

(30) Respondent agrees that they will not discriminate in hiring, promotion, treatment, or other terms and conditions of employment based on race, sex, national origin, age, disability, or in any way violate Title VII of 1964 Civil Rights Act and amendments, except as permitted by said laws.

AUTHORIZATION TO BIND RESPONDENT TO RFQ

(31) RFQs MUST give full firm name and address of respondent, and be manually signed. Failure to do so will disqualify your RFQ. Person signing bid must show title or AUTHORITY TO BIND HIS/HER FIRM IN A CONTRACT. Firm name and authorized signature must appear on each page that calls for this information. The legal status of the Respondent whether corporation, partnership, or individual, shall also be stated in the RFQ. A corporation shall execute the RFQ by its duly authorized officers in accordance with its corporate by-laws and shall also list the state in which it is incorporated. A partnership Respondent shall give full names and addresses of all partners. All partners shall execute the RFQ. Partnership and Individual Respondent shall state in the proposal the names and addresses of all persons with a vested interest therein. The place of residence of each Respondent, or the office address in the case of a firm or company, with county and state and telephone number, shall be given after the signature.

Confidential Information Respondents are advised that all confidential records must be submitted in a separate sealed envelope and marked accordingly.

RFQ NO. 2013-010
ENERGY EFFICIENCY COST SAVINGS PROGRAM

I. PURPOSE

The City of Edinburg, Texas is seeking qualifications from experienced firms for professional services for an ENERGY EFFICIENCY COST SAVINGS PROGRAM.

This solicitation is a Request for Qualifications (RFQ). The purpose is to solicit RFQ's from Energy Service Companies, hereinafter called an ESCO, that describe their capabilities to identify, design, install, maintain, monitor and arrange financing of a comprehensive energy conservation program. This program includes the services listed in this request pursuant to the provisions of Texas law. For the purpose of this RFQ, "ESCO" refers to any entity that is qualified to provide a turnkey energy conservation program that includes the services listed in this request.

II. SERVICES REQUIRED

The City proposes to address Citywide lighting improvement issues as practicable in its streets and facilities; in order to implement a program that will provide increased cost savings and revenue enhancements.

Respondents to this RFQ shall identify their experience and qualifications to perform analysis, install, monitor and verify savings; and manage a major conservation project involving energy conservation measures to address facility components and applications. Such components and applications shall include: Citywide lighting systems for streets and City owned facilities only. No other Energy Conservation Programs, such as space heating, ventilation, air-conditioning, building envelope, heat recovery, water management systems, environmental system controls, landfill gas management systems, motors, domestic water heating, fuel switching, air distribution systems, air quality or other energy and water conservation programs including improvements or equipment related to renewable energy, etc. will be considered.

III. RFQ REQUIREMENTS

PREPARATION OF REQUEST FOR QUALIFICATIONS

The required contents and limitations for the preparation of the RFQ are described in this section. Failure to provide the requested information or adhere to any of the City limitations may result in disqualification of the submitted RFQ. A total of **one (1) original and four (4) copies** of the RFQ shall be submitted to the address on the cover letter. Five (5) complete sets of the response shall be no larger than 30 bound pages.

Each RFQ must address, but may not be limited to, the following elements:

A. COVER LETTER

B. QUALIFICATIONS

1. The City is interested in benefiting from an unbiased, value-based program to address its needs through a vendor-neutral ESCO. Therefore, the ESCO must demonstrate its willingness and experience in providing projects that deploy solutions incorporating equipment, controls, related products and field services independent of its own specific business portfolio.
2. The ESCO must have a minimum of five (5) years experience in the analysis, design, implementation and installation of energy efficiency lighting and facility improvements.

3. The ESCO must have demonstrated the ability to secure necessary financial measures to support energy savings guarantees, the technical capabilities to ensure that such measures generate energy cost savings, and the ability to provide proper measures to ensure and verify energy savings.
4. The ESCO must have demonstrated experience in business as an ESCO or provider of the services being offered for this program. The ESCO will indicate the number of years it has been in business under its present name; and indicate any/all other names by which the ESCO has been known and length of time known by each name.
5. Provide the official name and official address of the ESCO's parent company. Specify the chain of ownership, through any relevant holding companies if any, through to final ownership; ownership name and ownership country as applicable.
6. Provide the web-link/address to the ESCO's website and applicable parent company website.
7. Describe the complete range of services and capabilities the ESCO offers: such as building/facility energy analysis, engineering, design, installation, monitoring and performance verification, and related training.
8. Provide a complete list of all customers serviced by the ESCO's office location from where this project will be managed, that has cancelled or has past or pending lawsuits or litigation regarding a performance contract (list reason).

C. FINANCIAL INFORMATION

1. Provide the company's annual report or, in the case of privately held companies, audited financial statements or equivalent for the three (3) most recently completed fiscal years. The City may, during the course of the evaluation process, request additional financial information to supplement and clarify the information provided.
2. Provide information documenting sources of financing and financing methods available to the City.

D. PARTICIPANTS/PERSONNEL

Identify all participants (i.e., consultants, financiers, subcontractors, engineers, etc.) in the project and provide information regarding capabilities and experience of personnel directly assigned to this project that include the following:

1. Professional resumes for key personnel and their responsibilities for the duration of the project contract term.
2. Indicate the education and professional licensing of each person as it relates to this project. Include a list of previous projects, similar in size and complexity, in which each team member has played a significant role.
3. Clearly identify who will have primary technical responsibility for analysis, engineering and design work, contract negotiations, construction management, training, and performance monitoring.
4. Provide an organizational chart that clearly describes your ESCO's project organization with supervisory reporting.

E. PROJECT EXPERIENCE SUMMARY

1. Provide a reference and summary for three (3) or more projects implemented over the past five (5) years with local, county, or state governments; preferably for municipalities or organizations of the

same size as the City of Edinburg. Include one complete, separate, project experience summary for each project containing the project cost, term of the contract, savings guarantee, description of improvements, contact name and phone number

2. All references must be for the "responding ESCO" operating under its existing name and must be for the "responding ESCO" as a company. References will not be for an individual, but for the company as a whole.
3. Provide a summary of experience taking responsibility for the full range of roles contemplated for this project type (e.g. identification and analysis of energy conservation measures, design, installation, operation, maintenance, training, financing, savings and verification of applicable rebates, etc.).

IV. EVALUATION PROCESS

After the deadline for receipt of RFQ's, the City of Edinburg will review the firms qualifications utilizing the evaluation criteria noted below. RFQ's shall be opened and checked to ensure that each complies with the requirements of the RFQ. The absence or required information may render the RFQ non-responsive and may be cause for rejection.

V. SELECTION PROCESS

Based on the City of Edinburg's review of the RFQ's, it is expected that several firms will be short-listed and presented to the Edinburg City Council for their consideration. The City Council will make a selection, request the submission of supplemental information, or require firms to make formal presentations before the Council. Firms selected by Council will subsequently submit RFP's for the desired services.

VI. EVALUATION CRITERIA

The following criteria will generally be used to evaluate the firm's RFQs:

1. Business Qualifications	40 Points
2. Financial Qualifications	10 Points
3. Personnel Qualifications	20 Points
4. Experience	30 Points
Total	100 Points

VII. CONTRACT AWARD

The City does not guarantee that a contract(s) will be awarded as a result of the RFQ. In the event that a contract(s) award is made, but the contract(s) is not executed, the City does not guarantee that the contract(s) will be re-awarded. This project will be awarded after the authorization is given by the City Council and/or City Manager to negotiate a contract.

I have read and understood the requirements set forth in this RFQ #2013-010 and agree to comply except as noted.

Does the Company have an office located in Edinburg, Texas? Yes _____ No _____

Has the Company ever conducted business with the City of Edinburg? Yes _____ No _____

SUBMITTED BY: _____

PROPOSER: _____

SIGNED: _____

NAME (PRINT): _____

ADDRESS: _____

CITY/STATE: _____ ZIP: _____

TELEPHONE: (_____) _____
Area Code

FAX: (_____) _____
Area Code

FEDERAL TAX IDENTIFICATION NUMBER: _____

EMAIL ADDRESS: _____