



The College of New Jersey

ENERGY SAVINGS IMPROVEMENT PROGRAM (ESIP)  
AND  
ENERGY RELATED CAPITAL SERVICES PERFORMANCE  
CONTRACT

REQUEST FOR PROPOSAL

Date Issued: October 31, 2010

Due Date: December 7, 2010

**AB1100012**

**October 27, 2010**

Please place the following advertisement in the Legal Section of Classified Advertising. Please ensure that the invoice and affidavit for this advertisement is prepared and forwarded to The College of New Jersey, Office of Purchasing, Administrative Services Building, Room 201, P.O. Box 7718, Ewing, NJ 08628-0718.

To be published on **October 31, 2010**. Contact person regarding placement of ad is Roselle Horodeski (609) 771-2495.

**ADVERTISEMENT FOR BIDS**

Under the provisions of the State College Contracts Law, Chapter 64 of Title 18-A, The College of New Jersey is soliciting proposals for services of an Energy/Performance Contracting Company (Contractor/ESCO) (**AB1100012**).

**Bidders must have a New Jersey Department of Treasury, Division of Property Management and Construction (DPMC) (C036) Energy Services (ESCO) classification. No other bids will be accepted without this classification.**

A **strongly encouraged pre-bid conference/on-site inspection** is scheduled on **November 8, 2010 at 10:00 A.M.** in Room 103 of the Administrative Services Building, located on The College's Ewing Township, New Jersey campus on Route 31 (Pennington Road).

The College will accept sealed bids until **2:00 p.m., Thursday, December 9, 2010** at which time the proposals will be publicly opened and read. Copies of the proposal document may be obtained on/after Monday, November 1, 2010 via our website ([www.tcnj.edu/~budfin/](http://www.tcnj.edu/~budfin/)).

Mandatory language for Advertisement or Solicitation of Bids for Public Contract.

**BIDDERS REQUIRED TO COMPLY WITH THE REQUIREMENTS OF P.L. 1975. (N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27)**

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## **INTRODUCTION**

The College of New Jersey (TCNJ) is a highly selective institution that has earned national recognition for its commitment to excellence. Founded in 1855, TCNJ has become an exemplar of the best in public higher education and is consistently acknowledged as one of the top comprehensive colleges in the nation. TCNJ currently is ranked as one of the 75 Most Competitive schools in the nation by Barron's Profiles of American Colleges and is rated the No. 1 public institution in the northern region of the country by U.S. News & World Report. TCNJ was named the #10 value in public higher education by the Princeton review in 2009 and, in 2006, was awarded a Phi Beta Kappa chapter, an honor shared by less than 10 percent of colleges and universities nationally.

### **Academic Programs**

A strong liberal arts core forms the foundation for a wealth of degree programs offered through TCNJ's seven schools: Arts & Communication; Business; Culture and Society; Education; Science; Nursing, Health, and Exercise Science; and Engineering. The College is enriched by an honors program and extensive opportunities to study abroad, and its award winning First-Year Experience and freshman orientation programs have helped make its retention and graduation rates among the highest in the country.

### **Campus**

Known for its natural beauty, the College's campus is set on 289 tree-lined acres in suburban Ewing Township (map). The College has 40 major buildings, including a state-of-the-art library; 14 residence halls that accommodate 3,600 students; a student center; more than 20 academic computer laboratories; a full range of laboratories for nursing, microscopy, science, and technology; a music building with a 300-seat concert hall; and a collegiate recreation and athletic facilities complex. TCNJ has a full-time undergraduate enrollment of approximately 6,200 students (95 percent from New Jersey).

### **Student Life**

The College of New Jersey encourages students to expand their talents and skills through more than 150 organizations that are open to students. These groups range from performing ensembles and professional and honor societies to student publications, Greek organizations, as well as intramural and club sports. The College also offers numerous leadership opportunities through the Student Finance Board, Student Government Association, and Residence Hall Government to name a few.

### **Athletics**

High achievement and scholarship in the classroom have been mirrored by the success of The College of New Jersey's varsity student-athletes. Since the 1978-79 Lion wrestling team captured the College's first National Collegiate Athletic Association (NCAA) team championship, TCNJ has established itself as one of the nation's most successful Division III (non-athletic scholarship) programs. Since 1979, The College of New Jersey has amassed a total of 38 Division III crowns in seven different sports. In addition, the Lions have posted 32 runner-up awards, giving the College an aggregate of 70 first and second-place finishes. That figure is tops among the nation's 424 Division III colleges and universities during the past 25 years. The Lions have also produced 53 Division III Academic All-Americans. As impressive as the

overall athletic record is, TCNJ's accomplishment as a leader in women's sports is even greater. Since NCAA Championships were initiated for women in 1981, only TCNJ has won as many as 30 Division III team championships. The total does not include the Lions' lacrosse championship in 1981 or the softball championships in 1980 and 1981, which were sponsored by the AIAW (Association for Intercollegiate Athletics for Women) prior to women's sports inclusion in the NCAA. In the fall of 1999, TCNJ's women's athletic program was voted as the top Division III institution for female student athletes by Sports Illustrated for Women.

## PROJECT INFORMATION

TCNJ requests summary proposals for the implementation of energy conservation and efficiency improvements on a performance-contracting basis, known as energy savings improvement programs (ESIP). Specifically, the Contractor/ESCO will, as part of this Request for Proposal (RFP), be expected to accurately describe qualifications for:

1. Provide a sample description of comprehensive energy services for TCNJ, including:
  - a. The design and selection of energy efficient equipment systems;
  - b. Prepare, solicit, receive bids, and release contracts for all equipment, materials, and installation;
  - c. Contract with all related subcontractors, suppliers, vendors, and supervise installation and completion;
  - d. Provide bid documents and solicit and receive bids for the maintenance and servicing of the installed measures;
  - e. Coordination of financing for the transaction, i.e., capital lease;
  - f. The training, support, and education of TCNJ staff to operate and maintain installed equipment;
  - g. Provide for guaranteed energy savings;
  - h. Provide third party owner's representative to oversee and coordinate the energy savings ESIP financial transactions and Pay for Performance financial incentives.
2. Structure the terms of TCNJ's payment obligations for these improvements and services on a performance contracting basis and provide an energy services agreement that specifically meet the needs of TCNJ.
3. Meet all requirements of New Jersey's Clean Energy Program (NJCEP) 2010 Pay for Performance (P4P) Program, and furnish and supply turnkey projects, which include but are not limited to projects, all required measurement and verification for each project, reporting for each project, and all other required forms of documentation and submittals in order that TCNJ receives NJCEP's 2010 Pay for Performance Program incentive payments.

TCNJ expects that the Contractor/ESCO will propose sample financing arrangements at no upfront cost to TCNJ to fund energy conservation improvements through contracts in which the costs of the improvements are supported by the savings produced by the improvements. Upon review of proposals received in response to this RFP, TCNJ will select a single, qualified Contractor/ESCO to provide energy efficiency improvements and services for TCNJ buildings and facilities. The base assumption is that all projects proposed will require no capital investment from TCNJ or any of its affiliates. All project financing shall be by the Contractor/ESCO.

## **Purpose**

This RFP requests the services of an Energy Performance Contracting Company (Contractor/ESCO), to develop and implement a comprehensive energy management/retrofit program and to provide the necessary design concept, engineering, project financing, installations, and ongoing operational support and training required to implement the program, and to meet all requirements of an ESIP and New Jersey's Clean Energy Program 2010 Pay for Performance Program, and furnish and supply turnkey projects, which include but are not limited to the projects, an Owner third party representative to oversee and coordinate financial and reporting aspects, all required measurement and verification for each project, reporting for each project, and all other required forms of documentation and submittals in order that TCNJ receives NJCEP's 2010 Pay for Performance Program incentive payments.

## **Statement of Intent**

The intent of this proposal is to provide TCNJ with the means to select the most qualified Contractor/ESCO in order to realize maximum utility savings, operational savings, and utility rebates at buildings and facilities.

## **Type of Contract**

It is required that if a contract is entered into as a result of this RFP, it will be a performance-based energy savings improvement program (ESIP) contract. Discussions may be undertaken with the potential Contractor(s)/ESCO(s) whose understanding, qualifications, experience, technical approach, design concept, and financial terms show them to be qualified, responsible, and capable of performing the work and addressing the needs of TCNJ. The contract that may be entered into will be that which is most advantageous to TCNJ. TCNJ reserves the right to consider proposals or modifications thereof received at any time prior to award to the selected Contractor/ESCO, if such action is in the best interest of TCNJ. TCNJ reserves the right to reject any and all proposals.

## **Performance Contracting Defined**

For the purposes of this document, "Performance-based energy services contract" means a contract for energy efficiency services and equipment in which the payment obligation is supported by savings attributable to the services and equipment under the contract, for the term of the agreement.

## **Issuing Office**

This RFP is issued for and by TCNJ. TCNJ will coordinate all phases of the project and provide names of contact persons and other information as required. Contracting Officer is Lloyd Ricketts, Associate Treasurer, TCNJ.

Work on this project will not begin until the signed contract has been returned to the College, all required paperwork has been submitted and approved, and a purchase order has been issued.

## GENERAL INFORMATION

TCNJ anticipates a reduction in anticipated annual utility costs through the implementation of this energy and operational conservation and asset modernization program. The Contractor/ESCO will provide written verification of all utility cost reduction goals and provide all financing for the conservation measures.

The Contractor/ESCO selected as a result of this INVITATION TO PROPOSE will be expected to include the following in their proposal along with other requirements outlined in this RFP:

- I. Provide comprehensive energy and operational services for buildings and facilities, including but not limited to:
  - a. Demonstrate that the Contractor/ESCO is an approved ESCO by the State of New Jersey's DPMC;
  - b. The performance of an investment grade energy savings plan;
  - c. The design and specification of equipment and systems to be used in providing energy efficiency services;
  - d. Follows TCNJ/NJ State bidding laws, including payment of prevailing wages;
  - e. Services associated with the procurement and installation of new equipment;
  - f. Commissioning of new equipment installed under the contract;
  - g. Retro Commissioning in existing buildings and systems. Each Contractor/ESCO shall describe their competency with and approach to Retro Commissioning. List a minimum of 3 Retro Commissioning projects completed in the last 24 months, along with specific measures identified and associated savings. Provide Retro Commissioning project references and a sample Retro Commissioning report/deliverable;
  - h. Performance Testing. Each Contractor/ESCO shall describe their competency with and approach to performance testing of specific equipment for efficiency. List a minimum of 3 performance testing projects completed in the last 24 months. Provide project references and a sample performance test report/deliverable;
  - i. Measurement & Verification (M&V). M&V shall be based on International Performance Measurement and Verification Protocol (IPMVP) standards. Contractor/ESCO is required to have a project team member that is IPMVP certified;
  - j. Project Management Team. Supply resumes and references from project executive and team dedicated to TCNJ. Specifically describe if Project Manager (PM) will be dedicated to the TCNJ project and the level of dedication (i.e. number of days/hours per week). Describe specific PM experience with multiple energy conservation measures within a 24 hour per day, seven day per week operating facility typical of a college or hospital setting and experience in planning without disruption and constructing the anticipated energy conservation measures;
  - k. Energy and operational savings performance guarantees. Contractor/ESCO shall be capable of providing the performance guarantee on their financial balance sheet (supply balance sheet to demonstrate financial stability) or provide third party insurance from a highly rated insurance company, i.e., "A3" rated by Moody's, Standard and Poor's, or Dunn and

- Bradstreet. Final determination of type of performance guarantee used will be at the sole discretion of TCNJ.
- l. Demonstrate current partner in New Jersey 2010 Pay for Performance (P4P) Program and the three tier rebates and ongoing recordkeeping and required status and report submittals. Contractor/ESCO must be knowledgeable in how to incorporate rebates with energy savings projects as well as how to measure and verify rebate levels;
  - m. Demonstrate experience in Constant Commissioning. Contractor/ESCO should demonstrate their ability to monitor and constantly commission TCNJ's buildings to ensure savings levels are being realized. Describe the services offered as well as common reports generated. Contractor/ESCO should have dedicated Constant Commissioning/sustainability team and be able to provide 5 client references from the past 24 months for these services.
  - n. Ongoing measurement and periodic reporting to TCNJ of energy savings;
  - o. Operation and maintenance training programs for TCNJ staff;
  - p. Warranty service on equipment installed, including, if required, in-warranty preventive maintenance. Duration of warranty shall be for the life (term) of the contract;
  - q. Services in connection with arrangement of financing of the equipment and installations. No payments will be made by TCNJ until installation is complete and an acceptance certificate is signed;
  - r. Paperwork necessary for obtaining all regulatory approvals and permits and assistance in obtaining state building aid and any other available forms of energy aid.
2. Structure the terms of TCNJ's payment obligations for these improvements and services on a performance contracting basis and negotiate an energy services agreement that specifically meets the needs of TCNJ.
  3. Identify the most effective measures that can be taken to reduce consumption and costs for heating, cooling, ventilation, lighting, water heating and other energy uses in each facility.

Proposals must, at a minimum, address the projects contained in the attached Spiegle Carbon Action Plan (CAP). TCNJ has identified additional projects that should be considered at a minimum in the Contractor's/ESCO's investment grade audit. Additional energy efficiency projects shall be sought by the selected Contractor/ESCO. A list of all Spiegle and TCNJ identified projects are included in Appendix B. This document is an audit performed by an independent Architectural/Engineering firm. TCNJ assumes no liability or responsibility for the accuracy of this document, and is aware that responses submitted by the Contractor/ESCO may vary from the attachment.

The proposal should address consumption of all utility sources, including oil, natural gas and electricity. Measures may involve controlling, modifying, adding or replacing equipment and systems.

The technical and financial strategies addressed by the proposal must include, but are not limited to, the following:

1. Provide a more comfortable environment for building occupants. This may include repair or modernization of existing heating, ventilation, air conditioning, insulation, or lighting systems. The specific nature of repair or modernization will be left up to the Contractor/ESCO.
2. Provide optional maintenance services, as required or appropriate, for any equipment included as part of this proposal.
3. Provide any necessary training programs, which may enhance the overall efficiency of TCNJ operations.
4. TCNJ must not incur initial start-up or ongoing M&V costs. The Contractor/ESCO will provide a financial package, which will allow payments over a specified term. This will allow TCNJ to pay for the program within current budget allocations.
5. A savings guarantee will be offered as part of the Contractor/ESCO proposal. This guarantee shall be in accordance with laws governing the New Jersey ESIP program.
6. Operational savings calculations and assumptions must be described in detail in the proposal.
7. Contractor/ESCO must be able to demonstrate that he/she has successfully implemented similar programs at a minimum of five other businesses in New Jersey.
8. All applicable local, state, and federal laws and standards must be adhered to.
9. Specific areas to be addressed are contained in the attached Spiegle Carbon Action Plan, and include but are not limited to HVAC systems, automatic building controls, lighting, deferred maintenance items, and improvements to life safety, if applicable.
10. The Contractor/ESCO will be able to demonstrate how the specific equipment proposed will enable TCNJ to minimize the need for spare parts and leverage current equipment and previous training through opportunities for standardization with existing equipment.
11. Lighting foot-candle levels must not be decreased from existing levels unless existing areas are above minimum requirements of TCNJ for similar facilities.
12. Technical energy analysis: Contractor/ESCO proposed contract terms must include the performance and presentation of the results of a detailed technical energy plan of acceptable quality to TCNJ.
13. Specific standards of comfort will be defined if applicable and must be maintained throughout the term of the contract.
14. The Contractor/ESCO will be required to work with TCNJ Campus Planning, TCNJ Campus Construction, and current building management and maintenance staff to coordinate construction and provide appropriate training in operation of retrofits. No equipment shall be installed that will require the hiring of additional staff by TCNJ unless contract negotiations produce an explicit exemption from this rule for a specific installation.

It is the Contractor's/ESCO's responsibility to identify potential areas of savings for TCNJ. Upon selection of a Contractor/ESCO, the Contractor/ESCO will prepare a plan of action for a performance contracting program for TCNJ. Upon review and approval of the plan of action, the Contractor/ESCO will conduct a preliminary walk through of the required buildings and facilities. Results of the preliminary walk through will be reviewed with TCNJ to determine energy savings potential and program effectiveness in advance of a decision by TCNJ to proceed.

The term of this agreement shall be for a period of up to 15 years. Contractor/ESCO will structure TCNJ's obligation to pay for the services provided on an energy performance contracting basis and submit a suggested energy services contract (Contract) and, if necessary, ancillary contracts that specifically meet the needs of TCNJ. Proposers may substitute a sample of an energy performance contract with any ancillary contracts that would be the basis for negotiation of a contract with TCNJ.

Proposers' attention is directed to the law governing energy performance contracting in connection with public buildings and facilities. All proposed energy performance contracts and other financing arrangements proposed must be capable of being implemented under the laws and regulations of the State of New Jersey (N.J.S.A 40A:11-15) as revised by A1185.

A strongly encouraged pre-bid conference/on-site inspection for the facilities is scheduled on November 8, 2010 at 10:00 A.M. in Room 103 of the Administrative Services Building.

## **GENERAL CONDITIONS**

### **Assignments**

1. The Contractor/ESCO shall not assign the whole or any part of the contract or any moneys due or to become due hereunder without written consent of TCNJ. Where TCNJ consents to such assignment, the assignment shall contain a provision substantially to the effect that it is agreed that the right of the assignee in and to any moneys due or to become due to the Contractor/ESCO shall be subject to prior claims of all persons, firms and corporations for services rendered or materials supplied for the performance of the work called for in the contract.

### **Subcontracting**

1. The Contractor/ESCO shall be as fully responsible to TCNJ for the acts and omissions of his subcontractors and of persons either directly or indirectly employed by them, as he is for the acts and omissions of persons directly employed by him.
2. The Contractor/ESCO shall cause appropriate provisions to be inserted in all subcontracts relative to the work to bind subcontractors to the Contractor/ESCO by the terms of the General Conditions and other contract documents insofar as applicable to the work of subcontractors and to give the contractor the same power as regards terminating any subcontract that TCNJ may exercise over the Contractor/ESCO under any provision of the contract documents.

### **Use of Premises and Removal of Debris**

The Contractor/ESCO shall:

1. Take every precaution against injuries to persons or damage to property.
2. Store his apparatuses, materials, supplies and equipment in such orderly fashion at the site of the work as will not unduly interfere with the progress of his work, the work of any other contractors, or the operations, work, or other activities of TCNJ and its employees or agents.
3. Place upon the work or any portion thereof only such dead and/or live loads as are consistent with the safety and/or stability of that portion of the work at the time said loads are imposed.
4. Clean up frequently all materials and debris caused either directly or indirectly as a result of construction of the contract so the site of the work shall present a neat, orderly and workmanlike appearance.
5. Before the completion of work at each building (project), remove all surplus materials, false-work, temporary structures, including foundations thereof, plant of any description, and debris of every nature resulting from his operations, and restore and/or place the site in a neat, orderly condition.
6. Do all cutting, fitting or patching of his work required to make the same conform to the drawings and specifications and not cut or otherwise alter the work of any other contractor.
7. Contractor/ESCO shall provide temporary sanitary facilities near the work site(s) for the duration of the projects, should the labor exceed five workers per building/site.

8. Contractor/ESCO shall hold registration with the New Jersey Division of Property Management and Construction with a C036 classification.

### **Permits, Fees, and Taxes**

1. The Contractor/ESCO shall obtain and pay for all permits required by Federal, State and Local governing authorities in connection with the work under the specifications.
2. The Contractor/ESCO shall prepare any detailed diagrams or drawings which may be required by any governing authorities.
3. The Contractor/ESCO shall give all requisite notices to any and all authorities having jurisdiction, and pay all fees necessary for the installation or inspection of the work under the specifications.
4. The Contractor/ESCO shall apply for and pay for all applicable Federal, State or Local taxes required by the governing authorities in connection with Contractor/ESCO's work to be performed. Any taxes paid will not be the responsibility of TCNJ or any financing agreement, as TCNJ is a tax exempt entity.
5. The installation shall be in complete compliance with the local municipality, building codes, fire codes and state and national fire codes.

### **Work Conditions**

TCNJ is a 24 hour per day, 7 days per week college campus operation, similar to hospital operations. The Contractor/ESCO will perform work in such a manner that it provides minimal disruption, and in no way will interfere with the functioning of the building for the occupants' use. Work may have to be performed after hours. Any area in which work has been performed must be returned in a condition for full use by TCNJ. Work will be limited to work days as coordinated with and approved by TCNJ. A schedule of requested times shall be submitted and be approved by TCNJ.

### **Term of Contract**

The term of the contract will cover up to a 15-year period.

### **Performance Interference**

Contractor/ESCO shall notify TCNJ immediately of any occurrence or conditions that interfere with the full performance of the contract, and confirm it in writing within twenty-four (24) hours.

### **Licenses**

Contractor/ESCO shall maintain in current status all federal, state and local licenses and permits required for the operation of the businesses conducted by the Contractor/ESCO.

### **Asbestos Removal**

Any Asbestos that is encountered that would be affected by the proposed retrofits must immediately be brought to the attention of TCNJ. TCNJ will review with the successful Contractor/ESCO the removal of any encountered asbestos. TCNJ will be responsible for the cost associated with the removal of asbestos.

## **PROPOSAL REQUIREMENTS**

Proposal must be submitted in the format outlined in this section. Each of the described parts and sections must be completed in full. Each proposal will be reviewed to determine if it is complete prior to the actual evaluation. TCNJ reserves the right to eliminate from further consideration any proposal deemed to be substantially or materially non-responsive to the requests for information contained herein.

Each of the parts and sections described below should begin on a separate page, and each page should clearly state the name of the proposer.

### **Understanding of the Project**

The proposal shall indicate the Contractor's/ ESCO's understanding of the project, project processes, planning methodology, and The College.

### **Executive Summary**

This is the opportunity for the proposer to present the most important aspects of its proposal. Proposer should summarize experience and qualifications, technical approach, financial terms and ability to implement the project promptly.

### **Management Plan**

This should describe the proposer's organization structure, the proposed management approach to this project and how project success is assured. Include information on tasks, project scheduling and capabilities to provide all the services required to implement retrofit projects on a performance contracting basis. Include a complete list of services that may be provided "in house" by your company and those services that may be subcontracted.

### **Background, Experience and Qualifications:**

Provide an overview and background of your company. Provide a list of five entities for which the Contractor/ESCO has recently (within two years) provided an Energy Savings Performance Contract that included bundled energy retrofits, ongoing support services, and financing of program costs. Provide a reference list of five similar guaranteed performance contracting energy conservation programs sold recently (within two years) by the Contractor/ESCO to include the following:

- Customer's name and location.
- Total project cost and savings.
- Name, title and telephone numbers of references of the projects.
- Brief description of the project's scope of services and status.

The right to call the references provided by the Contractor/ESCO will be presumed by TCNJ.

### **Project Team**

The proposal must contain information about the Contractor/ESCO's project team and proposed assignment of responsibility for the major tasks involved in the total project. Provide information

regarding quantity, capabilities, and experience of all people available to be assigned to this contract. Describe the overall make-up of the project team and each member's areas of responsibility with address, telephone numbers, and names of contact persons and of lead personnel. Include a chart depicting the management structure envisioned for the project. The project team should also include all on-going support personnel, including measurement and verification.

Provide a resume for each individual on the project team.

## **Technical Approach**

All proposals should contain the following information about the respondent's technical approach to meeting TCNJ's comfort, energy efficiency and operating costs reduction objectives:

1. Evaluation of all proposed projects contained within the Spiezle CAP (attached) and the TCNJ identified potential project list (Appendix B).
2. Proposed additional energy efficiency projects that are not contained within the Spiezle CAP that would meet the requirements of a performance contract.
3. Information about the specific technical solutions the proposer plans to implement in the buildings and facilities.
4. Describe the method the proposer will use to measure the success of the program. Include examples of measurements, reporting and methodologies for calculating and providing savings achieved from mutually agreed baseline. Also include any methods to be used to adjust for factors such as weather or changes in the use or structure of buildings.
5. Include specific ongoing support, training and/or maintenance capabilities the contractor proposes to implement as part of this program.
6. Additional information about the proposer's technical approach to the project may be included. Proposer should highlight their unique qualifications, technical expertise, and expansion capabilities.

## **Financial Proposal**

Describe the approach the proposer plans to employ to finance the energy services program. Discuss the proposer's past and current ability to secure financing and implement similar projects quickly and efficiently. Describe the company's relationship with funding sources and whether funding these projects is a profit center for the proposer. This plan shall include but not be limited to discussion of types of financing sources, use of investment banking services, and future intent to transfer the contract to a successor after award. There will be no shared savings contractual obligations accepted for the identified baseline savings.

Should savings exceed the baseline identified savings, 100% of the additional savings over the calculated baseline savings will go to TCNJ. These additional savings, if realized, will be paid to TCNJ by the Contractor/ESCO on a monthly basis.

## **Service Capabilities**

Describe the service organization and capabilities in detail, including:

1. Contractor/ESCO location;
2. Service facility/office location shall be located within 100 miles from TCNJ;
3. Skill levels and disciplines;
4. Service process and accountabilities;
5. Advanced tools, tracking mechanisms and procedures, overall service offerings.

Provide a summary of your overall depth of service capabilities including engineering and technical support capabilities.

### **Vendor/ESCO Financial Information**

Include the prior three years of annual reports, financial statements, or other financial information sufficient to permit TCNJ to evaluate the financial strength of the proposer. If the proposer is a joint venture or other entity with no prior financial history, submit information with respect to constituent or parent entities, as appropriate.

Include copy of credit rating from Dunn & Bradstreet, Moody's or Standard and Poor's.

### **Sample Contract**

Contractor shall provide sample Energy Savings Improvement Program (ESIP) Performance contract, including all appropriate attachments, exhibits, and financing mechanism and details.

### **Schedule**

The proposal shall include a schedule of the design phases, bidding, and DCA review. The initial Schematic Design phase can not start until after receiving Board approval and signing the contract. DCA review must provide a minimum of 8 weeks for each project.

### **Inquiries**

Inquiries regarding this Request for Proposal shall be submitted in writing, and directed to:

Roselle Horodeski  
Office of Finance & Business Services  
Fax: 609-637-5140  
E-mail: horodesk@tcnj.edu

The College will respond only to written inquiries. All responses will be issued in writing to all. See Milestone Schedule for the last date for questions.

**Proposal Submission**

Nine copies of the proposal and a CD must be submitted to the address below, no later than December 7 at 2:00 p.m.

The College of New Jersey  
Office of Finance and Business Services  
Attn: Roselle Horodeski  
Administrative Services Building Room 201  
2000 Pennington Road  
Ewing, NJ 08628

## **THE SELECTION PROCESS**

### **Description of the Procurement Process**

It is anticipated that the process for the procurement of these services will proceed in three stages:

#### Review of Written RFP Responses

TCNJ, through its designated team of representatives, will review and evaluate the written responses to this Request for Proposal of New Jersey Qualified Energy Services Companies (ESCOs) in accordance with the evaluation criteria identified in this RFP. TCNJ will rank a limited number of qualified Contractors/ESCOs which will be invited to proceed, if deemed necessary, to a competitive oral interview stage of the procurement process.

#### Oral Interview

Selected qualified firms may be asked to participate in a detailed oral interview to more fully discuss how its approach to the potential projects satisfies the evaluation criteria set forth below. Contractors/ESCOs may be required to answer questions posed by TCNJ's Selection Team. It will be the sole responsibility of the Selection Team to make the final recommendation of the Contractor/ESCO based upon the evaluation of written responses to the RFP and oral responses received during the interview process.

#### Selection of Contractor/ESCO to Develop Energy Savings Plan

TCNJ will select the a Contractor/ESCO to conduct a complete technical analysis of the facilities and propose contract terms concerning a complete set of energy improvements, the timetable for completing engineering and construction work, and a detailed description of services. TCNJ reserves the right to implement one comprehensive ESIP project or a multiple staged projects with the selected Contractor/ESCO over an extended period. The technical analysis and final energy plan document by the selected Contractor/ESCO must be provided to TCNJ within an agreed upon time frame after being selected. It is the intent of TCNJ to determine a final scope for these services, which will include a minimum savings guarantee.

TCNJ recognizes that detailed financial projections of project benefits are dependent upon the scope of technical retrofits finally selected and installed. It is premature to place a major emphasis on projected financial benefits prior to the completion of a detailed engineering study and selection of the project structure and energy conservation measures. Respondents are encouraged to carefully review the evaluation criteria in the RFP under the Financial Proposal under Proposal Requirements (section V.) and to respond as fully as possible. A comprehensive energy plan will be co-authored with TCNJ upon selection of the most qualified vendor at the conclusion of the RFP process.

## **Evaluation Criteria and Value of Proposal**

Proposals will be evaluated and scored on the basis of the following criteria, which will be accorded the relative weight indicated in parentheses. The evaluation information should be clearly demonstrated within the submitted qualification proposal format:

### Experience and Qualifications of the Respondent (25%)

Preference will be given to respondent's demonstration of strong capabilities in performance based contracting. Experience and reputation in working directly with other similar projects will be heavily weighted. A minimum of five references should be provided in which comprehensive projects were successfully implemented. Documentation of the respondent's financial condition and stability will also be reviewed.

### Technical Proposal (25%)

Proposals should include a detailed and sound technical approach required in meeting TCNJ's energy efficiency objectives and upgrades. Proposal should demonstrate a methodical and specific approach to the general construction, construction management and project management. Proposals will include estimated energy savings in electricity (kilowatt hours), natural gas (therms), and dollars per year. Proposals should also outline the respondent's specific responsibilities for operation, maintenance and repair of equipment and systems following installation for enforcement of warranty services. It should also demonstrate the ability of the respondent to design a service program on both a routine and emergency basis. Preference will be given to firms who can provide onsite support, training and operational enhancements that will assure the success of the project over the entire term of the installation. Respondents should demonstrate their capabilities and methodologies regarding training, staff support, and management and associated programs proposed. Warranties and a guarantee of performance will be exclusively reviewed. Preference will be given to those respondents who demonstrate a corporate commitment to "Green" technologies within the organization. Additional preference will be given for the "Green" approach to the identification and evaluation of potential renewable solutions.

### Fee Proposal (10%)

Contractor/ESCO shall include their fee as a percentage of the total of construction work for the implementation of the ESIP in its entirety (refer to the Fee Proposal Form – Appendix D).

- I. The Contractor/ESCO Fee must include all costs and fees, including all professional services fees, which are required to fully and completely develop and implement the ESIP projects, over and above the cost of the subcontracted trades. The Contractor/ESCO will procure all subcontract trades according to applicable New Jersey State Contract Laws. All ESIP work that meets the definition of "public work" is subject to prevailing wages and public bidding. The selected Contractor/ESCO shall be responsible for all payments to subcontractors, vendors, and suppliers for the implementation of the ESIP projects.

### Financial Stability (15%)

Preference will be given to companies that provide a stable economic history. Factors that will be considered include:

I. Minimum Qualifications

Preference will be given to proposals that responsibly maximize the net economic benefit to owner. Additional factors that will be considered include: the proposed term (length) of the Performance Contracting agreement, the benefit to owner from entering into the transaction, and the level of energy savings achieved in the buildings and will require proposals to include a guaranteed level of energy savings (in dollars) and to provide a cash flow consistent with the economic plans of the owner. Preference will be given to companies that provide a stable economic history. Factors that will be considered include:

- a. Contractor shall have a minimum net asset value in excess of \$10,000,000.
- b. Contractor shall have a branch office that includes maintenance and service within 100 miles of TCNJ.
- c. Contractor shall have been in business in excess of 10 years.
- d. Contractor shall demonstrate a history of performance contracting for a minimum of 8 years.
- e. Contractor shall demonstrate the financial ability to provide guarantees of energy savings and a history of at least five other client energy savings guarantees in the past two years and the dollar amount per client.

Project Team and Management Plan (15%)

Preference will be given to proposals demonstrating an ability to carry out the tasks and responsibilities outlined in the proposal, including the procurement of any necessary financing and warranty insurance in a prompt and efficient manner with minimal disruption to TCNJ, which is a 24 hour per day, 7 day per week residential college. A detailed narrative of the operational approach for the construction of the typical project including process steps and schedule examples is required.

Service Capabilities (10%)

Respondents must possess or have access to service organization(s) capable of maintaining all heating, ventilation, air conditioning equipment, retro commissioning, and any other specialty service required in conjunction with provided projects at TCNJ including full replacement responsibility. Preference will be given to respondents demonstrating a comprehensive ability to provide and supervise maintenance services. The respondent must demonstrate the ability to design, prepare specifications, oversee and bid out services at the request of TCNJ. The maintenance program will be considered by TCNJ as a separate issue from this energy program, but the ESCO selected may be asked to assist in the design of a maintenance program and that experience will be considered in this RFP as criteria for selection.

New Jersey Based Business (Bonus 5%)

Bonus points will be given to respondents of New Jersey based companies for the purpose of economic stimulation and job creation on a local basis.

+ + +

It is mutually understood and agreed by and between TCNJ and the Contractor/ESCO that TCNJ may make its award for one or for more than one of the items set forth in these specifications, or may make its award for all the items set forth in these specifications. TCNJ has the right to accept or reject all or any portion of the proposals submitted and to make the award in the best interest of TCNJ.

No rights shall accrue to any person submitting a proposal until such proposal has been accepted, the contract awarded and such contract finally and completely executed in writing by issuing a purchase order to the Contractor/ESCO by duly authorized person(s) of TCNJ.

The Contractor/ESCO agrees that if the contract is awarded to him, he will not assign, transfer, or sublet it, unless specific permission to do so is granted in writing by TCNJ and further, the Contractor shall be responsible for the faithful performance of any work he may sublet.

The Contractor/ESCO agrees that if the contract is awarded to him, he will not assign in whole or in part any rights or privileges which may accrue to him under the terms of the contract or any money which may become due to him there under.

The Contractor/ESCO does hereby agree that, if awarded the contract under these specifications and in consideration thereof, he will indemnify and save harmless TCNJ, its staff, management, Purchasing Director and his staff, and Contracting Officer from all suits and actions of every nature and description brought against them or any of them growing out of any contract or contracts, written or verbal, entered into between TCNJ and the successful Contractor/ESCO, and further that upon the awarding of the contract to the undersigned Contractor/ESCO in accordance with these specifications this agreement and indemnification shall automatically become effective.

TCNJ will award to the proposal that it deems in the best interest of TCNJ as per N.J.S.A. 18A:65A-1.

## PROPOSED MILESTONE SCHEDULE

Date	Task
10/31/10	Request for Proposal issued
11/8/10	Pre-bid conference/on-site visit
11/24/10	Last day for questions
12/9/10	Proposals due to TCNJ
1/14/11	TCNJ reviews proposals and selects short list
1/31/11	Oral Interviews
2/18/11	Contractor/ESCO selected
3/25/11	Negotiate contract language and prepare contract
4/26/11	Recommendation submitted to the Board
4/26/11	Board Approves recommendation
4/26/11	Paperwork submitted to State
	Contract Signing (TBD after BOT meeting)
	Development of detailed energy plan (within 90-120 days of contract) – this will include a timeline to implement the work in months



## **CONTRACTUAL PROVISIONS**

Key elements that must be provided for in any performance contract in which TCNJ enters will minimally include the following points:

1. The contents of the RFP submissions become part of the final contract.
2. TCNJ retains final approval over the scope of work and end-use conditions.
3. Upon award, the Contractor/ESCO must provide a final schedule of project milestones including equipment servicing provisions, which will become part of the final contract. In the event any milestone or equipment servicing provision is not met as scheduled without prior written approval, TCNJ reserves the right to consider it default and withdraw from all contractual obligations without penalty.
4. The Contractor/ESCO must carry an appropriate level of insurance for both the construction and operation phases to be provided when contract negotiations are complete and awarded.
5. TCNJ must have access to inspect, test, and approve both the work conducted in the facility, during construction and operations, and to the books, records, and other compilations of data which pertain to the performance of the provisions and requirements of this agreement. Records shall be kept on a generally recognized accounting basis, and calculations kept on file in legible form.
6. The Contractor/ESCO will be responsible for maintaining the levels of comfort for each building as specified. Persistent failure to maintain the defined climate and lighting condition will constitute default.
7. All drawings, reports, and materials prepared by the Contractor/ESCO specifically in performance of the contract shall become the property of TCNJ and shall be delivered to them as needed or upon completion of construction.
8. All work completed under the contract must be in compliance with all building codes and appropriate accreditation, certification, and licensing standards.
9. The contract must contain a mutually agreeable clause whereby unanticipated changes in occupancy or use can be accommodated in a fair manner for both parties.
10. Lighting retrofit proposals must include a test lighting protocol and approval by TCNJ prior to installation.
11. At the time of contract expiration, TCNJ will have the option either to renegotiate the contract or terminate it without penalty.
12. TCNJ's evaluation criteria are contained within this RFP. Contractors/ESCOs should be aware of the provisions of the evaluation criteria in regard to selection under this RFP solicitation.

TCNJ intends to include the terms described in this section in the Agreement to be submitted to the selected Contractor/ESCO.

### **Qualifications**

The submission of a proposal deems permission to TCNJ and its consultants to make inquiries concerning the Contractor/ESCO and its principals, officers, and directors to any persons or firms TCNJ deems appropriate.

## **Key Personnel**

Key personnel assigned to this project by the Contractor/ESCO shall not be removed from this project without prior written approval by TCNJ.

## **Representatives and Warranties of Contractor/ESCO**

The Contractor/ESCO represents and warrants as follows:

1. The Contractor/ESCO will be familiar with documents appended to the contract and with applicable laws and regulations.
2. The Contractor/ESCO is duly organized, validly existing, presently in good standing, and having all necessary powers to enter into the contract and to do business in the State of New Jersey.
3. There is no pending or threatened labor dispute, strike, or work stoppage affecting Contractor/ESCO's business or ability to perform services covered under the contract.
4. There is no suit, action, arbitration, or legal, administrative, or other proceeding pending, or to the best knowledge of the Contractor/ESCO threatened against the Contractor/ESCO that would affect or impair the performance by the Contractor/ESCO of the contract.
5. The Contractor/ESCO will obtain all registrations, licenses, certificates of inspection reports, or other clearances required to be obtained of any governmental or organizational agency, in order to enable it to fully perform the terms of the contract. This will be coordinated with Campus Planning to insure that TCNJ's priorities are met.
6. The Contractor/ESCO has the right, power, legal capacity, and authority to enter into and perform all its obligations under the contract and no approval or consent of any person other than the Contractor/ESCO is necessary to effect the execution and performance of the contract by the Contractor/ESCO.
7. There are no other circumstances which would adversely affect the Contractor/ESCO's ability to execute the contract and fully perform its obligations.
8. The information in all documents, lists, policies, and other writings furnished, to TCNJ by, or on behalf of, the Contractor/ESCO is true and accurate, and does not fail to include any statement of a material fact, the omission of which would be misleading.
9. None of the representations or warranties made by the Contractor/ESCO, or made in any certificate or memorandum furnished to TCNJ by, or on behalf of, the Contractor/ESCO, contains or will contain any untrue statement of a material fact, or omit any material fact, the omission of which would be misleading.

## **Contractor/ESCO Default**

Should the selected Contractor/ESCO default at any time during the contract's term, all equipment and mechanical systems not completed must be returned to its original state at no cost to TCNJ.

**APPENDIX A – SPIEZLE CAP**

## **APPENDIX B – SPIEZLE CAP/TCNJ IDENTIFIED PROJECT LIST**

The following projects have been identified in the Spiezle CAP. Additional projects and measure, should they not be contained in the CAP or TCNJ list, shall be proposed in addition to those listed below.

### **Spiezle Identified Projects:**

#### Solar Energy Projects:

5.5 MW of potential solar generation was identified, using canopies on walkways, stadium seating, and parking garages, and rooftops.

#### Lighting Recommended Projects:

Project L1: Fixtures replacement. Updating fixtures to higher efficiency T8s and using CFLs. This applies to almost all buildings.

Project L2: Controls. Updating controls to vacancy sensors and adding additional photo sensors. This applies to almost all buildings.

Project L3: Mid term lighting. Includes exterior LED and stadium lighting technology advances in this category. This also applies to Student Center and Spiritual Center.

Project L5: Long term lighting: Includes advances in LED and future technologies. This applies to almost all buildings.

#### HVAC Recommended Projects:

Project H1: Equipment replacement. Outdated equipment was identified in the audit that is nearing (or past) the end of its useful life and was selected as equipment replacement projects. The buildings are identified on the associated chart in the Spiezle CAP.

Project H2: Variable refrigerant flow. Projects eligible for variable refrigerant flow are identified and included on the associated chart in the Spiezle CAP.

Project H3: Demand Controlled Ventilation. Projects eligible for demand controlled ventilation are identified and included on the associated chart in the Spiezle CAP. These project can be implemented on all academic buildings (except Music, where it already exists) and then considered for residential facilities.

Project H4: Retro-commissioning. All buildings, unless brand new, are eligible for retro commissioning.

#### Other Projects:

Geothermal Heat Pumps: Add geothermal heat pumps as appropriate. Utilize lake water for heat exchange where applicable.

**Central Plant:**

Replace existing cooling towers with a geexchange system tied into the lake to improve condensing water cooling.

Cogeneration plant reciprocating natural gas compressors. Replace with higher efficiency rotary compressors to decrease parasitic electric load.

Cogeneration natural gas turbine. Potential replacement with newer, more efficient and properly sized turbine/HRSG.

**Plug Loads:**

Passive load reduction. Methods to automatically turn off constant power draws from transformers, in equipment such as copiers, faxes, PCs, peripheral equipment, cell phone chargers.

Project P1: Already implemented.

Project P2: Power Management. Power strips with motion detectors, networked power management programs. This applies to all buildings.

**Building Envelope:**

Includes new roofs, windows, and insulation. This applies to all older buildings.

**TCNJ Identified Projects:**

**Lighting**

Replace lighting fixtures and/or diffusers to direct light to desired areas, whereby light pollution and loss of lumens is experienced.

**Controls/metering**

Installation of steam and chilled water meters in every building, where applicable, and associated software and monitoring/controls at the BMS front end PC.

**Efficient chilled water year round**

Installation of a plate and frame heat exchanger in the central plant, utilizing existing cooling towers for heat rejection. The plate and frame would be utilized as a “chiller” during the shoulder months of spring and fall.

**Smart thermostats**

Install Smart set point controllable thermostats in areas where space temperature is not controlled with the BMS front end PC. These can be controlled wirelessly or based on occupancy. Type of thermostat would depend on building use type.

# APPENDIX C – CAMPUS MAP



## APPENDIX D - FEE PROPOSAL

Contractor/ESCO Name: \_\_\_\_\_

Estimated total construction cost: \_\_\_\_\_

Contractor/ESCO Fee as a percentage of the total estimated construction cost:

\_\_\_\_\_ %; fee estimated to be \$\_\_\_\_\_.

## **APPENDIX E – MANDATORY FORMS AND SUBMITTALS**



**SUPPLEMENT TO BID SPECIFICATIONS FOR PROCUREMENT,  
PROFESSIONAL, AND SERVICE CONTRACTS**

**IF AWARDED A CONTRACT YOUR COMPANY/FIRM WILL BE  
REQUIRED TO COMPLY WITH THE AFFIRMATIVE ACTION  
REQUIREMENTS OF P.L. 1975, c.127 (NJAC 17:27)**

An employee information report must be completed and returned prior to or at the time of an award. An affirmative action plan approved by the Federal Government or the State of New Jersey Affirmative Action Officer is an acceptable alternate.

Your bid will be accepted even if you are not in compliance at this time. If you are the lowest responsive bidder and have not yet complied with the affirmative action regulations, we will send you affirmative action document AA-302 for completion prior to award. You must return the completed document to us within seven (7) days after receiving the same.

**PLEASE CHECK IN THE APPLICABLE SPACE:**

\_\_\_\_\_ A Federal Letter of Approval has been received and a photocopy of the letter is herewith submitted.

\_\_\_\_\_ A Certificate of Employee Information Report has been received and a photocopy of the certificate is herewith submitted.

\_\_\_\_\_ Form AA-302 Affirmative Action Employee Information Report must be completed prior to award of proposal.

**TO BE A RESPONSIVE PROPOSAL, ONE OF THE ABOVE SPACES  
MUST BE COMPLETED AND APPROPRIATE DOCUMENTATION  
ATTACHED**



**IDENTIFICATION OF PROPOSAL:** \_\_\_\_\_

**P.L. 1975, C. 127 (N.J.A.C. 17:27) MANDATORY AFFIRMATIVE ACTION LANGUAGE PROCUREMENT, PROFESSIONAL, AND SERVICE CONTRACTS DURING THE PERFORMANCE OF THIS CONTRACT, THE CONTRACTOR AGREES AS FOLLOWS:**

A. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;

B. The contractor or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation;

C. The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of this notice in conspicuous places available to employees and applicants for employment.

D. The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and the Americans with Disabilities Act.

E. The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time.

F. The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

G. The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

H. The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading, and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

I. The contractor and it subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (NJAC 17:27).

**IF AWARDED A CONTRACT YOUR COMPANY/FIRM WILL BE REQUIRED TO COMPLY WITH THE AFFIRMATIVE ACTION REQUIREMENTS OF P.L. 1975, c.127 (NJAC 17:27)**

**Firm Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_



The College of New Jersey

**NON-COLLUSION STATEMENT**

Date: \_\_\_\_\_

**The College of New Jersey  
The Office of Budget and Finance, Department of Purchasing  
Administrative Services Building, Room 201  
P.O. Box 7718  
Ewing, New Jersey 08628-0718**

To Whom It May Concern:

This is to certify that the undersigned bidder \_\_\_\_\_ as not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the proposal submitted to The College of New Jersey on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Signature:** \_\_\_\_\_

Corporate Seal:

Attest by: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission Expires: \_\_\_\_\_

Notary Public

**THIS STATEMENT MUST BE COMPLETED AND SIGNED**



**STOCKHOLDER DISCLOSURE FORM**

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

List the names and addresses of all individuals, corporations, or any other owner having 10% or greater interest in the corporation or partnership named in item 1. If a listed owner is a corporation or partnership, then list the names and addresses of holders of 10% or more interest in that corporation or partnership. If additional space is necessary, list on an attached sheet. If there are no owners with 10% or more interest in your company, enter "None" below.

Complete affidavit at bottom of form.

Firm Name	Street	City/Twp	County	State	Zip
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

\_\_\_\_\_  
**President of the Firm (Type or print name)**

\_\_\_\_\_  
**Telephone Number**

I certify that (check applicable blanks):

- \_\_\_\_\_ A list of stockholders names and addresses has been submitted to the Secretary of State of New Jersey and it is current and correct to the best of my knowledge, with the exceptions as listed above.
- \_\_\_\_\_ The list of stockholders above is current and correct to the best of my knowledge.
- \_\_\_\_\_ There are no stockholders holding 10% or more interest in this corporation or firm to the best of my knowledge.
- \_\_\_\_\_ Firm is a sole ownership and not subject to corporation or partnership disclosure requirement.

**Signature of Authorized Representative**

Name \_\_\_\_\_

Title: \_\_\_\_\_

Witnessed by \_\_\_\_\_

Date: \_\_\_\_\_

**THIS FORM MUST BE COMPLETED, SIGNED, AND WITNESSED**

## **INFORMATION AND INSTRUCTIONS For Completing The “Two- Year Vendor Certification and Disclosure of Political Contributions” Forms**

### Background Information

On September 22, 2004, then-Governor James E. McGreevey issued Executive Order 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, Executive Order 134 prohibited State departments, agencies and authorities from entering into contracts exceeding \$17,500 with individuals or entities that made certain political contributions. Executive Order 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 (“Chapter 51”).

On September 24, 2008, Governor Jon S. Corzine issued Executive Order No. 117 (“E.O. 117”), which is designed to enhance New Jersey’s efforts to protect the integrity of procurement decisions and increase the public’s confidence in government. The Executive Order builds upon the provisions of Chapter 51.

### Two-Year Certification Process

Upon approval by the State, the Certification and Disclosure of Political Contributions form (CH51.1R1/21/2009) is valid for a two (2) year period. Thus, if a vendor receives approval on Jan 1, 2009, the certification expiration date would be Dec 31, 2011. Any change in the vendor’s ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/EO117 forms to the State Review Unit. **Please note that it is the vendor’s responsibility to file new forms with the State should these changes occur.**

Prior to the awarding of a contract, the agency should first send an e-mail to CD134@treas.state.nj.us to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

### Instructions for Completing the Forms

**NOTE:** *Please refer to the next section, “Useful Definitions for Purposes of Ch. 51 and E.O. 117,” for guidance when completing the forms.*

#### Part 1: VENDOR INFORMATION

**Business Name** – Enter the full name of the Vendor, including trade name if applicable.

**Business Type** -- Select the vendor’s business organization from the list provided.

**Address, City, State, Zip and Phone Number** -- Enter the vendor’s street address, city, state, zip code and telephone number.

**Vendor Email** – Enter the vendor’s primary email address.

**Vendor FEIN** – Please enter the vendor’s Federal Employment Identification Number.

**INFORMATION AND INSTRUCTIONS  
For Completing The “Two- Year Vendor Certification and Disclosure of Political  
Contributions” Forms**

Part 2: PUBLIC LAW 2005, Chapter 51 / EXECUTIVE ORDER 117 (2008) DUAL  
CERTIFICATION

Read the following statements and verify that from the period beginning on or after October 15, 2004, no contributions as set forth at subsections 1(a)-(c) have been made by either the vendor or any individual whose contributions are attributable to the vendor pursuant to Executive Order 117 (2008).

**NOTE:** Contributions made prior to November 15, 2008 are applicable to Chapter 51 only.

Part 3: DISCLOSURE OF CONTRIBUTIONS MADE

**Check the box at top of page 2 if no reportable contributions have been made by the vendor.** If the vendor has no contributions to report, this box must be checked.

**Name of Recipient Entity** – Enter the full name of the recipient entity.

**Address of Recipient Entity** – Enter the recipient entity’s street address.

**Date of Contribution** – Indicate the date of the contribution.

**Amount of Contribution** – Enter the amount of the reportable contribution.

**Type of Contribution** – Select the type of contribution from the list provided.

**Contributor Name** – Enter the full name of the contributor.

**Relationship of Contributor to the Vendor** -- Indicate relationship of the contributor to the vendor, e.g. officer or partner of the company, spouse of officer or partner, resident child of officer or partner, parent company of the vendor, subsidiary of the vendor, etc.

**NOTE:** If form is being completed electronically, click “Add a Contribution” to enter additional contributions. Otherwise, please attach additional pages as necessary.

Part 4: CERTIFICATION

Check box A if the person completing the certification and disclosure is doing so on behalf of the vendor and all individuals and/or entities whose contributions are attributable to the vendor.

Check box B if the person completing the certification and disclosure is doing so on behalf of the vendor only.

Check box C if the person completing the certification and disclosure is doing so on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Enter the full name of the person authorized to complete the certification and disclosure, the person’s title or position, date and telephone number.

## INFORMATION AND INSTRUCTIONS For Completing The “Two- Year Vendor Certification and Disclosure of Political Contributions” Forms

### USEFUL DEFINITIONS FOR THE PURPOSES OF Ch. 51 and E.O. 117

- “**Vendor**” means the contracting entity.
- “**Business Entity**” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any shareholder or officer; (iii) if a business entity is a general partnership, limited partnership or limited liability partnership, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (viii) with respect to an individual who is included within the definition of “business entity,” that individual’s spouse or civil union partner and any child residing with that person.<sup>1</sup>
- “**Officer**” means a president, vice-president with senior management responsibility, secretary, treasurer, chief executive officer, or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.
- “**Partner**” means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.
- “**Reportable Contributions**” are those contributions, including in-kind contributions, in excess of \$300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee; or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee.
- “**In-kind Contribution**” means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.
- “**Continuing Political Committee**” includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$4,300 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).

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<sup>1</sup> Contributions made by a spouse, civil union partner or resident child to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides are permitted.

## **INFORMATION AND INSTRUCTIONS For Completing The “Two- Year Vendor Certification and Disclosure of Political Contributions” Forms**

- **“Candidate Committee”** means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a), for the purpose of receiving contributions and making expenditures.
- **“State Political Party Committee”** means a committee organized pursuant to N.J.S.A. 19:5-4.
- **“County Political Party Committee”** means a committee organized pursuant to N.J.S.A. 19:5-3.
- **“Municipal Political Party Committee”** means a committee organized pursuant to N.J.S.A. 19:5-2.
- **“Legislative Leadership Committee”** means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.
- **“Political Party Committee”** means:
  1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
  2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
  3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

### Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to [cd134@treas.state.nj.us](mailto:cd134@treas.state.nj.us) or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9<sup>th</sup> Floor, Trenton, NJ 08625. Original forms should remain with the Agency and copies should be sent to the Chapter 51 Review Unit.

### Questions & Answers

Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or Executive Order 117 (2008) may be submitted electronically through the Division of Purchase and Property website at <http://www.state.nj.us/treasury/purchase/execorder134.htm>. Responses to previous questions are posted on the website, as well as additional reference materials and forms.

**NOTE:** *The Chapter 51 Q&A on the website **DOES NOT** address the expanded pay-to-play requirements imposed by Executive Order 117. The Chapter 51 Q&A are only applicable to contributions made prior to November 15, 2008. There is a separate, combined Chapter 51/E.O. 117 Q&A section dealing specifically with issues pertaining to contributions made after November 15, 2008, available at <http://www.state.nj.us/treasury/purchase/execorder134.htm#state>.*



**State of New Jersey**  
**Division of Purchase and Property**  
**Two-Year Chapter 51 / Executive Order 117 Vendor Certification and**  
**Disclosure of Political Contributions**

**For AGENCY USE ONLY**

**General Information**

Solicitation, RFP or Contract No. \_\_\_\_\_ Award Amount \_\_\_\_\_  
 Description of Services \_\_\_\_\_

**Agency Contact Information**

Agency \_\_\_\_\_ Contact Person \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Agency Email \_\_\_\_\_

**Part 1: Vendor Information**

Full Legal Business Name \_\_\_\_\_  
 (Including trade name if applicable)

**Business Type**     Corporation     Limited Partnership     Professional Corporation     General Partnership  
 Limited Liability Company     Sole Proprietorship     Limited Liability Partnership

Address 1 \_\_\_\_\_ Address 2 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_  
 Vendor Email \_\_\_\_\_ Vendor FEIN \_\_\_\_\_

**Part 2: Public Law 2005, Chapter 51/ Executive Order 117 (2008) Certification**

I hereby certify as follows:

1. On or after October 15, 2004, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order 117 (2008) has solicited or made any contribution of money, pledge of contribution, including in-kind contributions, company or organization contributions, as set forth below that would bar the award of a contract to the vendor, pursuant to the terms of Executive Order 117 (2008).
  - a) **Within the preceding 18 months**, the below-named person or organization has not made a contribution to:
    - (i) Any candidate committee and/or election fund of any candidate for or holder of the public office of Governor or **Lieutenant Governor**,
    - (ii) Any State, county, **municipal** political party committee; OR
    - (iii) Any **legislative leadership committee**.
  - b) **During the term of office of the current Governor(s)**, the below-named person or organization has not made a contribution to
    - (i) Any candidate, committee and/or election fund of the Governor or **Lieutenant Governor**, OR
    - (ii) Any State, county or **municipal** political party committee nominating such Governor in the election preceding the commencement of said Governor's term.
  - c) **Within the 18 months immediately prior to the first day of the term of office of the Governor(s)**, the below-named person or organization has not made a contribution to
    - (i) Any candidate, committee and/or election fund of the Governor or **Lieutenant Governor**, OR  
 Any State, county, **municipal** political party committee of the political party nominating the successful gubernatorial candidate(s) in the last gubernatorial election.

**PLEASE NOTE: Prior to November 15, 2008**, the only disqualifying contributions include those made by the vendor or a principal owning or controlling more than 10 percent of the profits or assets of a business entity (or 10 percent of the stock in the case of a business entity that is a corporation for profit) to any candidate committee and/or election fund of the Governor or to any state or county political party within the preceding 18 months, during the term of office of the current Governor or within the 18 months immediately prior to the first day of the term of Office of Governor.

**Part 3: Disclosure of Contributions Made**

**Check this box if no reportable contributions have been made by the above-named business entity or individual.**

Name of Recipient _____	Address of Recipient _____
Date of Contribution _____	Amount of Contribution _____
Type of Contribution (i.e. currency, check, loan, in-kind _____)	
Contributor Name _____	
Relationship of Contributor to the Vendor _____	
Contributor Address _____	
City _____	State _____ Zip _____

If this form is not being completed electronically, please attach pages for additional contributions as necessary. Otherwise click "Add a Contribution" to enter additional contributions.

**Part 4: Certification**

I have read the instructions accompanying this form prior to completing this certification on behalf of the above-named business entity. I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

**I understand that this certification will be in effect for two (2) years from the date of approval, provided the ownership status does not change and/or additional contributions are not made.** If there are any changes in the ownership of the entity or additional contributions are made, a new full set of documents are required to be completed and submitted. By submitting this Certification and Disclosure, the person or entity named herein acknowledges this continuing reporting responsibility and certifies that it will adhere to it.

(CHECK ONE BOX A, B or C)

- (A)  I am certifying on behalf of the above-named business entity and all individuals and/or entities whose contributions are attributable to the entity pursuant to Executive Order 117 (2008).
- (B)  I am certifying on behalf of the above-named business entity only.
- (C)  I am certifying on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Signed Name \_\_\_\_\_ Print Name \_\_\_\_\_  
Phone Number \_\_\_\_\_ Date \_\_\_\_\_  
Title/Position \_\_\_\_\_

**Agency Submission of Forms**

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to [cd134@treas.state.nj.us](mailto:cd134@treas.state.nj.us), or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9<sup>th</sup> Floor, Trenton, NJ 08625. The agency should save the forms locally and keep the original forms on file, and submit copies to the Chapter 51 Review Unit.

**"N.J.S.A. 52:34-13.2 CERTIFICATION"**  
**SOURCE DISCLOSURE CERTIFICATION FORM**

Contractor: \_\_\_\_\_ Waiver Number: \_\_\_\_\_

I hereby certify and say:

I have personal knowledge of the facts set forth herein and am authorized to make this Certification on behalf of the Contractor.

The Contractor submits this Certification in response to the referenced contract issued by the Division of Purchase and Property, Department of the Treasury, State of New Jersey (the "Division"), in accordance with the requirements of N.J.S.A. 52:34-13.2.

Instructions:

**List every location where services will be performed by the Contractor and all Subcontractors.**

If any of the services cannot be performed within the United States, the Contractor shall state, with specificity the reasons why the services cannot be so performed. Attach additional pages if necessary.

Contractor and/or Subcontractor	Description of Services	Performance Location[s] by <b>COUNTRY</b>	Reasons why services cannot be performed in <b>USA</b>
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Any changes to the information set forth in this Certification during the term of any contract awarded under the referenced solicitation or extension thereof will be immediately reported by the Contractor to the Director, Division of Purchase and Property (the "Director").

The Director shall determine whether sufficient justification has been provided by the Contractor to form the basis of his certification that the services cannot be performed in the United States and whether to seek the approval of the Treasurer.

I understand that, after award of a contract to the Contractor, it is determined that the Contractor has shifted services declared above to be provided within the United States to sources outside the United States, prior to a written determination by the Director that extraordinary circumstances require the shift of services or that the failure to shift the services would result in economic hardship to the State of New Jersey, the Contractor shall be deemed in breach of contract, which contract will be subject to termination for cause pursuant to Section 3.5b.1 of the Standard Terms and Conditions.

I further understand that this Certification is submitted on behalf of the Contractor in order to induce the Division to accept a bid proposal, with knowledge that the Division is relying upon the truth of the statements contained herein.

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I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Contractor: \_\_\_\_\_  
[Name of Organization or Entity]

By: \_\_\_\_\_

Title: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_



## VENDOR QUALIFICATION SHEETS

Vendors are requested to submit evidence of qualifications to meet all requirements as required by the Office of Finance & Business Services at The College of New Jersey by providing the information listed below.

If this information is being requested as part of an RFP or RFQ, vendors may be requested to furnish additional information for clarification purposes. This will in no way change the vendor's original proposal.

### TO BE COMPLETED BY VENDOR

1. Please list the types of commodities that your company can provide.

- A.
- B.
- C.

2. The number of years your firm has been providing these services. \_\_\_\_\_ Year(s)

3. Location of vendor's office that will be responsible for managing contract/service:

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**Federal Identification Number:** \_\_\_\_\_

4. Address where all purchase orders and payment are to be mailed by users of any contract(s) resulting from this proposal (if different from above).

#### **Purchase Orders:**

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

#### **Remittances:**

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**VENDOR QUALIFICATIONS- continued**

5. Name of insurance company:

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Types of Insurance: \_\_\_\_\_

6. Name of individual to contact for sales/services information:

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

7. List the names and titles of personnel who will service this contract:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Is your firm registered with the Secretary of State of New Jersey?      **Yes** \_\_\_\_ **No** \_\_\_\_

9. Is your firm incorporated?      **Yes** \_\_\_\_ **No** \_\_\_\_

A) In What State? \_\_\_\_\_

10. Is your firm considered a small business in the State of New Jersey? **If yes, please attach a certificate or certification statement from the New Jersey Commerce and Economic Growth Commission.** If no and you would like to register, please contact the New Jersey Commerce and Economic Growth Commission at 609-777-0885.

**Small Business:**      **Yes** \_\_\_\_ **No** \_\_\_\_

A) What category does your firm fall under?

Gross Revenues do not exceed \$500,000      \_\_\_\_\_

Gross Revenues do not exceed \$5 million      \_\_\_\_\_

Gross Revenues do not exceed \$12 million      \_\_\_\_\_

Under Executive Order 34, TCNJ is responsible for soliciting demographic information from its vendors. TCNJ is required to seek the following information from each firm under contract with us:

1. Is more than fifty percent (50%) of your company minority owned? (circle one)      YES      NO  
(African-American, Hispanic, Asian, and/or Native American)
  
2. Is more than fifty percent (50%) of your company woman owned? (circle one)      YES      NO
  
3. What is the ethnicity of the owner of your company: (check applicable according to 51% ownership)
  - Asian American
  - Multiple Ethnicities
  - Non-Minority
  - Hispanic American
  - African American
  - Caucasian American Female
  - Native American
  - Unspecified

TCNJ is required to solicit the foregoing information. Your response, however, is **strictly voluntary**. Please be advised that any contracting decisions made by TCNJ will **not** be influenced in any way by your decision to provide the above information.

**EXECUTIVE ORDER #34: MINORITY AND WOMEN BUSINESS ENTERPRISES**

On September 15, 2006, Governor Corzine signed Executive Order 34 establishing a Division of Minority and Women Business Development. The Division is charged with administering and monitoring policies, practices, and programs to ensure that New Jersey owned minority and women business enterprises (MWBE) are afforded an equal opportunity to participate in New Jersey's purchasing and procurement processes.

State entities are required to report to the Division the ethnic and gender composition of the vendors with which we do business.

**VENDOR QUALIFICATIONS-**

11. Please provide a list of former or present clients. Also, indicate the name of a contact person and telephone number for reference purposes. **Any personnel from The College of New Jersey listed as a reference will not be considered a valid reference.**

- A.      **Client Name:**  
  
          **Contact Name:**  
  
          **Telephone Number:**  
  
          **Fax Number:**  
  
          **Email Address:**

- B.      **Client Name:**  
  
          **Contact Name:**

**Telephone Number:**

**Fax Number:**

**Email Address:**

**C. Client Name:**

**Contact Name:**

**Telephone Number:**

**Fax Number:**

**Email Address:**

**D. Client Name:**

**Contact Name:**

**Telephone Number:**

**Fax Number:**

**Email Address:**