

LOS ANGELES COMMUNITY COLLEGE DISTRICT
770 WILSHIRE BOULEVARD, LOS ANGELES, CALIFORNIA 90017.213/891-2000
CITY • EAST • HARBOR • MISSION • PIERCE • SOUTHWEST • TRADE-TECHNICAL • VALLEY • WEST

OFFICE OF FACILITIES PLANNING AND DEVELOPMENT

REQUEST FOR QUALIFICATIONS – PRE-QUALIFICATION FORM

**DESIGN-BUILD-FINANCE-OPERATE-MAINTAIN
CENTRALIZED AND DISTRIBUTED ENERGY UTILITIES**

Section 1 - Introduction

The Los Angeles Community College District (hereinafter referred to as the District), Office of Facilities Planning and Development, on behalf of the Board of Trustees, seeks written Statement of Qualifications from interested Private Energy Companies (hereinafter referred to as the Entity) to provide **Centralized and Distributed Energy Utilities** (hereinafter referred to as CDEU's) on District property at those Colleges listed in Section 2 of this RFQ.

As part of the District's Facilities Master Plan for modernization and new construction, the District plans to expand existing CDEU's and build new ones on campuses that previously used decentralized equipment.

The Entity will supply CDEU's including chilled water, hot water, electricity and natural gas to the District at a rate benchmarked to applicable market rates. The proposed CDEU's will serve existing campuses and proposed new facilities as a part of the District's modernization program. The cost of the CDEU's shall be borne entirely by the Entity under a Design-Build-Finance-Operate-Maintain mechanism (hereinafter referred to as DBFOM) and shall not in any way be construed or structured as debt incurred by or for the District. The District will pay for services provided, as and when those services are delivered by the Entity on a monthly basis and will continue throughout a predetermined contract/agreement period.

It shall be understood that infrastructure requirements to interface campus buildings with CDEU's will vary from campus to campus and that any such infrastructure deemed beyond the present scope may be included under this pre-qualification RFQ, should any individual campus elect to so do.

This pre-qualification RFQ is the first step in a process that will also include in-depth proposals and interviews for a few selected Entities. This portion of the selection process will focus on the general qualifications and experience of interested Entities.

It is the intent of this pre-qualification RFQ to provide a basic overview of the project to enable interested Entities to submit a preliminary proposal. Those Entities selected by the District for further consideration will receive a detailed RFQ from which successful applicants will be invited to interview.

Requests for copies of the RFQ document can be found on the District Website under Business Opportunities, www.laccd.edu or may be submitted in writing to:

Blair E. Doane
Facilities Planning and Development Office
Los Angeles Community College District
770 Wilshire Blvd. 3RD. Floor
Los Angeles, CA 90017

Submittals must be received by: **March 18, 2005**

Statements of Qualifications (**marked RFQ#: 2005-001**) must be submitted in accordance with Request for Qualifications. Submittals must be received by the Facilities Planning and Development Office **at the address below, before 09:00AM** on the date shown above.

**Facilities Planning and Development
770 Wilshire Boulevard, 3rd Floor, Los Angeles, California 90017**

Questions regarding this notification can be made directly to: **Blair E. Doane**, at **doanebe@email.laccd.edu** or via FAX: (213) 891-2490.

Dated: February 18, 2005
Los Angeles, California

by: _____
Larry Eisenberg
Executive Director
Facilities Planning & Development

BOARD OF TRUSTEES OF THE
LOS ANGELES COMMUNITY COLLEGE DISTRICT

Section 2 - Background

The District serves over one hundred cities and communities within a geographical area covering eight hundred and eighty two square miles. Extending from Agoura Hills in the west San Fernando Valley to the City of San Fernando in the north and Burbank to the east the service area includes Beverly Hills and Westwood on the west side of the greater Los Angeles basin, Monterey Park and San Gabriel on the east side and includes Palos Verdes Estates and San Pedro to the south. Nine colleges within the district educate more than 120,000 students a year. In addition, two satellite campuses are in the planning stage.

The mission of the District is to provide comprehensive lower-division general education, occupational education, transfer education, counseling and guidance, community services, and continuing education programs which are appropriate to the communities served and which meet the changing needs of students for academic and occupational preparation, citizenship, and cultural understanding." The Western Association of Schools and Colleges accredits each of the nine colleges. A seven-member Board of Trustees, elected at large for four-year terms, governs the District. Educational master plans and facilities master plans have been developed at each of the nine colleges in response to the unique needs of their respective communities.

The colleges range in size from twenty-two to over four hundred and fifty acres. Facilities include newly constructed classroom buildings as well as outdated structures older than fifty years. On April 10, 2002 the voters authorized the District to issue \$1.245 billion of general obligation bonds. Proposition A passed with a 67% majority (only 55% being required). In May 2003, under Proposition AA, the voters approved an additional \$980 million of general obligation funds. The bond proceeds are allocated for construction, repair, improvement, and upgrade of District buildings, classrooms, and other facilities. The Board of Trustees has appointed a District Citizens' Oversight Committee that includes representatives from each college.

The nine colleges are:

- Los Angeles City College
- East Los Angeles College
- Los Angeles Harbor College
- Los Angeles Mission College
- Los Angeles Pierce College
- Los Angeles Southwest College
- Los Angeles Trade-Technical College
- Los Angeles Valley College
- West Los Angeles College

The satellite campuses are:

- LACC Northeast Campus at Atwater
- East LA Center at Southgate

Further information about the District is available on our web site: <http://www.laccd.edu>

Section 3 - Overview

Ongoing research by the District determines the CDEU approach to be the most advantageous method for the provision and generation of heating, ventilation, air conditioning, energy and power, in terms of energy efficiency, environmental impact, occupancy comfort and workplace performance levels.

Entities responding to this RFQ will be expected to explore alternative CDEU technology and develop life-cycle cost analyses, cost-to-benefit ratios, and other modeling methods demonstrating their suitability for inclusion in the District's energy policy. Ultimately, the District seeks to maximize long-term energy efficiency and reduce maintenance and operating costs without compromising the benefits mentioned above.

The Scope of Services required for Centralized and Distributed Energy Utilities may include some or all of the renewable/sustainable technologies listed below:

- Thermal Energy Storage
- Cogeneration
- Trigenation
- Photovoltaics
- Solar Heating
- Fuel Cells
- Biomass
- Geo-exchange
- SEGS (Solar Electricity Generating Systems)
- Geo-exchange Tower Cooling
- Indirect Tower Free Cooling

The District will only consider Entities who are able to guarantee performance and demonstrate that CDEU costs will be essentially the same as, or less than, the costs the District would meet in the absence of this project.

In addition, all proposals must adhere to the guidelines for low-energy building design and sustainability as recommended by the US Green Building Council's LEED – NC Rating System, where applicable and adopt Title 24 – 2005 New Building Energy Performance Standards.

Entities must be fully conversant with the following protocols and demonstrate reference to them, as they apply, in the submittal process:

- The District Sustainable Building & Energy Policies
- Title 24: 2005 New Building Energy Performance Standards
- LEED Green Building Rating System for New Construction & Major Renovations (LEED-NC) Version 2.1
- IPMVP Volume One – March 2002 Edition
- IPMVP Volume Two – March 2002 Edition
- IPMVP Volume Three – April 2003 Edition
- IPMVP Volume Three – 2003 Applications

It is understood that the District will lease appropriate acreage at each campus for the siting of CDEU technology, plant and equipment. The agreement shall provide for the lease of those facilities to, or ownership by, the private entity for up to 35 years. In consideration therefore, the agreement shall provide for complete reversion of the privately constructed facility to the governmental agency at the

expiration of the lease at no charge to the governmental agency. (**California Government Code Section 5956.6 sub-paragraph [a]**).

It should also be understood that the District will only consider guaranteed financing proposals, which incur no debt to the District, albeit with options for the District to provide initial capital if so desired. Proposals submitted to the District for consideration will demonstrate guarantees and insurances of significant long-term operational savings, guaranteed levels of occupant comfort and guaranteed levels of building functionality. Proposals must include the scope of services proposed in connection with such guarantees and insurances.

In view of the diverse nature of the sites and anticipated utility capacity, (18,000 kW and equivalents), it is expected that one or several Entities will be elected to perform work for the District under this RFQ.

Successful Entities meeting the requirements of this RFQ will be notified to attend a mandatory Pre-Proposal Meeting on **March 31, 2005** at a time and venue to be determined.

The submittal deadline for this pre-qualification RFQ is: **March 18, 2005**

All requests for clarification or interpretation, either administrative or technical, must be submitted in writing no later than: **March 11, 2005**, and sent to:

Larry Eisenberg
Executive Director
Office of Facilities Planning and Development
Los Angeles Community College District
770 Wilshire Boulevard
Los Angeles, CA 90017

Section 4 - Scope / General Information

The selected Entity, based upon the requirements of this RFQ, will be expected to provide comprehensive energy services for campus infrastructure and facilities. Technical strategies proposed by the Entity must include but not be limited to:

- i. The performance of an energy analysis with option cost/saving proposals and life-cycle analysis for each option.
- ii. The design and specifications of equipment and systems to be used in providing energy efficiency services
- iii. Procurement and installation of new equipment
- iv. Commissioning of the equipment and systems
- v. Pro-active and emergency maintenance and servicing of the equipment installed
- vi. Staff training
- vii. Energy efficiency guarantees
- viii. Coordination of a campus-wide energy management system. All building control systems must be evaluated in relation to the existing and/or proposed system to be installed in the existing/new campus buildings. All campus building control must be centralized.
- ix. Evaluation of existing heating and cooling systems for efficiency optimization

- x. Compliance with all applicable federal, state and District codes and standards
- xi. Investigate all available federal, state, utility and other incentives

Section 5 – RFQ Schedule

• Publish Pre-Qualification RFQ	February 18, 2005
• Deadline to Submit Questions for Clarification	March 11, 2005
• Deadline to Submit Pre-Qualification RFQ	March 18, 2005
• Notice of Short-Listed Entities	March 23, 2005
• Issue Qualification RFQ/RFP	March 25, 2005
• Mandatory Pre-Proposal Meeting	March 31, 2005 *
• Deadline for Qualification RFQ/RFP Submittal	April 15, 2005
• Short List Selection Notification	April 25, 2005
• Presentations	May 03, 2005
• Final Interview	May 12, 2005
• Notification of Selected Entity	May 20, 2005
• Contract Negotiations	May 31, 2005
• Contract award	June 03, 2005

(* Time and venue for this meeting will be issued in the Qualification RFQ/RFP documents).

Section 6 – Submittal Requirements

6.1 GENERAL INSTRUCTIONS:

Submit one bound original preliminary proposal, stamped “ORIGINAL” on the front cover, and 3 bound copies, organized in tabbed sections as follows: Please provide answers to all questions below. Answer on 8 ½” x 11” sheets. Do not provide additional information, except where requested.

Submittals **shall not exceed 25 pages** excluding cover letter, project references and resumes. **Submittals must** be received by **date and time indicated in** the cover letter.

Enter name of Entity and person principally responsible for preparing the proposal as a cover sheet. If different individuals or Entities were responsible for answers to a specific question, please indicate in the answer to that question.

- Table of Contents
- Tab 1: Cover Letter
- Tab 2: Executive Summary and Management Plan
- Tab 3: Project Experience and Project Team
- Tab 4: Financial Stability
- Tab 5: Insurance
- Tab 6: Litigation History
- Tab 7: Technical Approach
- Tab 8: Project Specific Proposal

Each bound copy must contain the same information as the original. Do not submit binders with alternate or multiple responses. Do not submit electronically. Number all pages.

For Full Consideration, pre-qualification RFQ Submittals must be received no later than March 18, 2005, by the District's Director of Purchasing, packaged with the respondent's name and return information.

Delivery location: Director of Facilities Planning
RFQ #: 2005-001
Office of Facilities Planning and Development
Los Angeles Community College District
770 Wilshire Boulevard
Los Angeles, CA 90017

Respondents bear the full responsibility for delivering RFQ Submittals to the specified location on time.

NOTE THAT ALL SUBMITTALS AND SUPPORTING DOCUMENTS BECOME THE PROPERTY OF THE DISTRICT AND MAY BE RETURNED ONLY AT THE DISTRICT'S DISCRETION AND AT THE RESPONDENT'S EXPENSE. ALL INFORMATION SUBMITTED IN RESPONSE TO THIS RFQ, **EXCLUDING FINANCIAL AND PROPRIETARY INFORMATION CLEARLY IDENTIFIED BY RESPONDENTS AS CONFIDENTIAL**, SHALL BECOME PUBLIC DOMAIN SUBJECT TO THE PUBLIC RECORDS ACT.

ALL PROPRIETARY INFORMATION SHALL REMAIN CONFIDENTIAL SO LONG AS RESPONDENT CLEARLY IDENTIFIES IT AS SUCH.

6.2 SECTION CONTENTS

6.2.1. Table of Contents

6.2.1.1. Cover Letter

- i. Legal name, address, and business type, e.g. corporation, partnership, sole proprietorship, joint venture. If a division or subsidiary, identify parent company, year established, and years doing business under present name.
- ii. List any predecessor or all other names, and the years doing business as each.
- iii. Identify office primarily responsible for providing services, and include address and all other contact information of responsible representative.
- iv. Cover letter must be signed by an authorized officer of the entity.

6.2.2 Executive Summary and Project Delivery Method

- i. Describe Years in energy efficiency business and general history
- ii. Generally describe services offered, both by respondent's local office and by respondent's entire company, including:

- (a) Experience with energy service and facility financing contracts, including the number of contracts, their values, and start and completion dates.
 - (b) Experience with new design, renovation design, construction, financing, maintenance and operations, monitoring, training, etc.
 - (c) General and technical approach to partner with the District.
 - (d) Equipment procurement and servicing.
- iii. Indicate the number of full-time employees and provide a general description of staffing resources including the total number of professional staff employed.
 - iv. List accreditations and qualifications, such as NAESP, the U.S. Department of Energy, U.S. Department of Defense, etc., and describe the relevance of such accreditations or qualifications to this Project.
 - v. In general, describe your experience with:
 - (a) Public works, especially Community Colleges in California
 - (b) DSA. , Chancellor's Office

6.2.3 **Staff and Project Experience**

6.2.3.1. Professional and Technical Staff

- i Identify your proposed team for this Project.
 - (a) Propose an organizational chart and identify responsibilities.
 - (b) Include your responsible-executive principal, project manager, project engineer, other staff, and sub-contractors/consultants that will be primarily responsible for working with the District.
- ii Provide brief biographies of the individuals.
 - (a) Include professional licenses.
 - (b) Areas of expertise.
 - (c) Years of experience.
- iii Describe your staff's experience with the California Division of State Architect (DSA), Include information and references that demonstrate operational knowledge and successful experiences in working with DSA.

6.2.3.2. Project Experience

- i Briefly describe five (5) Centralized and Distributed Energy Utility projects or related projects with California Community Colleges, similar in type, size, scope and location to the District's planned project, completed by your company that demonstrates your capability to complete the District's Project on time and within budget. Provide the following:
 - (a) Project name and location.
 - (b) Owner contact-reference information, including title, telephone number, fax number and e-mail address.
 - (c) Building type and use. (Preferably California community college district)
 - (d) Size and scope, including specific work related to energy, water, and other O&M cost savings.
 - (e) Project and construction cost and fee.

6.2.4 **Technical Approach**

BRIEFLY describe your general approach to the following:

6.2.4.1. Engineering Analysis:

- i. Describe your general approach to system and energy analysis, cost and savings projects
- ii. Describe the methodology your Entity normally uses to compute energy efficiency and performance.

6.2.4.2 Design/Construction:

- i. Describe your Entity's capability and approach to the technical design of this project. For example, is the design component preformed by in-house staff?
- ii. Describe how standards of space conditions, comfort and functionality are set, (space temperatures, ventilation rates, etc.), in existing facilities and proposed new buildings.
- iii. Describe particular characteristics of how your Entity approaches turnkey design-build type projects.
- iv. Briefly describe your Entity's approach to project management.

6.2.4.3 Post Construction Services:

- i. Describe your Entity's capabilities in providing CDEU facilities for California Community colleges. Indicate proposed operation staff and technical training for college facility personnel. Describe your Entity's involvement in developing training manuals for facility staff.
- ii. Describe how measurement and verification of utilities provided to the campus will be addressed and maintained.
- iii. Describe the types of structure and services that can be included in a maintenance contract. Comment on whether District's maintenance staff can perform some of these duties if desired, and describe any impact on the cost of utilities.

6.2.5 **Economic Considerations Financial Stability**

Provide a conceptual pro-forma budget describing the projected cost to fully develop, build and commission the project contemplated in your design concept.

Provide key milestones and their approximate dates. Describe your experience in permitting similar projects in the state of California. Identify any permitting or other areas of concern you may have regarding application and use of an energy facility.

Provide projections of the pricing for various energy products contemplated in your proposal. Include a breakdown of fixed and variable charges, and a description as to how

the charges will be administered. Identify pricing alternatives. Include price risk in the form of escalation or indexation if any.

Describe any opportunities to stabilize long-term natural gas energy costs for the District through transportation capacity rights you have, or any strategy you employ to migrate risk for natural gas transportation and commodity cost.

Based on the information available, describe how you propose to provide reliable electric and thermal load back-up supply.

Submit evidence of financial stability sufficient for the District to determine your financial situation:

- i. A current report from any commercial credit rating service such as Dunn and Bradstreet or Experian.
- ii. A letter from a financial institution stating a current line of credit and credit rating.
- iii. Most recent CPA certified, audited annual report or financial statements. Provide the name, address, and the telephone number of the individual(s) that prepared the Financial Statements.

All financial information will remain confidential and is not subject to public disclosure, if so requested. Note: Submission of adequate financial information will be considered as part of the overall evaluation of the proposal.

6.2.6 **Insurance**

Respondent shall submit a letter from its insurance agent/broker indicating ability to provide the insurance coverage from insurers as required in the attached Exhibit "A."

SUBMISSION OF A QUALIFICATION SUBMITTAL REPRESENTS THAT THE ENTITY SHALL FULLY COMPLY WITH THE INSURANCE REQUIREMENTS IF SELECTED.

6.2.7 **Litigation History**

Submit complete history concerning involvement in litigation, arbitration or mediation pertaining to any claims filed by your Entity or against your Entity.

6.2.8 **Preliminary Project Proposal**

- i. Summarize your proposed scope of services (engineering analysis, design, construction, monitoring, operations, maintenance, training, financing, etc.) offered for this project.
- ii. Submit a preliminary feasibility assessment for the District's Project;

- (a) Describe preliminary evaluations and recommendations for equipment and system modifications, your firm would consider installing.
- (b) Address energy, and maintenance and operations opportunities. Also describe any special features, renewable technologies, or advanced technologies that might be applicable.
- (c) Describe your approach to standardization of equipment and campus building systems.
- (e) Describe how your firm would work with maintenance and operations personnel.
- (f) Prepare preliminary cost/saving analysis and projected cash flow.

THE DISTRICT RESERVES THE RIGHT TO MODIFY THE SCOPE OF WORK OR CONDUCT WORK IN PHASES. ADDITIONAL BUILDINGS AND FACILITIES, MAY BE INCLUDED IN THE FUTURE UNDER THE SAME CONTRACT.

ANY FINAL WORK SCOPE AND DELIVERABLES SCHEDULE IS SUBJECT TO NEGOTIATIONS BETWEEN THE DISTRICT AND THE ENTITY IT SELECTS FOR THE PROJECT. DISTRICT MAY ELECT, AT ANY TIME, TO AMEND ANY CONTRACT AWARDED UNDER THIS RFQ TO REQUIRE THE SELECTED ENTITY TO PROVIDE ADDITIONAL SERVICES. IN SUCH A CASE, THE SELECTED ENTITY AND THE DISTRICT SHALL MUTUALLY AGREE ON THE SCOPE AND FEES ASSOCIATED WITH ANY ADDITIONAL SERVICES.

Section 7 – Evaluation Process

7.1 ELECTION PROCESS

To be evaluated, the response to this RFQ must adhere to the format outlined in Section 6 – Submittal Requirements. Failure to adhere to this format may eliminate the response from any further consideration, at the sole discretion of the District.

7.2 EVALUATION COMMITTEE

Each response will be reviewed and evaluated by an Evaluation Committee consisting of representatives from District and the respective campus.

Upon receipt of Statements of Qualifications, the selection process may require interviews. It is anticipated that final selection would occur in approximately two months. The District at its discretion may select the most qualified firm directly from information submitted in the RFQ responses.

7.3 EVALUATION PROCESS

Each response received on or before the date stated will be reviewed and evaluated by the Evaluation Committee.

7.3.1 The Evaluation Committee will evaluate the Statements of Qualifications and recommend a qualified Entity. After the District accepts the recommendation, the

- Entity will be invited to submit a proposal to the District.
- 7.3.2 The review and evaluation will consist of the following:
Initially, a “pass/fail” evaluation will be made to determine compliance with the provisions of this RFQ. The decision to disqualify a response will be at the sole discretion of the District. This evaluation is based on the inclusion in the Qualifications of all of the requested information.

7.4 SCORED EVALUATION

Respondents must submit Qualification-Feasibility-Recommendation Submittals as described in this RFQ. The District’s Review Committee will evaluate each submittal based upon the criteria in Section 7, and may select one or more qualified Entities for oral interviews. Those Statements of Qualifications that pass the initial evaluation will then be rated based on the responses to Section 5, Required Response Format, Items 1 through 8 of this RFQ.

The District shall send written notice of selection with details concerning the contract negotiation and award procedure. If the District is unable to reach agreement with the first selected respondent, the District may proceed, at its sole discretion, to select the second selected Entity for contract negotiations and award. If the District is unable to reach agreement with the second selected Entity, the District may proceed, at its sole discretion, to select the third selected Entity for contract negotiations and award. The District reserves the right to contract for services in the manner that most benefits the District.

Section 8 – Evaluation Criteria

The District shall evaluate each respondent based upon the following criteria:

8.1 EXPERIENCE & QUALIFICATIONS:

Experience with projects and systems similar to those specified for this Project, and technical capability to address a broad range of systems, including centralized plant, thermal energy storage, air handling, electrical, water and piping reticulation.

- i. Mechanical Systems: heating, ventilating and air conditioning (HVAC) systems, energy management and control systems, domestic hot water systems, irrigation, and distribution systems, etc.
- ii. Plant. Distribution systems, cogeneration systems, etc.
- iii. Experience with the California Division of State Architect (DSA).
- iv. Expertise in energy conservation and proven ability to obtain rebates or other incentives

8.2 TECHNICAL APPROACH

Responses will be evaluated on the soundness and detail of presentation of technical strategies proposed for meeting the Districts energy efficiency objectives. The proposal should include descriptions of improvements both to the physical facility and to plant operations, method of conducting the audit and analysis, detailed plan for engineering and construction management, commissioning and training.

8.3 PROJECT TEAM / STAFFING

Demonstrated capability and experience of proposed team in engineering and management of a broad range of services, which may include but are not limited to the following:

- 8.3.1 Audit and Project Development: technical energy audit to evaluate costs and savings of a variety of energy-saving measures; project development plan including financial analysis.
- 8.3.2 Construction/Implementation/Financing: design services; equipment procurement and purchasing; construction management; thorough understanding of legal and political restrictions of public entities.
- 8.3.3 Commissioning/Guarantee/Monitoring: commissioning; continuing operations and maintenance for all improvements; staff training on routine maintenance and operation of systems; training of occupants; performance and cost guarantee of system performance/savings; monitoring and verification for measurement and reporting of the performance and savings from improvements; Educational.
- 8.3.4 Capability to Provide Educational / Research programs that interface with campus academic curriculum.
- 8.3.5 Ability to satisfy District's insurance requirements.
- 8.3.6 History of litigation and claims

Section 9 - Legal Authority

Legal authority for local government agencies in California to utilize private investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities lies in **California Government Code Section 5956-5956.10**.

A governmental agency may solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction by, and may lease to, private entities for energy or power production. (**California Government Code Section 5956.4 sub-paragraph [c]**).

In terms of the code:

- 9.1 "Government agency" includes a city, county, city and county, including a chartered city or county, school district, community college district, public district, county board of education, joint powers authority, transportation commission or authority, or any other public or municipal corporation. (**California Government Code Section 5956.3 sub-paragraph [a]**).
- 9.2 "Private entity" includes a person, business entity, combination of persons and business entities, or a combination of business entities. (**California Government Code Section 5956.3 sub-paragraph [b]**).
- 9.3 "Fee-producing infrastructure project" or "fee-producing infrastructure facility" means the operation of the infrastructure project or facility will be paid for by the persons or entities benefited by or utilizing the project or facility. (**California Government Code Section 5956.3 sub-paragraph [a]**).

To that end, the selected Entity/Entities will be required to provide adequate energy metering, monitoring and recording devices and equipment to allow the District to assess fees for use of electricity, chilled and/or hot water to external public and private entities that may use the facilities for purposes

other than normal college operation. The selected Entity/Entities shall assist the District in determining the actual cost for the use of these commodities. The Code requires a public hearing prior to implementation of a user fee. The energy provider shall be subject to all terms and conditions as outlined in the code. As a precondition to the imposition or increase of a user fee, the governmental agency shall conduct at least one public hearing at which public testimony will be received regarding a proposed user fee revenue or increase in user fee revenues. The public hearing shall precede the action by the governmental agency to actually impose a user fee or to increase an existing user fee. The governmental agency shall consider the public testimony prior to imposing a new or increased user fee.

The District reserves the right to request additional information that, in the District's sole discretion, is necessary to assure that a respondent is fully qualified to perform the services for this Project.

The District does not discriminate on the basis of race, color, national origin, creed, age, ancestry, medical condition, disability, gender, sexual orientation, marital or veterans status in consideration for an award of a contract.

EXHIBIT "A"

INSURANCE REQUIREMENTS

Minimum Requirements. The Entity shall, at its expense, procure and maintain for the duration of the Agreement, insurance against claims for loss including injuries to persons or damages to property which may arise from or in connection with the performance or non-performance of the Agreement by the Entity, its officials, officers, agents, representatives, employees or subcontractors. The Entity's insurance shall be primary and any insurance or self-insurance maintained by the Owner, its directors, officials, officers, employees and agents shall be excess of the Entity's insurance and shall not be called upon to contribute with it in any way

Such insurance shall meet at least the following minimum levels of coverage requirements:

(A) Minimum Scope of Insurance. Coverage shall be at least as broad as the latest version of the following: (1) *Commercial General Liability (CGL)*: Insurance Services Office (ISO) occurrence form CG 00 01; (2) *Commercial Automobile Liability*: Business Auto Coverage form number CA 00 01, code 1 (any auto); (3) *Workers' Compensation and Employers' Liability*: Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance; (4) *Professional Liability*: Coverage which is appropriate to the ESP's profession, or and that of its consultants or subcontractors; and (5) *Pollution Liability*.

(B) Minimum Limits of Insurance. Coverage's shall provide limits no less than:

(1) Commercial General Liability:

\$1,000,000 per occurrence for bodily injury, personal injury and property damage.
\$2,000,000 General Aggregate limit (other than Products Completed Operations)
\$2,000,000 Products Completed Operations aggregate limit
\$1,000,000 Personal and Advertising Injury
\$1,000,000 Each Occurrence Limit

(2) Automobile Liability:

\$1,000,000 per accident for bodily injury and property damage
Coverage for all owned, non-owned and hired vehicles

(3) Workers' Compensation and Employer's Liability:

Workers' compensation limits as required by the Labor Code of the State of California.
Employers Liability limits of \$1,000,000 per accident for bodily injury or disease; not less than:

Bodily Injury by accident \$1,000,000 each Accident
Bodily Injury by disease \$1,000,000 each Accident
Bodily Injury by disease \$1,000,000 Policy Limit

(4) Professional Liability:

Not less than \$1,000,000 per claim/aggregate.

Professional Liability. The Entity and its consultants and subcontractors shall procure and maintain, for a period of five (5) years following completion of the Project, errors and omissions liability insurance with limits discussed in this Section. The policy providing this coverage shall contain a retroactive date for

coverage that is on or before the date of commencement of Services to be performed under the Agreement. This insurance shall be endorsed to include contractual liability. The Entity agrees that, except for a reduction in limits caused by claims, there will be no changes to the policy that increases the Owner's exposure to loss.

Special Requirements and Endorsements. The insurance policies shall contain the following provisions and the Entity shall furnish endorsements (on forms supplied or approved by the District) or copies of policies to verify inclusion of the following provisions:

- (A) Commercial General Liability. (1) The District, its directors, officials, officers, employees and agents shall be covered as additional insured with respect to the performance of the Agreement by the Entity. (2) The insurance coverage shall be primary insurance as respects the District, its directors, officials, officers, employees and agents, or if excess, shall stand in an unbroken chain of coverage excess of the Entity's scheduled underlying coverage.
- (B) Automobile Liability. (1) The District, its directors, officials, officers, employees and agents shall named and covered as additional insured. (2) The insurance coverage shall be primary insurance as respects the District, its directors, officials, officers, employees and agents, or if excess, shall stand in an unbroken chain of coverage excess of the Entity's scheduled underlying coverage.
- (C) Workers' Compensation and Employers Liability Coverage. The insurer shall agree to waive all rights of subrogation against the District, its directors, officials, officers, employees and agents for losses paid under the terms of the insurance policy, which arise from services performed by the ESP its sub-consultants or subcontractors.
- (D) All Coverages. (1) Coverage shall not be suspended, voided, materially reduced or canceled except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the District. (2) Any failure to comply with the reporting or other provisions herein to provide certificates or endorsements shall not affect coverage provided to the District, its directors, officials, officers, employees and agents.

(If the Entity is self insured the Entity must provide information satisfactory to the District indicating State registration as such, and shall the above limits, terms and conditions shall also apply)