

State of New Hampshire Department of Energy



Weatherization Assistance Program

CFDA # 81.042

FAIN # DE-EE0009916

REQUEST FOR PROPOSALS #2022-003

Quality Assurance and Training and Technical Assistance Services

Release Date: Thursday, August 11, 2022

Proposals Due: 4:00 p.m. EST on Friday, August 26, 2022

Executive Summary

The New Hampshire Department of Energy (NHDOE) seeks the services of (an) experienced technical residential energy efficiency expert(s) over the course of two Weatherization program years (PY22, July 1, 2022, to June 30, 2023; and PY23, July 1, 2023, to June 30, 2024), with an option to extend for two additional years, to assist NHDOE with tasks related to the oversight of the federally funded Weatherization Assistance Program (WAP) in New Hampshire.

Those tasks broadly include:

- a. The conduct of detailed Quality Assurance Inspections (QAI) documented in written reports on dwelling units that have received weatherization services.
- b. The performance of “in-progress” inspections, including written reports, of projects while work is underway, to observe weatherization installation practices and procedures, including particular attention to health and safety protocols.
- c. The design and delivery of Training and Technical Assistance (T&TA) activities for the NH WAP generally, including those particular activities appropriate to address and correct deficiencies in weatherization techniques, practices, and/or procedures as observed during inspections.

An electronic proposal must be submitted to NHDOE no later than 4:00 p.m. EST on Friday, August 26, 2022. If NHDOE decides to award a contract or contracts as a result of this Request for Proposals (RFP), any contract award is contingent upon approval of the contract by the NHDOE and the Governor and Executive Council.

I. PERTINENT DATES AND INFORMATION

1. Schedule of Events

EVENT	DATE/DEADLINE	TIME
RFP Issued	August 11, 2022	
Close of Question Period	August 18, 2022	4:00 PM
Responses to Questions Posted	August 19, 2022	4:00 PM
Proposal Due Date and Time	August 26, 2022	4:00 PM

2. Written Inquiries

All inquiries concerning this RFP must be submitted by e-mail to the following RFP Point of Contact:

Joshua W. Elliott, Director, Division of Policy and Programs
New Hampshire Department of Energy
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
joshua.w.elliott@energy.nh.gov

Inquiries must be received no later than the Close of Question Period as specified in the Schedule of Events. The subject of the email should state the following: *RFP #2022-003 WAP QAI RFP Question Period*. **No phone calls please**. It is highly recommended that prospective proposers review the RFP as soon as possible and submit any questions promptly. Please note that responses to questions are carefully considered and may require several days. Responses to questions will be posted as received and can be found here: <https://www.energy.nh.gov/rules-and-regulatory/requests-proposals>.

3. Proposal Submission Instructions

Proposals shall be prepared electronically using MS Word, laid out so that pages can be printed double-sided on 8.5 x 11-inch paper. Documents should have a font size of not less than 12 and should have 1 inch page margins. Pages should be sequentially numbered. Proposals must be submitted electronically via e-mail to joshua.w.elliott@energy.nh.gov no later than the Proposal Due Date and Time as specified in the Schedule of Events, herein. The file will be considered received based on the timestamp in the receiver's e-mail. The NHDOE can accept electronic files no larger than 25 MB. Electronic proposals may consist of multiple attachments or one document with all attachments combined. The subject of the e-mail should state the following: *RFP# 2022-003 WAP QAI RFP Proposal*.

To guard against proposals potentially being overlooked due to being quarantined by the agency's spam protection software, it is strongly recommended that an email with no attachment be sent to the contact person initially stating that email(s) containing a proposal are to follow. The subject of the e-mail should state the following: *RFP# 2022-003 WAP QAI RFP Intention to File*.

Late submissions will not be accepted. Delivery of the proposals and attachments shall be the proposer's responsibility. The NHDOE accepts no responsibility for damaged, mislabeled, or undeliverable e-mailed proposals. Proposals that are incomplete will not be considered. **Faxed and physical proposals will not be accepted.**

The NHDOE shall assess completeness and responsiveness of the proposal to eliminate nonconforming proposals. The NHDOE may waive or offer a limited opportunity to cure minor or immaterial deviations from RFP requirements if it is determined to be in the best interests of the State. Any response that is filed shall be valid for not fewer than 180 days following the deadline for submission of proposals, or until the effective date of any resulting contract, whichever is later.

4. Restriction on Contact with State Employees

From the date of the release of this RFP until awards are made and announced regarding the selection, all communications with personnel employed by or under contract with the State regarding this RFP are forbidden, unless approved by the RFP point of contact, Joshua W. Elliott, Director, Division of Policy and Programs, or as otherwise outlined in Section VI.1.(b). NHDOE employees have been directed not to hold conferences and/or discussions concerning this RFP with any potential proposer during the selection process, unless otherwise authorized by the RFP point of contact, or as otherwise outlined in Section VI.1.(b).

II. BACKGROUND

1. General

The New Hampshire Department of Energy (NHDOE) is responsible for the administration of the federally funded New Hampshire Low-Income Weatherization Assistance Program (WAP). NHDOE develops annual contracts with the five New Hampshire Community Action Agencies (CAAs), located throughout the state and serving every NH county, to obtain weatherization services for the residences of income eligible clients. Each CAA retains staff or engages contractors for the performance of weatherization work in client homes. Weatherization staff or contractors at each CAA are trained and certified to serve as Quality Control Inspectors, Energy Auditors, Crew Chiefs, Installers, or Administrators and are responsible for providing weatherization services at the local level. Weatherization services are provided by agency in-house crews, or by agency sub-contractors, in accordance with federal and state regulations and as prescribed in the New Hampshire Weatherization Policies and Procedures Manual (NH PPM) and the NH Weatherization Field Guide. More information about the NH Weatherization Assistance Program is available at: [Weatherization Assistance Program | NH Department of Energy](#)

2. Quality Assurance Inspection services required

NHDOE requests proposals for the provision of Quality Assurance Inspection (QAI) services to assist NHDOE in meeting its obligations to the US Department of Energy (USDOE) for monitoring of the WAP. The Quality Assurance Inspector will be responsible for inspecting and reporting on dwelling units that have received PY22 and PY23 weatherization services in New Hampshire through the federally funded WAP in

the two twelve-month periods beginning on July 1, 2022 (known as PY22), and July 1, 2023 (known as PY23). There will be an option to extend the contract for an additional two program years at the NHDOE's election. NHDOE is responsible to the USDOE for performing Quality Assurance Inspections on at least 10% of the total units receiving WAP services in these program years, as well as for doing periodic in-progress inspections to observe workers on-site to ensure that safe work practices are being employed and that health and safety concerns are being addressed.

3. Training and Technical Assistance services required

A significant portion of the responsibility for state-level management of the federal Weatherization Assistance Program comes under the heading of Training and Technical Assistance (T&TA). The USDOE, which must answer to the Congress for the stewardship of the federal tax dollars placed into the Program, seeks to ensure that the Program is delivered professionally, utilizing the latest proven technological instruments and techniques, with personnel who are fully trained, credentialed, and supported to provide excellent weatherization services to low-income clients. The NHDOE, as the WAP grantee in New Hampshire, is seeking the provision of high-quality T&TA services to meet those USDOE expectations. See further explication of T&TA responsibilities in discussion of scope of services below.

4. Funding expectations in the course of this two-year period of performance

Based on current funding at the end of July 2022, and on the ability of the CAAs to complete weatherization work, NHDOE estimates that a total of 23 to 25 (twenty-three to twenty-five) quality assurance inspections and 10 (ten) in-progress safety inspections, two in each CAA service territory, will be necessary to meet DOE requirements in each of the program years PY22 and PY23. If federal funding for PY23 is significantly different from PY22, NHDOE will work with the contractor to revise the number of inspections, as necessary. NHDOE retains the right to alter the number of units that must be inspected in either program year within the limits of funding and time.

In addition to the traditional WAP funding sought annually by NHDOE to support weatherization work in the state, it appears likely that by the beginning of calendar year 2023 the WAP portion of the recent federal legislation known as the “bi-partisan infrastructure law” (BIL) will be available in New Hampshire. That funding, expected to begin in the second half of the NH WAP PY22 (January of 2023), is projected to provide approximately twice the funding for WAP work that the regular annual allocation to New Hampshire now provides, and the regular annual allocation is expected to continue. Current federal guidance regarding this new WAP support suggests that the first 18 to 24 months of what is to be a five-year BIL funding period will involve “ramp up” activities and will not significantly increase expectations for additional home weatherization completions. However, to the extent that additional homes will be completed using this

new money, and to the extent that T&TA services may need to increase in order to meet increased demands on the CAAs doing the work, proposers need to be aware that NHDOE is likely to seek an amendment to any contract resulting from this RFP, such amendment to increase by some relatively small amount the expectations for both the number of quality assurance inspections to be completed and the volume of T&TA activities to be delivered under that contract, at least in whatever will remain in the PY22 program year (out to June 30, 2023). Some additional re-negotiation and amending of the contract will likely be necessary for the second year of the contract period (PY23), as well as for the possible additional two-year extension of the contract, due to NH DOE's need to incorporate the new BIL money into the work. Proposers should keep in mind that expectations for both of the contracted deliverables – QA inspections and T&TA activities – are very likely to increase.

III. SCOPE OF SERVICES AND DELIVERABLES

NHDOE seeks expert services for the performance of inspections of completed and in-progress weatherization work for purposes of quality assurance and program compliance, as well as to observe and interview workers regarding health and safety issues. All inspections require written reports in accordance with the NH Policies & Procedures Manual, and in a format acceptable to NHDOE. The contractor will assist NHDOE to ensure that program regulations are followed, including but not limited to ensuring that: all appropriate measures are included on work orders; installed measures are allowable, effective, and of good quality workmanship; installed measures are comprehensive; and all measures meet program standards.

In addition, the successful proposer will be expected to assist the NHDOE WAP Program Manager in the design and delivery of appropriate weatherization training and technical assistance programs and activities, to address deficiencies gleaned from the QAI and in-progress field inspections, and to address the observed needs and the requested training topics of the wider NH weatherization network. Those appropriate training and technical assistance activities may include but are not limited to:

- Providing management for the New Hampshire state-wide Weatherization Technical Committee.
- Answering technical questions from the field regarding the use of the NH Weatherization Field Guide, the USDOE's Standard Work Specifications, etc.
- Conducting, or arranging for, mentoring activities for weatherization staff and/or contractors as needed and requested.
- Providing technical support to the NH WAP Manager in the development of annual planning and administrative documents required by the Program.
- Arranging larger scale training activities, utilizing third-party providers, to meet the needs of the various professionals doing weatherization work: retrofit installers, crew chiefs, home energy auditors, quality control inspectors, administrative personnel, etc.

The contracted period of performance:

The successful proposer shall commence work as soon as possible after the NH Executive Council approves the contract with NHDOE.

Funding for PY22 is assured and will require that all PY22 QA inspections and all PY22 T&TA activities be completed no later than June 30, 2023. Reporting on the last inspections of the year may be submitted to OSI no later than July 14, 2023. The final invoice for PY22 must be submitted to NHDOE by July 17, 2023.

Funding for PY23 is contingent upon a Congressional funding appropriation and upon timely allocation from US DOE to NHDOE. The successful proposer on this RFP must understand that the contract with NHDOE, in its second year, will be contingent upon receipt of PY23 federal funding. PY23 QA inspection work and all PY23 T&TA activities must be completed no later than June 30, 2024. Reporting on the last inspections of the year may be submitted to NHDOE no later than July 15, 2024. The final invoice for PY23 must be submitted to NHDOE by July 15, 2024.

The chosen contractor shall have the following responsibilities:

1. To randomly select, in each of the two program years, and in each of the Community Action Agency (CAA) territories, the required number of housing units on which quality assurance inspections will be performed, based on information from the CAAs regarding units completed and in progress. NHDOE reserves the right to add more quality assurance inspections to the scope in one or more CAA territories if it determines that such additions are necessary – for certitude about compliance, for instance – and are possible within the budget and time available. For each of the program years PY22 and PY23, NHDOE is seeking a proposal for QAI services on up to 25 (twenty-five) dwellings, those services to be allocated in the following manner among each of the CAA territories:
 - a) Community Action Program Belknap-Merrimack Counties: 5
 - b) Community Action Partnership of Strafford County: 2
 - c) Southwestern Community Services: 3
 - d) Southern New Hampshire Services: 9
 - e) Tri-County Community Action Program: 6
2. To schedule, in collaboration with the CAAs, a review of client file information and on-site unit inspection reports for each of the randomly selected units. Review of client files shall occur prior to visiting a client's home and performing the quality assurance inspection. CAAs and completed units are located throughout the state. File review

consists of, but is not limited to, reviewing reports, forms, work orders, and invoices for complete and accurate information.

3. To review electronic audit files and dwelling modeling in TREAT software to determine cost effectiveness of measures and projects.
4. To perform comprehensive quality assurance inspections utilizing NH PPM and Field Guide standards, including a review of the quality of workmanship. Field inspections should also include verification of building dimensions, space and surface locations and functions, window and door values and quantities, heating and domestic hot water system operation and safety, etc., and verification of installed insulation and air sealing measures. Verification of ventilation requirements must be done using ASHRAE 62.2-2016.
5. To utilize appropriate test-out diagnostics, including but not limited to combustion appliance zone, ambient CO, pressure pan, and fan flow testing.
6. To take digital pictures documenting both poor quality and good quality work.
7. To draft written reports, based on file review and in-field findings and observations, for NHDOE review and comment prior to final preparation for delivery to the responsible CAA. The contractor may be required to assist NHDOE in overseeing the resolution of any issues identified during the inspection process.
8. To perform at least two in-progress health and safety inspections in each program year on randomly selected projects in each CAA jurisdiction over the course of the contract period, and to provide a written report on each such inspection using the reporting form developed for that purpose. NHDOE reserves the right to increase the number of in-progress inspections in PY22; any increase will be known prior to working with the contractor to establish a budget for PY22 work. In-progress health and safety inspections may include but are not limited to observing and interviewing workers and clients, as well as reporting on adherence to OSHA regulations, EPA RRP regulations, worker personal protective equipment use, federal CDC and state HHS requirements, etc., in accordance with Sections 7.4.1, 7.4.2, and 7.4.3 of the NH PPM. If the inspection finds unsafe practices, the quality assurance inspector shall immediately notify the workers on site, the homeowner, the CAA responsible for the work, and NHDOE.
9. To record weatherization work deficiencies observed during both the Quality Assurance Inspection process and the in-progress health and safety inspections, and then to work with the NHDOE WAP Manager to design and possibly deliver T&TA activities to address and correct those deficiencies.

The services and deliverables to be provided by the contractor include:

1. Completed quality assurance and in-progress safety inspection report drafts, submitted to the Weatherization Program Manager in MS Word and Excel format for review and comment prior to final delivery to the CAA. Further drafts of the report should incorporate comments and content introduced by NHDOE. Report format must conform to the requirements identified in Section 6.1.1 of the NH PPM and approved by NHDOE.
2. Draft reports provided to NHDOE within 14 calendar days of the in-field inspection, for NHDOE review and return to contractor within 21 calendar days of in-field inspection; and final reports provided to NHDOE and to the responsible CAA within 30 calendar days of the in-field inspection. All draft and final reports will be provided by the contractor to NHDOE and the CAAs in electronic format.
3. Assistance to NHDOE with tracking of reports delivered to and responses received from CAAs; responses are to be received by NHDOE and the Contractor within 30 days of the delivery of the report to the CAA.
4. Assistance to NHDOE in determining if responses received from CAAs meet the compliance requirements of the WAP.
5. Re-inspection of previously inspected units if determined necessary by NHDOE.
6. Feedback and recommendations to NHDOE for program training activities that address field observations and that improve program services; and, in collaboration with NHDOE, design and perhaps conduct field and administrative training as necessary to address and correct observed program deficiencies.

Payment for inspection and reporting work will be made only on those dwellings for which:

- NHDOE has received a full draft report.
- Any re-inspection and report revision work has been completed.
- NHDOE has approved the final report.
- The final report has been delivered to the appropriate CAA.

Payment will not be made for any inspection activity that does not result in a timely approved and delivered final report. In situations where the Agency is required to perform additional work to bring the job into WAP compliance, the Contractor, in consultation with NHDOE, may be required to re-inspect and amend the final report to reflect full compliance. These additional responsibilities of the Contractor are fully payable under the contract and will not be expected of the Contractor if the budget will not allow.

Payment for the design and delivery of training and technical assistance activities will be made upon completion of those activities and at a rate agreed upon contractually with the successful proposer. Proposers should indicate an hourly rate suitable for their participation to meet the requirements of this portion of the project.

The contractor will be supervised by the NHDOE Weatherization Program Manager.

IV. QUALIFICATIONS

Eligible proposers will have knowledge of and expertise in Weatherization Assistance Program quality control and quality assurance inspection practices and procedures, will hold a current Quality Control Inspector certification, and will have training and/or experience in the following areas:

- Residential energy conservation.
- Home construction details (stick built and manufactured housing, single unit and multi-family).
- “House as a system” principles.
- Determination of cost-effective weatherization measures using standard energy audit diagnostics.
- Assessment of health and safety issues, including familiarity with safe practice protocols to deal with infectious diseases.
- Insulation and air sealing techniques.
- Enforcement of the Standard Work Specifications for weatherization field work as promulgated by the USDOE.
- Use of the Targeted Retrofit Energy Analysis Tool (TREAT) for creating, assessing, and reviewing energy audit dwelling models and for establishing work plans for subject buildings; contractor may also be required to adapt to a new, similar tool during the course of the contracted work period, as use of TREAT is scheduled to be phased out during that period.
- Quality Control Inspection proficiency which must be demonstrated by possession of a current QCI certificate from an IREC accredited training and testing center.
- Design and conduct of training and technical assistance in key weatherization skills and best practices.

In addition, the proposer must demonstrate that the person or persons assigned to perform the inspection and reporting tasks described in this RFP has/have the following qualifications:

1. A minimum three years’ experience performing final inspections with weatherization and/or home energy performance programs located within the cold climates of the US, preferably under a quality assurance program; and assigned staff must hold the national Quality Control Inspector certification. Assigned staff must have a thorough knowledge

of building science principles, building diagnostics procedures, weatherization practices and WAP program standards to successfully perform the Scope of Services.

2. Ability to communicate technical information clearly, both verbally and in writing.
3. Experience in the use of TREAT.
4. OSHA 30 Certification or receive certification within 30 days of contract execution.
5. An EPA Renovation, Repair, and Painting (RRP) Certificate or receipt of certification within 30 days of contract execution.
6. A “good standing” status in SAM, the federal System for Award Management, which means that the firm is not debarred and is, therefore, able to function under a contract which will make payments using federal dollars.
7. An ability to act and communicate professionally at all times.
8. A demonstrated proficiency in the design and conduct of weatherization skills training and technical assistance, including skills and practices necessary for the safe conduct of weatherization work when infectious disease is a factor.

V. COMPONENTS OF THE PROPOSAL

The proposal must provide the following information and adhere to the following outline:

1. **Table of Contents:** A section to indicate the location by page number of the information included.
2. **Description of Proposing Entity:** A brief description of the proposing entity's current practice and its history, i.e., how many years in business, corporate officers or company principals, office locations, professional and business association memberships, legal and organizational structure. Once a proposer is chosen, a certificate of insurance must be provided, along with proof of Worker's Compensation insurance, if applicable, and a Certificate of Good Standing from the NH Secretary of State's office.
3. **Response to the Scope of Services:** A discussion of how the contractor would perform the services, the resources the contractor would utilize, the issues and challenges the contractor foresees, etc. The response must contain sufficient technical detail to permit a meaningful evaluation.

4. **Relevant Experience:** A detailed description of the relevant experience of the proposer and/or those individuals expected to work on the project, as well as a description of the anticipated division of duties among individuals, if applicable. Please ensure that all items identified in Section C (Proposer's Qualifications) are addressed.
5. **References:** Three references from principals at other projects on which the proposer was involved and that are similar in scope and/or content to the one being proposed.
6. **Budget:** A detailed cost proposal for both PY22 and PY23, with a budget narrative explaining that proposal. There are two different inspections required: in-progress safety inspections (10 in number each year, 2 in each CAA territory each year) and quality assurance inspections of completed dwelling units (25 in number each year, see item 1 in the list of contractor responsibilities above). In each case, there should be a total per unit cost including the inspection, the draft report, and the final report. A cost category break down should include: time, materials/supplies, contractor fees, travel, and any other costs. Any component of the proposal that the proposer expects to subcontract to another entity should be clearly identified, with the associated costs and the identity of the subcontractor. A rate or fee structure must be included. In addition, the contractor will be expected to be involved in at least sixty (60) hours of training and technical assistance activities, and more hours are acceptable, combining design and delivery, in each program year and an hourly fee amount for those services should be part of the budget. Funding for PY22 is assured; funding for PY23 is expected to be about the same as that for PY22 but is dependent upon the Congressional appropriations process and allocation decisions by the USDOE, so the actual number of PY23 inspections to be completed, and the number of hours devoted to T&TA activities will be established once funding is known.

In order to respond to this RFP, with the two-year time-frame of July 1, 2022, through June 30, 2024, proposers need to be aware that NH DOE is able to consider proposed budgets of up to \$65,000 per year, or \$130,000 in total for the contract period.

7. **Disclosure:** Any existing or potential conflicts of interest that might compromise or appear to compromise the independence and objectivity of the QA inspections should be identified, including those that arise as a result of familial or financial relationships or affiliations with employees at the NHDOE, or any of the Community Action Agencies participating in the New Hampshire Low-Income Weatherization Assistance Program, or the utilities managing the CORE Home Energy Assistance Program.

Financial Information: Financial statements are not required in this RFP but may be requested from the winning proposer.

VI. EVALUATION PROCEDURES AND SELECTION CRITERIA

1. Procedure for Proposal Evaluation

Proposals will be evaluated, and an award will be made, according to the criteria set forth in Section VI.2. of the RFP. The evaluation will be based solely on the proposals. Therefore, insufficient or unclear information may result in a low score.

The procedure for proposal evaluation and Technical Monitor selection will be as follows:

- (a) An Evaluation Team for the State will review the information and proposals submitted by each proposer based upon the criteria established in the RFP.
- (b) If numerous acceptable and potentially acceptable proposals have been submitted, the Evaluation Team will rank the proposals and create a “priority list” of the proposers who submitted high ranking proposals. Some or all proposers may participate in a detailed oral interview to more fully discuss their approach to this project. Interviews may be conducted in person or via remote access.
- (c) A letter of intent will be sent out to the selected proposer’s authorized submitter and an agreement will be entered into between NHDOE and the chosen authorized submitter.
- (d) After a contract with the proposer is approved, work can begin on the proposed project.

2. Scoring Criteria and Weight

The Evaluation Team shall consider all the following criteria, and assign a corresponding point score, where a maximum score for all criteria shall be 100 points. Cost is a consideration but may not be the determining factor in the selection of the Technical Monitor. The NHDOE reserves the right not to consider any proposal with a total aggregate point score of less than 70 points.

(a) Quality and Clarity of Proposal: Overall responsiveness to the requirements of the RFP, including completeness, clarity, and quality of proposal. (Maximum Point Score: 10)

(b) Soundness of Proposed Plan of Approach: Proposal discusses in detail how proposer plans to perform the services and how resources will be deployed. (Maximum Point Score: 20)

(c) Qualifications of Proposer; Knowledge and Experience; Capacity: The proposer possesses adequate experience, credentials, knowledge of WAP and TREAT, and staff capacity to provide T&TA services. (Maximum Point Score: 30)

(d) Communication Skills: The proposer has demonstrated ability to effectively communicate with NHDOE, CAAs, WAP clients, and ability to communicate technical information clearly, both verbally and in writing. (Maximum Point Score: 15)

(e) Confidence in Proposer's Ability to Meet Timelines: (Maximum Point Score: 10)

(f) Budget: Shows fiscal responsibility, reasonableness of costs, and understanding of available project funds. (Maximum Point Score: 15)

VII. CONFIDENTIALITY

Each proposer agrees to maintain as confidential all information received from the NHDOE in the course of this RFP and contracting process until such time as it is instructed otherwise by the NHDOE. A proposal must remain confidential until the effective date of any contract resulting from this RFP. A proposer's disclosure or distribution of proposals or the information received from the NHDOE or Evaluation Team other than as permitted by the NHDOE will be grounds for disqualification.

VIII. GENERAL REQUIREMENTS AND CONDITIONS

1. All contracted activities resulting from this RFP are subject to the availability of Federal funds. General funds shall not be used.
2. All parties submitting proposals shall be Equal Opportunity Employers. Funding recipients will be expected to comply with all federal, state, and local laws respecting non-discrimination in employment.

3. By submitting a proposal, the proposer acknowledges that the NHDOE is subject to the Right-to-Know Law, RSA Chapter 91-A. Accordingly, information submitted as part of proposal packet in response to this RFP may be subject to public disclosure unless otherwise exempt. *See* RSA 91-A and RSA 21-G:37, VII. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP may be made accessible to the public online through the website Transparent NH: <http://www.nh.gov/transparentnh/>.

Notwithstanding RSA 91-A:4, information relating to proposals shall remain confidential until the resulting contract is approved by the Governor and Executive Council, or, if the contract does not require approval from the Governor and Executive Council, until the effective date of the contract as determined by the issuing agency. RSA 21-G:37.

Business financial information, confidential information, such as personally identifiable information, proprietary information such as trade secrets, financial models and forecasts, and proprietary formulas, are categories of information that may be exempt from public disclosure. RSA 91-A:5, IV.

If any part of its proposal contains information that a proposer asserts is exempt from public disclosure, **the proposer must specifically identify all relevant text in a letter to the NHDOE and must mark or stamp each page of the materials claimed to be exempt from disclosure as “confidential,”** and provide support for such assertion(s) as part of the proposer’s response to this RFP. The proposer shall explain, in writing, what measures it has taken to keep such information confidential, and the personal privacy or competitive business interests that would be harmed if such information were to be publicly disclosed. The explanation shall also identify by page number the specific information the proposer claims to be exempt from public disclosure pursuant to RSA 91-A:5. It is helpful if the text claimed to be confidential is also highlighted, underlined, or otherwise identified in the actual proposal packet itself. Marking the entire proposal or entire sections of the proposal (e.g., costs) as “confidential” will neither be accepted nor honored.

4. NHDOE may investigate the qualifications of any proposer under consideration, require confirmation of information furnished by proposer, and require additional evidence of qualifications to perform the work described in this RFP.
5. The NHDOE reserves the right: to reject any or all proposals, or any part thereof; to determine what constitutes a conforming proposal, to waive irregularities that it considers non-material to the proposal, to remedy technical errors in the RFP process, to appoint a selection committee to review proposals, to interview less than all proposers, to reject and replace one or more proposed subcontractors, to cancel the entire RFP, to make funding

decisions, including partial awards, and to increase or decrease the amount of funding available, solely as it deems to be in the best interests of the State; to negotiate with any party in any manner deemed necessary to best serve the interests of the State, and to extend any contract for a period of up to two years.

6. The NHDOE reserves the right to amend, extend or cancel this RFP at any time at its sole discretion. Any changes to this RFP will be made in writing and made available to the public on NHDOE's website. No oral modifications will be binding. Proposers should check the NHDOE website at [Requests for Proposals | NH Department of Energy](#) for any addenda to this RFP and for answers to questions other proposers may have submitted, if any, before submitting their proposals.
7. NHDOE reserves the right to negotiate terms, including award amounts, with proposers, and may also request that multiple proposers work together on tasks in order to reduce duplication of effort.
8. This RFP and all information relating to this RFP (including, but not limited to, fees, contracts, agreements, and prices), are subject to the laws of the State of New Hampshire regarding public information and state procurement of goods and services.
9. The terms and conditions set forth in the State's Form P-37 (version 12/11/2019) "Agreement, General Provisions" (General Provisions) for contracts, attached hereto as Appendix B, shall apply to the contract to be entered into with the winning proposer. In addition, each contract shall be supplemented by three exhibits: Exhibit A will include any special provisions, including any modifications to the General Provisions regarding insurance coverage and other matters; Exhibit B will set forth in detail the Scope of Services; and Exhibit C will set forth in detail the price limitation, the source of payment, and any preconditions to payment. In addition, a number of exhibits may consist of federally required certifications by grantees of federal funds.
10. As with all contracts made with the State of New Hampshire or using federal funding, certain requirements apply, including registration with the NH Secretary of State's Office. These requirements can be found at the State's Vendor Resource Center at <https://das.nh.gov/purchasing/vendorresources.aspx>.
 - a. Additionally, the successful proposer will be required, among other things to provide:
 - i. The NH Secretary of State's Certificate of Good Standing;
 - ii. The Certificate/Vote of Authority from a governing body of the proposer if applicable;
 - iii. The completion of a State of New Hampshire Vendor Application form;

- iv. Proof of sufficient liability and workers' compensation insurance unless a waiver is requested and approved;
 - v. Proof of active registration in the Federal System for Award Management (SAM) and have a Unique Entity Identifier (UEI) number of proposer and sub-contractor(s);
 - vi. Sign certain assurances including but not limited to: Drug Free Workplace; Lobbying; Americans with Disabilities Act Compliance; Environmental Tobacco Smoke; Federal Funding and Accountability Act (FFATA) Compliance; Buy American Compliance; and National Environmental Policy Act (NEPA) compliance.
11. Once a contract becomes effective, any subsequent material changes or modifications to the contract terms must be submitted for review and prior approval by the Commissioner of the NHDOE and, if applicable, the Governor and Executive Council.
12. Property of the State: All materials and data submitted or received in response to this RFP will become the property of the State and will not be returned to the proposer(s). Upon contract award, the State reserves the right to use any information presented in any proposal, provided that its use does not violate any copyrights, or other provisions of law, including RSA 91-A.
13. Non-Collusion: The proposer's signature on a proposal submitted in response to this RFP guarantees that the prices, terms and conditions, and work quoted have been established without collusion with other proposers and without effort to preclude the NHDOE from obtaining the best possible competitive proposal. Proposers who wish to submit joint proposals with other consultants must clearly identify that the proposal is a "joint proposal" and must identify all proposers in the first instance.
14. The NHDOE and or its assignee reserve the right to inspect and monitor financial records and transactions related to any contract awarded under this RFP.
15. Reasonable access must be provided to the NHDOE and the USDOE and/or its assignee to all administrators, vendors, facilities, work sites, employees of the Technical Monitor(s), and financial or other records; and reasonable assistance must be available to NHDOE and USDOE to ensure safe and convenient performance of site visits and evaluations.
16. NHDOE reserves the right to issue periodic notices, memos, and updated reporting forms, and information.

17. NHDOE requests notification about media inquiries, responses, and published clippings.
18. NHDOE will require notification, as soon as possible, of issues concerning the Technical Monitor or their company that have or may potentially have legal implications as a result of their actions through this contract.
19. NH WAP client information is confidential. By submitting a proposal to this RFP, proposers hereby agree not to disclose any client information in any form for any purpose not required by local, state, or federal law. Failure to maintain awardee confidentiality will be punishable to the fullest extent of the law. Client file information cannot be used as a resource for the financial benefit of the contractor now or in the future for any purpose.
20. Challenges on Form or Process of the RFP: Any challenge regarding the validity or legality of the form and procedures of this RFP, including, but not limited to, the evaluation and scoring of proposals, shall be brought to the attention of the NHDOE at least ten (10) business days prior to the proposal submission deadline, by sending written notice to the RFP Point of Contact, Joshua W. Elliott, Director, Division of Policy and Programs. By submitting a proposal, the proposer is deemed to have waived any challenges to the NHDOE's authority to conduct this procurement and the form and procedures of this RFP.
21. This RFP does not commit NHDOE to make any awards, nor does it obligate NHDOE or any other entity to pay for any costs incurred in the preparation and submission of the proposals, negotiations, or meetings subsequent to the proposal closing date, or in anticipation of an award. All proposals shall be submitted at no cost to the NHDOE. NHDOE will not reimburse any costs associated with the development of a proposal.
22. No award executed as a result of this RFP will be considered legally binding until duly authorized and approved by the Governor and Executive Council of the State of NH.
23. Any contract awarded from this RFP will expire on June 30, 2024. NHDOE will have the option, at any time and at its sole discretion, to terminate the contract or postpone or delay all or any part of the contract, upon written notice. NHDOE anticipates that the contract will also have the option, at the NHDOE's discretion and with the willing negotiation of the contractor, to increase the scope upon the receipt of additional funding and to extend the contract for up to 24 more months after June 30, 2024.

IX. GENERAL PROVISIONS, FORM P-37, AND CERTIFICATES

The selected proposer(s) will be expected to enter into a contract with the State of New Hampshire. The terms and conditions set forth in Form P-37 General Provisions are mandatory and will apply to any contract awarded to the proposer, as will a number of federally required certifications. In addition, project specific terms and conditions will be negotiated with the proposer and included in the final contract. For the convenience of the proposers, Form P-37 has been included in Appendix B.

When responding to this RFP, each proposer must explicitly indicate that the proposer shall comply with the requirements of Form P-37. To the extent a proposer believes that an exception to the standard form will be necessary for the proposer to enter into a contract, the proposer should raise that issue during the proposer inquiry period. The NHDOE will review the inquiry regarding the requested exception(s) and respond that the exception is accepted, rejected, or note that the NHDOE is open to negotiation regarding the requested exception(s) at the NHDOE's sole discretion. If a proposer's exception is accepted, or is open to negotiation, the NHDOE will, by means of posting the answer to the proposer's inquiry, and prior to the conclusion of the inquiry response period, provide notice to all potential proposers of the exception(s) which has been accepted, or is open to negotiation, and indicate that exception is available to all potential proposers. Any exceptions to the standard form contract that are not raised during the proposer inquiry period are waived. In no event is a proposer to submit its own standard contract terms and conditions as a replacement for the State's terms in response to this RFP. The proposer inquiry period begins when the RFP is posted, and ends at the conclusion of the RFP's written inquiry period. All inquiries must be in writing, and must be sent to the RFP point of contact identified above.

With regard to Form P-37 General Provisions, Paragraph 14, "Insurance," please note that proposers may be allowed to substitute professional liability insurance for part or all of the per occurrence comprehensive general liability insurance coverage. In addition, excess liability insurance in an equal amount may be substituted for up to \$1,000,000 of the per occurrence comprehensive general liability or professional liability insurance coverage. The State reserves the right to consider further waiving or modifying the insurance requirements in Paragraph 14 based on inquiries and proposals submitted, consistent with the procedure described above.

A proposer will be required to fill in the P-37 Form ONLY upon the NHDOE's selection of its proposal, and prior to submission of the final contract for review and approval by the NHDOE Commissioner and, if applicable, the Governor and Executive Council.

The selected proposer(s) will be required to provide the following certificates prior to entering into a contract with the NHDOE:

Secretary of State’s Office Certificate of Good Standing (“CGS”)	Business organizations and businesses using trade names need a CGS, except for nonresident nonprofit corporations. Individuals contracting in their own names do not need a CGS.
Proof of active SAM registration	Proposer and any sub-contractor, if used, must provide proof of active SAM registration and a valid UEI number. Proposer and any sub-contractor must not be debarred from working on projects funded with Federal funds.
Certificate of Vote/ Authority (“CVA”)	Business entities and businesses using trade names need a CVA. Individuals contracting in their own name do not need a CVA.
Certificate of Insurance	Certificate of Insurance form attached with insurance coverages required under the contract. Modifications of insurance coverage required will be specified in the contract.
Workers’ Compensation	Contractor must demonstrate compliance with or exemption from RSA 281-A (and if applicable, RSA 228:4-b and RSA 21-I:80, and any other applicable laws or rules).

The selected proposer(s) will be required to provide the above certificates ONLY upon the NHDOE’s selection of their **proposal, and prior to submission of the final contract(s) for review and approval by the NHDOE Commissioner and, if applicable, the Governor and Executive Council.**

X. ETHICAL REQUIREMENTS

From the time this RFP is published until a contract is awarded, no proposer shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined in RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. Any proposer that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any proposer who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on this RFP, or similar request for submission and every such proposer shall be disqualified from bidding on any RFP or similar request for submission issued by any State agency. A proposer that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the State's internal intranet system, except in the case of annulment the information shall be deleted from the list.

Appendix A. SCORING CRITERIA SUMMARY SHEET

Proposer:

Factor	Maximum Score	Score	Comments
Quality and Clarity of Proposal	10		
Soundness of Approach	20		
Qualifications, Knowledge, Experience, and Capacity of Proposer	30		
Communication Skills	15		
Confidence in Proposer's Ability to Meet Timelines	10		
Budget	15		

Comments:

Appendix B. Form P-37

A copy of the State of New Hampshire's General Provisions to be executed by the parties can be found substantially in the form posted at

<https://www.nh.gov/nhdoc/business/documents/contract-p37.pdf>

Proposer will be required to fill in this form ONLY if and when its proposal is selected by the NHDOE.