

REQUEST FOR PROPOSALS

WORK: Energy Performance Contract for energy efficiency retrofitting of City buildings.

The City of Manitou Springs requests proposals for:

Energy performance contracting to increase energy efficiency by retrofitting the City's existing buildings.

Any questions concerning this Request for Proposals shall be directed **IN WRITING ONLY** to Mary Ellen Montgomery, FAX: 719-685-1386, or E-MAIL: mmontgomery@comsgov.com.

Title: Manitou Springs Public Works ESCo Liaison

SUBMITTAL DATE AND LOCATION:

Date of Request: April 22, 2009

Due Date for Proposals: May 29th, 2009 by 10:00 A.M.

Submit one copy of the Proposal to:
Rebecca Davis, Deputy Finance Director
City of Manitou Springs
606 Manitou Avenue
Manitou Springs, Colorado 80829

OPTIONAL PRE-PROPOSAL MEETING:

Date & Time: May 4, 2009 10:00 A.M.

Location: Manitou Springs City Hall
606 Manitou Avenue
Manitou Springs, Colorado 80829

Contractors may attend the optional pre-proposal meeting to obtain a greater understanding of the City's needs under an energy performance contract. A tour of the work site will follow the pre-proposal meeting for those interested.

BID OPENING:

Date & Time: May 29, 2009 10:00 A.M.

Location: Manitou Springs City Hall
606 Manitou Avenue
Manitou Springs, Colorado 80829

PUBLICATION DATE: April 23, 2009

PUBLISHED IN: *Pikes Peak Bulletin*

City of Manitou Springs Request for Proposals Energy Performance Contracting Program

The City of Manitou Springs (the “City”) is seeking proposals from interested Energy Services Companies (“ESCOs”) that are capable of providing comprehensive energy management and energy-related capital improvement services through an Energy Performance Contract (“EPC”) that will improve the energy and water efficiency of the City’s facilities.

For purposes of this document, an “energy performance contract” shall mean a contract for energy efficiency services and equipment in which the payment of the obligation is guaranteed by the ESCo under contract to be less than the energy cost savings attributable to the services of equipment under the contract, for the term of the contract.

The City is interested in contracting a full range of energy and water services and energy-related capital improvements financed through a performance-based contract with guaranteed savings at no initial capital cost to them. These services may include, but are not limited to: design, acquisition, installation, modification, maintenance and training in the operation of existing and new equipment, all aimed at reducing energy consumption and cost associated with the heating and ventilation system, the lighting system, the water system, and other energy using devices.

I. Project Overview

The City owns and operates numerous city buildings that are in need of updating to maximize energy efficiency. A detailed list of the City’s properties can be found herein at Section II(B). The City is currently seeking proposals by qualified ESCOs for an energy performance contract to retrofit and upgrade the City’s buildings, facilities and street lighting to improve energy efficiency and reduce operation and maintenance costs. Specifically, the city is seeking ESCo proposals that would provide for the following services:

1. Conduct an inventory of City buildings and facilities to identify and evaluate energy-saving opportunities, including proposals for resource management;
2. Design an energy efficiency program that meets the City’s specific energy efficiency needs;
3. Manage the project from design to installation and conduct follow up monitoring of all improvements;
4. Arrange for financing of efficiency upgrades, including applications for federal and state grants;
5. Train City staff to provide ongoing energy-efficient maintenance services; and
6. Guarantee that energy savings will meet or exceed all project costs.

II. Background Information.

A. General Information

The City lies in a unique natural setting at the foot of Pikes Peak. Three (3) creeks run through the City year round and there are also an abundance of mineral springs that have historical importance and play a large role in local culture and economics. The City is surrounded by grand caverns and red ridges that are within walking distance of City Hall. The City has one small reservoir for its water supply and an existing hydroelectric plant on Ruxton Creek that supplies Colorado Springs with electricity.

Over the last twelve (12) months the Manitou Springs Climate and Air Quality Committee has developed a draft Climate Action Plan through the efforts of five (5) working groups, City Council, staff, and volunteer members. An emissions inventory and forecast was conducted analyzing various greenhouse gas reduction measures.

In March of 2007, the Manitou Springs City Council unanimously passed a resolution stating the City's intent to embark on a greenhouse gas reduction program and authorizing the City of Manitou Springs to join the International Council for Local Environmental Initiative's (the "ICLEI") and the Cities for Climate Protection Campaign. In its Resolution, the City Council stated its intention to take a leadership role in the Pikes Peak Region by increasing energy efficiency and reducing greenhouse gas.

Manitou Springs was the seventh Colorado community to commit to reducing greenhouse gas pollution by joining the Cities for Climate Protection Campaign. The City is now among more than 420 ICLEI member cities in the United States and 800 member cities worldwide working to address global warming and local air pollution. According to the ICLEI, Manitou Springs is the first member city to have a citizen-led greenhouse gas reduction process.

In joining the Cities for Climate Protection Campaign, the City committed to a five-milestone process for reducing local emissions that contribute to global warming: (1) conduct a local emissions inventory and forecast of greenhouse gas emissions; (2) adopt an emissions reduction target; (3) draft an action plan to achieve the target; (4) implement the action plan; and (5) evaluate, report on progress, and update plans. For a full review of the Emissions Inventory and Climate Action Plan go to www.manitouspringsclimate.org , click on Climate Action Plan.

B. City Facilities

The City has a number of facilities that could benefit from upgrades to existing power, heat, and air conditioning. Such improvements would reduce the City's carbon footprint and minimize the financial expense of running antiquated installations. Below is a list of the City's facilities:

1. Water Filter Plant. One of the City's biggest users of electricity, the water filter plant is located on a windy hilltop with a fifteen inch (15') raw water line coming in at a steep angle. The water filter plant was built in approximately 1983 and is approximately 3,888 square feet in size. The building has electric heating and minimal insulation.

2. Public library. The City's public library was erected in 1910 and is 2,628 square feet in size. The City is currently in the process of obtaining funding to build an addition to the library and perform certain upgrades to the building's heat and air conditioning

3. City Hall. City hall was built in 1910 and is 14,200 square feet. The building is located directly in front of a year round creek and sits atop of a mineral spring. Both the police station and the firehouse are attached to City Hall. City Hall has been renovated and enlarged many times and is subject to some historical building constraints. The building has an outdated HVAC system, virtually no insulation and older windows. Additionally, the building uses older fluorescent fixtures that could benefit from a T-12/T-8 conversion.

4. Aquatics Center. The aquatics center was built in the early 1970's and is approximately 9,034 square feet. The structure houses the City's swimming pool, which is in need of energy efficient upgrades to the pool's heating such as solar hot water or geo-thermal heat. The aquatic center also sits next to a creek that could be used for hydroelectric power generation.

5. Public Works Facility. The public works facility consists of 3 large metal buildings totaling approximately 14,001 square feet. The public works facility was built in the early 1980's and currently uses an HVAC system. The City is concerned with temperature regulation in these buildings which are hot in the summer and cold in the winter.

6. Street Lighting Citywide. Street lighting generates approximately thirty eight percent (38%) of the City's energy costs. The City is interested in innovative solutions to this high energy consumer as well as improved lighting in residential neighborhoods.

C. Community Goals

1. Carbon Reduction

The Manitou Climate Action Plan focuses on six areas for carbon reduction: (1) the City government; (2) residential properties; (3) business and economic development; (4) waste reduction and recycling; (5) transportation; and (6) events education and outreach. Proposals should include proposals to reach the City's carbon reduction goals. Specifically, the City has adopted the following goals with relation to its public facilities:

- **City Government**

- Invest in energy efficiency in city buildings and fuel efficiency and alternative fuels for fleet vehicles; investigate opportunities for renewable energy installations, and to increase street lighting efficiency.
- Zero Waste Requirements for City-Sponsored Events
- Wind Purchase
- Bus Pass Program for City Employees with bus stops
- Leed certification for all new construction

- **Residential Properties**
 - Pledges to reduce household energy use by at least ten percent and collaboration with the school district on energy efficiency education.
 - Carbon Reduction Checklist and Pledge
 - Residential Solar Photovoltaic (PV) Installations
 - Residential Wind Power
 - Promote the LEAP and Energy Resource Center Programs
 - Interfaith Light and Power Program

- **Business and Economic Development**
 - Retrofit existing fluorescent lights with energy efficient bulbs and ballasts.
 - Business Wind Power
 - Commercial Lighting Conversion

- **Waste Reduction and Recycling**
 - Explore a franchise agreement for waste hauling and curbside recycling and re-establish a west side recycling center.
 - Community hazardous waste collection

- **Transportation:**
 - Increase transit use
 - Explore re-establishing the trolley,
 - Create a small park and ride area.

- **Events Education and Outreach**
 - Continue to host an annual fall Climate and Energy Extravaganza and disseminate information via a web site, speakers, and collaboration
 - Compact Fluorescent Light Bulb Giveaway
 - Energy Reduction Contest

Proposals should include any resources that the ESCo can provide to achieve these community goals, including any behavior modification processes that have proven successful.

2. Solid Waste

In Manitou Springs, solid waste generates a higher than average percentage of total emissions for several reasons. None of the methane generated through the anaerobic decomposition of organic materials at the three (3) area landfills is “recovered” or used and is instead flared or emitted into the atmosphere. Recycling rates are low due to limited curbside recycling opportunities. With a visitor-based economy, the City generates more waste than the number of residents would indicate.

3. CO₂e Emissions

Compared with other communities, transportation generates a smaller percentage of emissions in City, most likely because only vehicle miles traveled within city limits are

considered. With employee commute emissions, total government operations generated 3028 tons of CO₂e in 2005. The government sector is assumed to remain stable, precluding the need for a forecast. The reduction goal is 303 tons CO₂e.

**Table 1
2005 Community CO₂e emissions and 2010 forecast**

	2005	2010 Forecast				
	CO ₂ e tons	CO ₂ e tons	Change	% Change	10% Below 2005	Reduction Goal (tons)
Residential	23,353	21,043	-2,310	-9.9%		
Commercial	19,850	18,566	-1,284	-6.5%		
Waste	7,279	7,661	382	5.2%		
Transportation	5,633	5,568	-65	-1.2%		
Total	56,115	52,838	-3,277	-5.8%	50,504	2,335

Manitou's energy trajectory is already decreasing such that the 2335 tons would allow us to be at 10% below the 2005 baseline.

4. Greenhouse Gas Reduction

Establishing a greenhouse gas reduction target provides a clear objective with which to measure progress. Setting specific greenhouse gas reduction goals also furthers the following City policies:

1. The City's goal to be a green community by supporting efforts to enhance our pedestrian-friendly environment, strengthening our established recycling program, advocating for improved regional transit services, and encouraging use of more fuel efficient vehicles.
2. The City's comprehensive plan and the Rainbow Vision Plan, which seek to protect and preserve the City's environmental resources and to participate in the promotion of better health.
3. The City's participation in the Pikes Peak Regional Sustainability Indicators Project.

Moreover, in December 2007, the City Council unanimously approved a resolution stating the City's greenhouse gas reduction goals to attain a ten percent (10%) reduction in greenhouse gas emissions from its 2005 levels by 2010; a thirty percent (30%) reduction from its 2005 levels by 2020; and a commitment to ensure that all new buildings and developments can and will be carbon neutral by 2030. The 10% reduction goal for the end of 2010 totals 2,335 tons.

E. City Facility Data

Below is data indicating the City’s energy usage. Given that the City’s buildings are inefficient on average, an estimate of twelve percent (12%) CO₂e reduction per building is conservative. Table 2 shows the carbon reduction potential at this rate for each city building. The library is scheduled for expansions that will double its size. This estimate assumes, with green building techniques, that library energy use will increase by seventy five percent (75%), hence the negative number calculation in the table.

**Table 2
Government CO₂e reduction through building energy efficiency: with library numbers relating to after proposed construction.**

	2005 CO ₂ e	12% CO ₂ e
Pool	460	55.20
Water Treatment Plant	262	31.44
City Hall	212	25.44
Fire Station	79	9.48
Public Works Bldg B	32	3.84
Public Works Bldg A	31	3.72
Public Works Bldg C	29	3.48
Library	27	-6.75
Total tons CO₂e reduction		125.85
% of Target		41.53%

**Table 3
Baseline government emissions (tons) and cost by department.**

Department	Energy CO ₂	Energy Cost	Fleet CO ₂	Fleet Cost	Waste CO ₂	Waste Cost	TOTAL CO ₂ *	TOTAL Cost
Streetlights	1127	\$97,644					1127	\$97,644
Pool	460	\$46,857			14	\$510	474	\$47,367
Public Works*	92	\$10,050	152	\$26,079	117	\$5,068	361	\$41,197
Water Treatment	262	\$23,917	19	\$3,209			281	\$27,126
City Hall/Admin.*	212	\$18,175	5	\$895		\$793	238	\$19,863
Public Trash Cans					159	\$5,975	159	\$5,975
Fire	79	\$6,936	25	\$4,898	7	\$255	111	\$12,089
Police			100	\$17,082			100	\$17,082
Library*	27	\$2,675					27	\$2,675
TOTAL	2259	\$206,254	301	\$52,163	318	\$12,601	2878	\$271,018

**Baseline government emissions (tons) and cost by department*

**City Hall includes Police utility and waste costs*

**Library does not include solid waste*

**Public Works includes water and sewer fleet data*

**Employee commute was not broken down by department and is not included in total*

A 12% CO₂e reduction model was used to for the purpose of these tables. At 12 percent improvement in energy efficiency, the performance contracting should meet over 40 percent of the government reduction target. The City is aware that with appropriately applied performance contracting technologies qualified through the Governors Energy Office the City will be able to achieve even greater savings.

Figure 1 illustrates the total CO₂e from natural gas and electricity use (Energy), fuel purchases (Fleet), and solid waste disposal by department. Street lighting generates approximately thirty nine percent (39%) of the City's greenhouse gas emissions and thirty eight percent (38%) of energy costs for the city (electricity, natural gas, and fuel purchases combined). The high-energy intensity of heating the water facility places the pool second in emissions and cost. Public trashcans, like street lighting, are not attributable to any department. Methane emissions from solid waste disposed of in public trashcans accounts for six percent of government emissions.

Figure 1
Total CO₂e Emissions

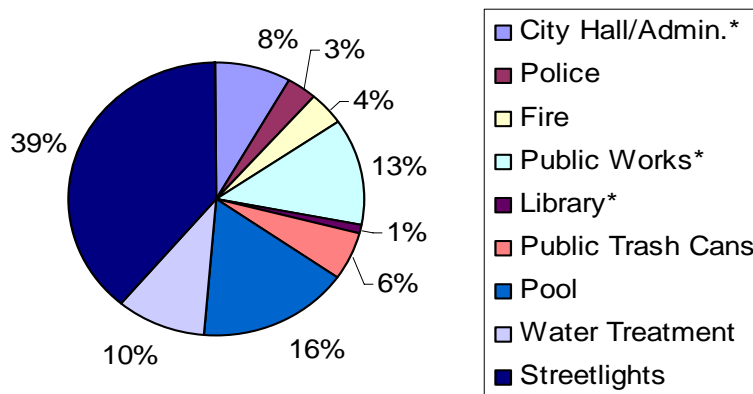
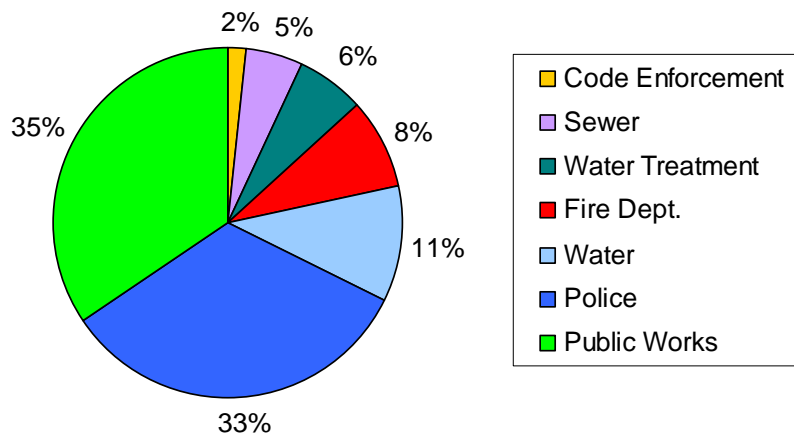


Figure 2 illustrates that costs closely track emissions levels. Greenhouse gas pollution is costly and reducing emissions means reduced operations costs. Again, these are costs of electricity, natural gas, gasoline and diesel fuel, and waste hauling aggregated by department.

Figure 2



III. General Information

A. Only energy performance contract proposals based on guaranteed savings agreements will be considered.

B. It is expected that the savings or guarantee(s) provided by the ESCo selected pursuant to this RFP will fully offset the City's project costs.

C. Proposals should define arrangements for acquisition, financing, and ownership of equipment to be installed as part of this project that responsibly maximize the net economic benefit to the City or reduce the risk.

D. Financing. The selected ESCo will facilitate the acquisition of a loan to cover the cost of the EPC.

E. The ESCo selected as a result of this RFP will be expected to provide comprehensive energy services, including but not limited to:

1. Energy Audit - The performance of an investment quality comprehensive energy audit. The services must include:
 - a. An audit of current utility consumptions verifying all financial data reported to the City.
 - b. An audit of all energy systems within the City. The energy audit should be completed utilizing a building energy use simulation software package similar to one of the following:
 1. DOE-2
 2. Power DOE
 3. EZDOE
 4. Visual DOE
 5. TRACE 600 (Trane Air Conditioning Economics)
 - c. The design and specification of energy efficient equipment and systems.
 - d. Services associated with the procurement, installation, and commissioning of new energy efficient equipment.
 - e. Preventive and emergency maintenance and servicing of the equipment installed.
 - f. Training facility staff with respect to routine maintenance and operation of all improvements.
 - g. The ESCo shall identify and facilitate financing for the project.

- h. The City requires a minimum guaranteed savings approach to the project. If the project does not generated the guaranteed level of savings in any given year, the ESCo will be responsible for reimbursing the City the amount of the shortfall necessary to pay for annual project financing and all related contract obligations.
- i. The ESCo must work cooperatively with City staff in coordinating this project.
- j. The report shall rank all energy related measures with 25-year paybacks or less, by project, listing the construction cost, energy usage and cost savings, the proposed metering configuration, proposed verification methodology and application of weather adjustments.
- k. The ESCo shall provide cost documentation to assist the City in determining cost reasonableness.

IV. Procurement Process

The City will select an ESCo to implement the City's EPC Program through the following process:

1. Pre-Proposal Meeting. ESCos may attend an optional pre-proposal meeting to obtain a greater understanding of the City's needs under an EPC. A tour of the work site will follow the pre-Proposal meeting for those interested.
2. Submission of Written Qualifications. ESCos shall submit a qualifications and cost based proposal to the City for review. The requirements of the proposal are described in detail in Section VI. Proposals will be reviewed and ranked based on the criteria established in Section V. The top ranked ESCos will be invited to interview and present on their proposal.
3. Interviews and Presentation. The top rated ESCos will be asked to prepare a brief presentation of the ESCo's experience with energy performance contracting. Upon the conclusion of the presentation, the ESCo will participate in a detailed interview to further discuss the ESCo's qualifications, experience, and approach to the project. The evaluation of the interview will be based on the criteria established in Section VI.
4. Audit. The City will select the highest rated ESCo to conduct a complete technical audit of the City's facilities. The City intends to negotiate a contract for these services.
5. Energy Performance Contract. At the completion of the audit, the findings in the audit shall be presented to City. The audit report shall provide a comprehensive list of all energy conservation measures including proposed installation costs and related energy savings. The ESCo shall develop and propose an energy performance program based on the information gathered through the audit, including a timetable for completing engineering and construction work, a detailed description of services to be provided, specific financing arrangements and terms, and an estimate of energy savings, cash flows and guarantees offered by the ESCo. At this point, the City may either choose to enter into the energy performance contract or decline.

If the City decides not to enter into an energy performance contract with the selected ESCo after the audit has been accepted, the City agrees to pay the cost of the audit, provided that all proposed contract terms offered by the ESCo meet the conditions set forth in this RFP. The energy performance audit shall remain the property of the City.

V. The Selection Process

A. Timetable.

1. Receipt of Proposals: May 29, 2009 by 10:00 A.M.
2. ESCo interviews: June 8, 2009
3. ESCo Selection: June 22, 2009
4. Contract (energy audit) execution: June 29, 2009

B. Proposal Evaluation Criteria. Proposals will be evaluated on the basis of the following criteria:

1. Project Experience. The City will consider demonstrated experience with similar projects. Experience with similar projects will be understood to include development of performance contracts to furnish energy services in institutional or commercial facilities of similar size, systems, and use.

2. Staffing Plan. The City will consider documented technical and project administration skills, licensure, certification and experience of the proposed project team. Only those individuals proposed to work directly on the subject project should be included in the staffing plan.

3. Technical Capacity. The City will consider the quality and comprehensiveness of the technical approach, compliance with the City's requirements, sample energy audit, description of the energy baseline methodology, description of measurement and verification methodology, and the preliminary assessment of the energy efficiency opportunities in the sample facilities.

4. Financial Terms. Consideration will be given to proposals that responsibly maximize the net economic benefit to the City over the term of the EPC and that responsibly minimize the risk to the City in connection with the proposed transaction. The savings or guarantees provided by the ESCo selected pursuant to this RFP will fully offset the project costs involved for the City. Overhead costs will be evaluated for the value brought to the City by the proposed approach to project implementation. The percentage of grant incentives that will be given to the City will be considered in evaluation of the financial benefits of the proposal.

5. Proposed Project Schedule. Proposals will be evaluated on the reasonableness, clear presentation, length and detail of the proposed project schedule. The proposal should include descriptions of how the proposer intends to achieve the project schedule.

6. Interview. Interviews will be held with the top-ranked ESCos to obtain clarification on issues raised by earlier stages of the evaluation process, and to assess the qualifications of the project team and its ability to implement all tasks and responsibilities in a prompt and efficient manner. The proposed project team should be made available during the oral interview to discuss their individual experience, as well as their specific role in this project.

VI. Proposal

A. Proposal Format.

1. Proposals must be submitted in the format outlined in this Section. The City reserves the right to eliminate from further consideration any proposal seemed to be substantially or materially non-responsive to the requests for the information contained herein. The City reserves the right, if it deems such action to be in its best interests, to reject any and all proposals or to waive any irregularities or informalities therein.

2. Proposals are to be submitted on or before May 29, 2009 by 10:00 A.M.

3. An applicant shall submit one original of the proposal in a sealed envelope addressed to: Rebecca Davis, Deputy Finance Director, 606 Manitou Avenue, Manitou Springs, Colorado, 80829.

B. Proposal Content.

1. Statement of Qualifications. A proposal shall include the following information:

- a. The ESCo name and address;
- b. The ESCo telephone and fax numbers;
- c. Names, titles and email addresses of two (2) representatives who are authorized to answer questions on the ESCo's behalf;
- d. The year the ESCo was established;
- e. The quantity and type of licensed and/or certified professionals in the ESCo;
- f. The ESCo's approach to project management including make-up of the project team and the proposed responsibilities of the project team members;
- g. Describe the process to be followed in selecting and managing subcontractors;
- h. Description of the proposed project financing approach.

2. Project Experience. ESCo must describe projects that best exemplify the range of technical and financial services provided by the ESCo for a project similar to the City's. Each project description shall include the following information, but shall not exceed two (2) pages:

- a. The customer's name and address;
- b. The total contract cost of the project;
- c. The type of contract (guaranteed savings, no guarantee, etc.);
- d. The name and telephone number of references for the project;
- e. A brief description of the project's scope of services and status, including the type of facility at which the project was implemented, whether the project was completed on the original schedule and whether significant problems occurred that affected project performance. As appropriate, identify all prime contractors or subcontractors and their role in each project. This section should be used to demonstrate the ESCo's experience in completing a project using the technologies relevant to the City's facilities;
- f. The Energy use and costs prior to project implementation;
- g. The level of projected annual energy cost savings as compared to actual annual energy cost savings;

3. Staffing Plan. A proposal should include a complete description of the individual experience and qualifications of the proposed project staff. The staffing plan should include name, title, experience and relevant duties of each individual active in this specific project.

In addition, any subcontractors the ESCo intends to use for the project shall be identified and their role(s) described. The ESCo shall provide the subcontractor's name, address, contact person, phone number and relevant experience. Examples of subcontractors that shall be identified include but are not limited to: architectural/engineering ESCos that will be responsible for project design, energy auditing ESCos or construction managers.

4. Technical Capability. A proposal shall include:

- a. An explanation of the ESCo's approach to delivering comprehensive technical services required to audit, design, install and maintain the proposed energy efficiency improvements. Actual designs or specifications are not required at this time.
- b. A description of the comprehensive energy audit proposal. The proposal must include information on the systems to be covered, the personnel to be involved and the general method to be used. The proposal must provide, as an attachment, an abridged copy of the comprehensive energy audit developed for one of the example

projects listed above. The example audit provided should be similar to the Comprehensive Energy Audit anticipated for this project.

c. A detailed description of the method you will use to compute the energy baseline. Attach a sample computation from a previous project done by your ESCo, with full documentation of methods, assumptions and input data.

5. Financial Terms.

a. The City seeks to structure the EPC such that the energy savings will be sufficient to pay the debt service, annual ESCo fees, and possible consulting fees incurred by the City, such as a Project Facilitator.

b. The City may participate in the competitive bidding and selection of all construction contractors.

c. Include detailed financial information regarding the energy performance project implementation costs, including a separate section detailing the costs of the Comprehensive Energy Audit.

6. Proposed Project Schedule. The proposal must provide a complete schedule for achievement of all major project milestones including but not limited to:

a. Commencement and completion of energy audits.

b. Detail all tasks involved with the completion of the energy audit and the expected timeline for the completion of each.

c. Final contract proposal including a list of all proposed improvements, baseline calculations and cash flow projections.

7. Official statement of ESCo. The proposal shall include a statement to the effect that the proposal is an ESCo offer for a minimum 120-day period. The proposal shall also provide the: name, title, address, and telephone number of individual(s) with City to negotiate and contractually bind the company and also who may be contacted during the period of proposal evaluation.

VII. Contract Negotiations and Contractual Provisions

With the acceptance of the audit and proposed program, City and the ESCO shall enter into a formal program contract that shall include the following points or provisions:

1. The contents of the RFP submission become part of the final contract.
2. General Contract Conditions.
3. Lawful presence certification.

4. The City retains final approval over the scope of work and end-use conditions.

5. The 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 approval, the City reserves the right to consider it as default and withdraw from all contractual obligations without penalty.

6. The ESCo must carry an appropriate level of insurance for the construction and operations phase, as well as the monitoring phase. At a minimum the ESCo must carry a Comprehensive Liability Insurance Policy, Worker Compensation Policy, and an Automobile Liability Policy. The ESCo must provide the City with evidence of the insurance. Additionally, the City must be named as an additional insured party on the policies on the Comprehensive Liability Insurance, and the coverage shall indemnify the City against all claims and demands for injury, death or damage as a result of the negligence of the ESCo or its subcontractors, employees, agents, licensees, or invitees, in the performance of the contract.

7. The ESCo shall provide to the City assurance of completion in the form of separate performance and labor and material payment bonds, each in the sum of 100% of all subcontracts.

8. The City must have access to inspect, test and approve both the work conducted in the facility, during construction and operations, as well as access to the books, records, and other compilations of data that pertain to the performance of the provisions and requirements of the agreement. Records shall be kept on a generally recognized accounting basis, and calculations kept on file in legible form.

9. The ESCo will fully disclose all costs, including the cost of subcontractors, vendors, and materials.

10. The ESCo will be responsible for maintaining the levels of comfort for each building as specified. Persistent failure to maintain the defined climate and lighting conditions will constitute a default.

11. All drawings, reports and materials prepared by the ESCo specifically in performance of the contract shall become the property of the City and shall be delivered to the City as needed or upon completion of construction.

12. All work completed under this contract must be in compliance with all Colorado and Local building codes.

13. The selected ESCo must hold appropriate accreditation, certification and licensing standards to perform work in Colorado and the City.

14. The City shall reserve the right to renegotiate the awarded contract if changes in the regulatory or utility climates or if the City's use of energy warrant it or permit the addition of sites to the contract.

VIII. Technical Requirements

The EPC shall also address or acknowledge the following:

1. Specific standards of comfort that will be maintained throughout the term of the contract;
2. A registered professional engineer must, at a minimum, review and approve design work;
3. The ESCo will be required to provide appropriate training in retrofit operation to City personnel.
4. The ESCo must provide drawings of all existing and modified conditions associated with this project, conforming to typical engineering standards. These documents should include architectural, mechanical, structural, and control drawings and operating manuals.
5. Upon the completion of the final contract, the ESCo shall provide the City with a single comprehensive schedule of necessary preventative maintenance for all installations for the five (5) years following the contract closeout.