

**RFP - AGENCY SOLICITATION specifications**

**HEADERS**

**Title: study on the green buildings act**

**Description: the Rhode island green buildings advisory Committee, on behalf of the Department of Administration, is seeking consultant services to conduct a study of the Green Buildings Act to be completed and delivered in its final version by November 15, 2022.**

**PRE-BID/ PROPOSAL CONFERENCE:** NO

Mandatory: N/A

Date: N/A

Time: N/A

Location: N/A

**BONDING REQUIREMENTS**

Bid Surety Bond Required: NO

Payment and Performance Bond Required: NO

**CONTRACT TERMS**

The initial contract period will begin approximately July 2022. All major deliverables are due by November 15, 2022. The contract period will continue through June 2023 to allow for additional presentations on the study as needed and to be determined.  The contract may not be renewed.

**Insurance Requirements** (#14 in Instructions to Vendors on Requirements tab)

In accordance with this solicitation, or as outlined in Section 13.19 of the General Conditions of Purchase, found at <https://rules.sos.ri.gov/regulations/part/220-30-00-13> **and General Conditions - Addendum A found at** <https://www.ridop.ri.gov/documents/general-conditions-addendum-a.pdf>, the following insurance coverage shall be required of the awarded vendor(s):

***General Requirements****:*

14a)  Liability - combined single limit of $1,000,000 per occurrence, $1,000,000 general aggregate and $1,000,000 products/completed operations aggregate.

14b)  Workers compensation - $100,000 each accident, $100,000 disease or policy limit and $100,000 each employee.

14c)  Automobile liability - $1,000,000 each occurrence combined single limit.

14d)  Crime - $500,000 per occurrence or 50% of contract amount, whichever is greater.

***Professional Services****:*

14e)  Professional liability (“errors and omissions”) - $2,000,000 per occurrence, $2,000,000 annual aggregate.

14f)  Environmental/Pollution Liability when past, present or future hazard is possible - $1,000,000 per occurrence and $2,000,000 aggregate.

14g)  Working with Children, Elderly or Disabled Persons – Physical Abuse and Molestation Liability Insurance - $1 Million per occurrence.

***Information Technology and/or Cyber/Privacy****:*

14h)  Technology Errors and Omissions - Combined single limit per occurrence shall not be less than $5,000,000. Annual aggregate limit shall not be less than $5,000,000.

14i)  Information Technology Cyber/Privacy – minimum limits of $5,000,000 per occurrence and $5,000,000 annual aggregate. If Contract Party provides:

a)  key back office services Contract Party shall have a minimum limit of $10,000,000 per occurrence and $10,000,000 annual aggregate;

b)  if Contract Party has access to Protected Health Information as defined in HIPAA and its implementing regulations, Personal Information as defined in in R.I. Gen. Laws § 11-49.3-1, et seq., or as otherwise defined in the Contract (together Confidential Information”), Contract Party shall have as a minimum the per occurrence, per annual aggregate, the total rounded product of projected number of persons data multiplied by $25 per person breach response expense per occurrence; but no less than $5,000,000 per occurrence, per annual aggregate; or,

c)  if the Contract Party provides or has access to mission critical services, network architecture and/or the totality of confidential data $20,000,000 per occurrence and in the annual aggregate.

***Other****:*

Specify insurance type and minimum coverage required, e.g*.* builder’s risk insurance*,* vessel operation (marine or aircraft):

14j)  Other - Specify insurance type and minimum coverage required

**Optional Instructions to Vendors:**

1. HIPAA - Under HIPAA, a “business associate” is a person or entity, other than a member of the workforce of a HIPAA covered entity, who performs functions or activities on behalf of, or provides certain services to, a HIPAA covered entity that involves access by the business associate to HIPAA protected health information. A “business associate” also is a subcontractor that creates, receives, maintains, or transmits HIPAA protected health information on behalf of another business associate. The HIPAA rules generally require that HIPAA covered entities and business associates enter into contracts with their business associates to ensure that the business associates will appropriately safeguard HIPAA protected health information. Therefore, if a Vendor qualifies as a business associate, it will be required to sign a HIPAA business associate agreement

16.  Eligible Entity - In order to perform the contemplated services related to the Rhode Island Health Benefits Exchange (HealthSourceRI), the vendor hereby certifies that it is an “eligible entity,” as defined by 45 C.F.R. § 155.110, in order to carry out one or more of the responsibilities of a health insurance exchange. The vendor agrees to indemnify and hold the State of Rhode Island harmless for all expenses that are deemed to be unallowable by the Federal government because it is determined that the vendor is not an “eligible entity,” as defined by 45 C.F.R. § 155.110.

20.  AIA Contract - For public works projects, the selected Vendor must submit a fully executed Rhode Island custom AIA contract. If awarded the contract, Vendor shall be required to obtain the specified AIA Documents from <https://documentsondemand.aia.org/?filter=Rhode>. Design Agents must obtain and utilize the Custom Rhode Island AIA Documents G701-2017, AIA G714-2017, AIA G802-2017, which can also be located at <https://documentsondemand.aia.org/?filter=Rhode>. Full instructions will be included in the Tentative Selection Letter.

**SECTION A. BACKGROUND**

The Green Buildings Act ([Rhode Island General Laws (RIGL) §37-24](http://webserver.rilin.state.ri.us/Statutes/TITLE37/37-24/INDEX.HTM)) requires eligible public buildings to meet green performance standards. Specifically, all new construction projects over 5,000 gross square feet, and all renovation projects over 10,000 gross square feet, constructed by a public agency must be designed and constructed to LEED Certified or an equivalent high performance green building standard.

The [Green Buildings Advisory Committee](http://www.ribcc.ri.gov/gba/) (henceforth, ‘Committee’) is charged with supporting the Department of Administration in implementing the Green Buildings Act. The Committee makes recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement the Act. The Committee’s 2020 Annual Report, which includes such recommendations, is available for reference [here](http://www.ribcc.ri.gov/documents/gbac/GBAC_GA%20Report_2021.5.25_FINAL.pdf).

In 2021, Governor McKee signed into law the [2021 Act on Climate](http://climatechange.ri.gov/aoc/), which sets mandatory and enforceable greenhouse gas emissions reduction goals, including an interim goal of reducing emissions by 45% below 1990 levels by 2030 and eventually reaching net-zero emissions by 2050. The Administration and public entities have a role to lead by example in decarbonizing buildings, while ideally advancing other key objectives, including, but not limited to, reducing taxpayer costs and advancing non-energy benefits such as the safety of our buildings and the health, comfort, and productivity of the people who use them. The Green Buildings Act is a tool for requiring green performance standards for major public works projects. With the passing of the 2021 Act on Climate, the time is ripe for a strategic assessment of the Act.

In February 2022, the Director of the Department of Administration directed the Committee to conduct a study of the Green Buildings Act, to be delivered by the end of 2022. Specifically, the study should:

* Identify best practices for implementing green building standards in other states. Best practices may be specific to public buildings or may extend to private buildings.
* Assess awareness of the Green Buildings Act in Rhode Island.
* Estimate the costs and benefits of the Act, including but not limited to upfront costs, operational savings, environmental impacts, economic development impacts, job impacts, and occupant impacts, as well as who incurs these costs and benefits.
* Recommend ways in which we may amend the Green Buildings Act, including but not limited to aligning the Act with the 2021 Act on Climate, clarifying application of the Act, and implementing green performance standards.

With this Request for Proposals, the Committee, on behalf of the Department of Administration, is seeking consultant services to conduct a study of the Green Buildings Act to be completed and delivered in its final version by November 15, 2022. The Committee anticipates contracting to be complete by July 2022, and to culminate in June 2023 to allow for additional opportunities for stakeholder engagement.

**SECTION B: SCOPE OF WORK AND REQUIREMENTS**

The final report for this study is expected to be a polished, well-designed word-based report with graphical elements as needed to support clarity and interaction. The report must also include a graphically designed executive summary no longer than one page, and an appendix describing stakeholder engagement and public participation. Each major chapter of the report is described below in Tasks 1-5. Task 6 describes expectations for stakeholder engagement. Task 7 details project management and administration requirements.

Rhode Island-specific studies and data that will be available to the selected bidder for use in completing the following tasks include, but is not limited to:

* Green Buildings Advisory Committee [2020 Annual Report](http://www.ribcc.ri.gov/documents/gbac/GBAC_GA%20Report_2021.5.25_FINAL.pdf) and 2021 Annual Report (forthcoming) and underlying data
* Rhode Island Department of Education [Renewing the Dream](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Funding-and-Finance-Wise-Investments/SchoolBuildingAuthority/SBA-Report-02152022.pdf) report
* Rhode Island Department of Education [Schoolhouse Energy Report Card](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Funding-and-Finance-Wise-Investments/SchoolBuildingAuthority/Energy-Report-DRAFT-Final.pdf)
* State [Lead-by-Example](http://www.energy.ri.gov/policies-programs/lead-by-example/) reports and data
* Other [state reports](http://www.energy.ri.gov/reports-publications/) and [major initiatives](http://www.energy.ri.gov/policies-programs/)

Task 1: Identify Best Practices

The selected bidder shall conduct research to survey the landscape of green buildings standards, including application and strength; the implementation, compliance, reporting, and enforcement of those standards; mechanisms for requiring compliance throughout all project development stages; best practices for data collection; and other notable policy and legislative features, such as those related to the evolution of the strength of those standards over time. Jurisdictions of interest include states, colleges and universities, municipalities and municipal subdivisions (e.g. fire districts), schools and local educational agencies, and may potentially extend to include certain types of privately owned buildings that receive public funding assistance. Buildings may be owned or leased; and may be new construction or retrofits. Best practices may differ between these types of buildings and ownership model, so they should be distinguished as such.

The selected bidder shall summarize findings and, from those findings, identify best practices. Best practices may include, but is not limited to, legislative language, implementation protocols, and education and outreach. ‘Best’ is a subjective term, but for the purposes of this work may be considered as elements of green building performance standards that effectively advance any or all of the following objectives:

* Minimize total lifetime costs of owning, maintaining, and occupying buildings
* Minimize greenhouse gas emissions of the building stock
* Optimize buildings to enhance non-energy benefits, including but not limited to occupant health, safety, and productivity
* Maximize use of sustainable materials and minimize waste
* Other objectives as they advance state policy goals

The selected bidder shall provide (i) a memo summarizing findings (e.g., relevant standards, legislation, and implementation of standards in other states) and (ii) a presentation on suggestions for best practices and considerations for further discussion.

Task 2: Assess Awareness of the Act

The selected bidder shall use pre-collected reporting data (available from the Committee in Excel format, data collected in the first quarter of 2022) to assess awareness of the Green Buildings Act across all eligible public entities in Rhode Island. The selected bidder shall conduct additional data collection and analysis beyond the reports and data listed above as needed to estimate awareness and make recommendations for improving awareness and compliance.

In order to support completion of the task, the selected bidder shall interview up to ten public agencies, with at least one being from each of the following categories: state, higher education, schools, and municipalities. The selected bidder shall make a recommendation for who to interview and shall work with the Project Team to draft and refine a survey instrument.

The selected bidder shall provide (i) a memo describing data and methods, (ii) a memo recommending interview methods, (iii) a draft survey instrument, and (iv) a memo describing findings.

Task 3: Clarifying Application of the Act

Using best practices from Task 1 and findings from Task 2, the selected bidder shall offer recommendations for how to clarify application of the Act. Clarification may include, but is not limited to, potential legislation or legislative amendments, direct outreach strategies, education, or other pathways. Application may be specific to public entities or may extend to private projects that are funded with public monies.

The selected bidder shall provide (i) a presentation on ways to clarify application of the Act.

Task 4: Considerations for Amending the Act

Using best practices identified in Task 1, the selected bidder shall identify potential amendments to the Act. Potential amendments should modify the Act to advance the following objectives:

* Align the Green Buildings Act with the 2021 Act on Climate such that applicable buildings are anticipated to deliver optimal greenhouse gas emissions reductions in support of greenhouse gas emissions reduction mandates for 2030, 2040, and 2050.
* Equitably align who receives benefits of compliance with the Act to who incurs the costs.
* Other state policy objectives as identified.

The selected bidder will then collaborate with the Project Management Team and Green Buildings Advisory Committee to develop up to three scenarios of potential amendments for further consideration. Using the Act currently in force and these three scenarios, the selected bidder shall then estimate the costs and benefits of compliance with the Act. Costs and benefits should include, but are not limited to, upfront costs, operational savings, environmental impacts, economic development impacts, job impacts, and occupant impacts. The selected bidder shall also describe who incurs these costs and benefits within the status quo and amendment scenarios.

The selected bidder shall provide (i) a presentation on potential amendments, (ii) a memo on the methodology of assessing costs and benefits, (iii) an excel workbook containing all analysis, assumptions, equations, and results and (iv) a presentation on findings.

Task 5: Recommendations

Using findings from Tasks 1-4, the Selected Bidder shall make a suite of recommendations in relation to the Act, which may include, but is not limited to, potential legislation or legislative amendments, implementation, compliance, enforcement, technical assistance, financial assistance, education, outreach, the role of lead-by-example initiatives, and workforce development. Recommendations may be differentiated between building type, ownership, or other criteria. The selected bidder shall also include an estimate of the impact of adopted such recommendations on greenhouse gas emissions, represented as both MMTCO2e and percentage reduction below Rhode Island’s 1990 baseline.

The selected bidder shall provide (i) a memo on draft recommendations.

Task 6: Stakeholder Engagement and Public Participation

Throughout this study, the selected bidder shall engage with stakeholders and encourage public participation. The selected bidder, in collaboration with the Committee, shall identify key stakeholders with whom to engage to strengthen the rigor of this study. The selected bidder, in collaboration with the Committee, shall also identify opportunities for public participation, including at minimum opportunities to suggest best practices, comment on amendment scenarios, comment on benefit-cost analysis methodology and results, and comment on final recommendations.

The selected bidder shall provide (i) a workplan specific to stakeholder engagement and public participation.

Task 7: Project Management

The selected bidder is expected to work collaboratively with the Committee and its Project Management Team. The Project Management Team is a sub-committee of three Committee Members representing the Office of Energy Resources, the Office of the Building Code Commissioner, and the Rhode Island Department of Education.

The selected bidder is expected to coordinate remote bi-weekly check-in meetings with the Project Management Team, including identifying meeting times, sending calendar invites, developing agendas, and taking meeting notes. The first such meeting will be a kickoff meeting following contract execution.

The selected bidder’s proposed workplan should be responsive to the following timeline:

|  |  |  |
| --- | --- | --- |
| **Timing** | **Task** | **Public Engagement** |
| July | Execute contract |  |
| July-September | Conduct study | Remote presentations at Committee meetings 7/19, 8/16, and 9/20 |
| October | Draft findings | Presentation, public comment and review at Committee meeting on 10/18 |
| November | Vote to adopt final report | Public comment at Committee meeting on 11/15 |
| December-June | Additional presentations as needed | Presentations to be determined |

In addition to the bidder’s stakeholder engagement plan, bidders shall be prepared to present remotely at up to five Committee meetings. The selected bidder may also be asked to present at up to three additional events during November 2022 through June 2023. These additional presentations should be assumed to be remote.

In addition to the deliverables identified in Tasks 1-6, the selected bidder shall provide (i) a revised consensus workplan based on input from the Project Management Team, (ii) a draft report, (iii) a final report, (iv) a PowerPoint file with slides that summarize the final report.

**SECTION C: PROPOSAL**

## **1. Technical Proposal**

Narrative and format: Vendors must submit a technical proposal which addresses each of the following elements and is limited to six (6) pages (this excludes any appendices and as appropriate, resumes of key staff that will provide services covered by this request):

1. **Staff Qualifications** – Provide staff resumes/CVs and describe qualifications and experience of key staff who will be involved in this project. For each staff member, identify any potential conflicts of interest related to the conduct of this work.
2. **Capability, Capacity, and Qualifications of the Offeror** - Please provide a detailed description of the consultant experience. Detail previous or on-going analysis similar in scope and explain how that experience may be leveraged to conduct and bring resource and/or cost efficiencies to this engagement. A list of three relevant client references must be provided, to include client names, addresses, phone numbers, dates of service and type(s) of service(s) provided. Client references may be contacted by OER.
3. **Work Plan** - Please describe, in detail, the approach and timeline to complete each task within the Scope of Work. Where relevant, please describe any proposed analysis or estimation methodologies, data collection, data quality control, stakeholder engagement, and any other technical detail that may be of interest. Please also include specific reference to how the bidder intends to communicate with the State Project Team throughout the project.

**2. Cost Proposal**

Detailed Budget and Budget Narrative:

Provide a cost proposal for the required services which includes the following information: Please provide a total “not to exceed” budget for this engagement. The Consultant is expected to maintain a clear, up-to-date log of all hours worked and how those hours were spent broken down by task.

The Consultant is expected to provide monthly invoices to OER detailing all hours worked by each staff member (by task), their hourly billing rate, and total costs associated with each staff member. Each bill should summarize total billable time and cost across all relevant staff. Specifically, these invoices should be delivered to OER no later than the fifth business day of the month following the month for which work is being reported and billed.

**3. ISBE Proposal**

See Appendix A on the “Overview” tab in Ocean State Procures™ for information and the MBE, WBE and/or Disability Business Enterprise Participation Plan form(s) (“ISBE Proposal”). Vendors are required to complete, sign and submit these forms with their overall proposal(uploaded to the “Price Evaluation Attachments” section on the “Attach Documents” tab).Please complete separate forms for each MBE, WBE, and/or Disability Business Enterprise subcontractor to be utilized on the solicitation.

**SECTION D: EVALUATION AND SELECTION - SOLICITATION SPECIFIC**

Proposals shall be reviewed by a technical evaluation committee (“TEC”) comprised of staff from State agencies.

The TEC first shall consider technical proposals. Technical proposals must receive a minimum of 60 (85.7%) out of a maximum of 70 points to advance to the cost evaluation phase. Technical proposals scoring less than 60 points shall not have the accompanying cost or ISBE participation proposals opened or evaluated; such proposals shall not receive further consideration.

Technical proposals scoring 60 points or higher shall have the cost proposals evaluated and assigned up to a maximum of 30 points bringing the total potential evaluation score to 100 points. As total possible evaluation points are determined, vendor ISBE proposals shall be evaluated and assigned up to 6 bonus points for ISBE participation.

Proposals shall be reviewed and scored based upon the following criteria:

|  |  |
| --- | --- |
| **Criteria** | **Possible Points** |
| Staff Qualifications | 10 Points |
| Capability, Capacity, and Qualifications of the Vendor | 15 Points |
| Work Plan | 45 Points |
| **Total Possible Technical Points** | **70 Points** |
| Cost proposal | 30 Points |
| **Total Possible Evaluation Points** | **100 Points** |
| ISBE Participation | 6 Bonus Points |
| **Total Possible Points** | **106 Points** |

See the “Requirements” tab of this solicitation for additional information on the evaluation and selection process in the “RFP Standard Specification” section.