



Placing UESC Task Orders Under a GSA Areawide Contract

FEMP FIRST THURSDAY
semin@rs 



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FEMP 
Federal Energy Management Program

DOE's Federal Energy Management Program

Mission

FEMP provides services, tools, and expertise to Federal agencies to help them achieve their legislated and executive-ordered energy, greenhouse gas and water goals.

These are delivered through project services, technical services, and program services.



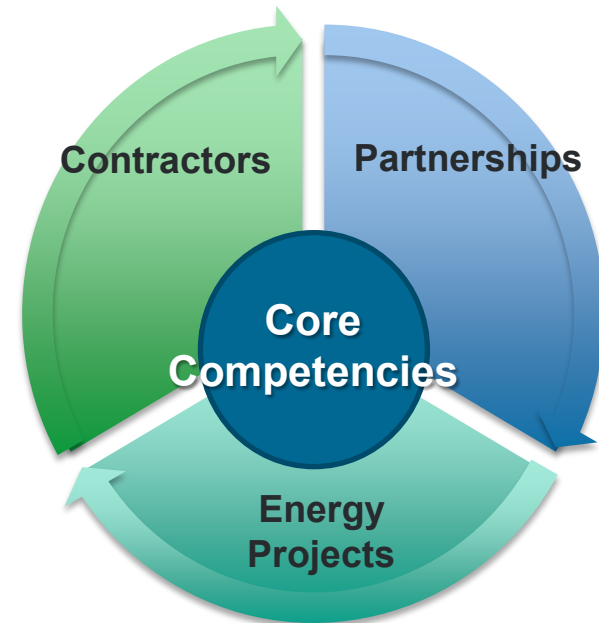
Core Competencies Addressed in this Seminar

Contracting Officers

- Federal/Utility Partnerships
- GSA Areawide
- Utility Energy Service Contracts

Energy/Sustainability and Facility Managers

- Federal/Utility Partnerships
- Project Funding
- Performance Assurance



Results Expectations

Work step-by-step with your utility partner to implement a Utility Energy Service under a GSA Areawide contract.

Agenda

- **UESC Brief Background**
- **GSA Areawide Brief Explanation**
- **FAR Clauses relevant to UESCs with GSA Areawide**
- **Key Contract Actions Step-by-Step**
- **Resources for Additional Help**

What are UESCs?

Contracts that allow utilities to provide their Federal customer agencies with comprehensive energy and water efficiency improvements and demand-reduction services.

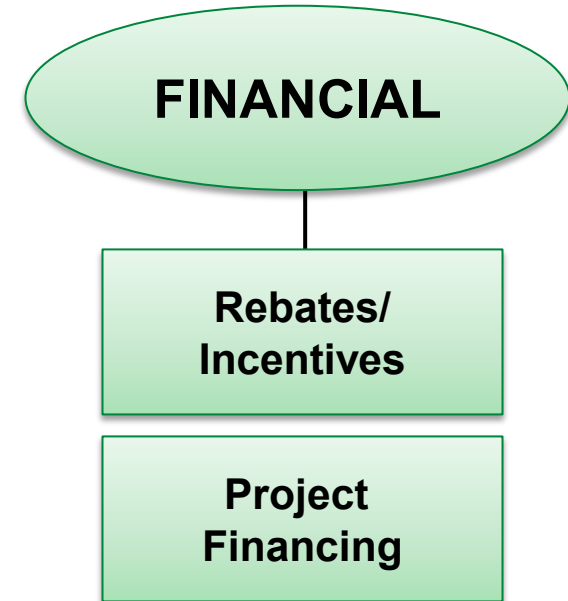
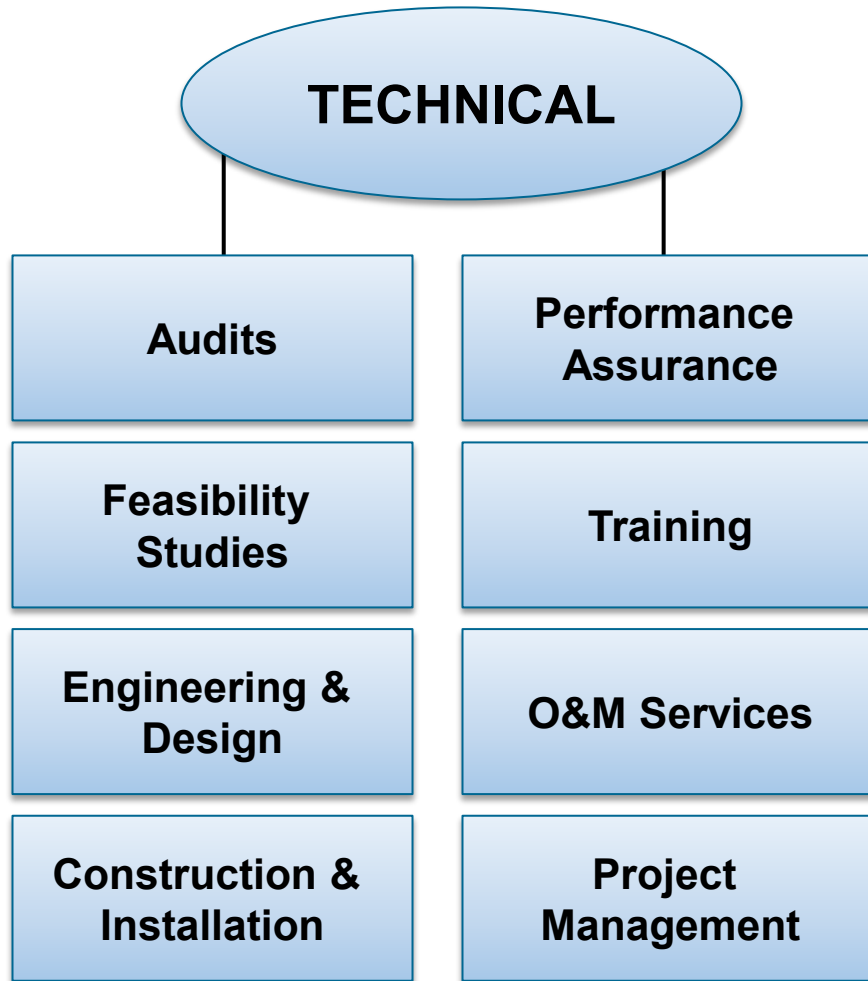
Utility

- Fronts the capital costs, if needed
- Assesses the opportunities
- Assures equipment performance and standards of service

Agency

- Pays utility over term of contract from cost savings achieved

A UESC is a Partnership



42 USC 8256 (EPAAct 1992) authorizes the use of utility incentives

EPACT 1992: Codified as 42 USC 8256; L.G. 102-486

Section 546(c) Utility Incentive Programs: Agencies

- Are authorized and encouraged to *participate in utility programs* generally available to customers
- May *accept utility financial incentives, goods, and services* generally available to customers
- Are encouraged to enter into negotiations with utilities to *design cost effective programs* to address unique needs of facilities used by the agency

All Federal Agencies

10 USC 2913 Energy Savings Contracts and Utilities

Title 10: Armed Forces; Chapter 173; Subchapter 1; Section 546 (c)

Utility Incentive Programs

- Encourages participation in gas or electric utility programs for the management of energy demand or for energy conservation
- Accept financial incentives, goods and services generally available from the utility
- Direct negotiation with energy savings contractors selected competitively and approved by the utility
- Repay with funds available for the purchase of utility services
- Allows direct negotiation with ESCO competitively selected and approved by the utility

DOD Agencies

Presidential Memo – Dec. 2, 2011

Section 1 – Implement and Prioritize Energy Conservation Measures

- a) Agencies shall fully implement projects with a pay back of 10 years or less
- b) The Federal Government will enter into a minimum of \$2 billion in performance-based contracts in Federal building energy efficiency within 24 months (December 31, 2013)
- c) Agencies are encouraged to use a installation wide/portfolio approach that combines long and short term projects to maximize efficiency and ROI

Performance –based contract: A contract that identifies expected deliverables, performance measures, or outcomes, and makes payment contingent on their successful achievement...Performance-based contracts, which include ESPCs, can be performed by an qualified contractor, including utilities.

<http://www.whitehouse.gov/the-press-office/2011/12/02/presidential-memorandum-implementation-energy-savings-projects-and-perfo>

Presidential Memo

UESC contracts will count toward memo provided contracts have performance requirements including:

1. Performance assurance or guarantees
2. M&V of savings through commissioning or retro-commissioning
3. Requiring competition or an alternatives analysis

This is consistent with FEMP's "Best Practices"

Example Project

U.S. Coast Guard project in District 7

- Multiple sites in Florida
- Used GSA Areawide
- Over \$6 million of capital improvements
- 3.2 Million kWh in annual energy reduction
- 2.7 Mgal of annual water reduction
- Comprehensive team effort



GSA Areawide - Brief Explanation

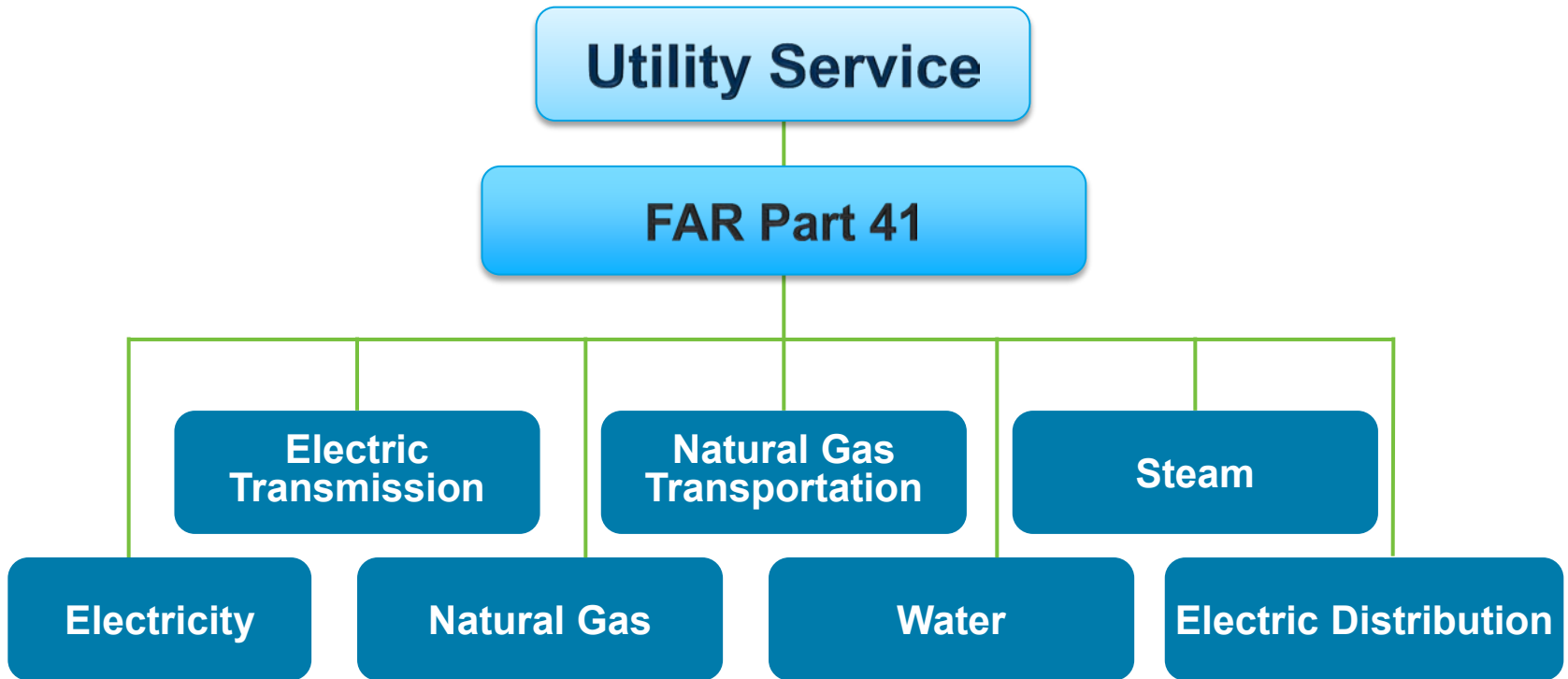
FAR Part 41: Acquisition of Utility Services

- Defines “Utility Services”
- Establishes GSA’s Authority to prescribe policies and procedure for the acquisition of utility services for federal agencies
 - GSA may delegate authority to specific agencies to purchase utility services (DOE and DOD)
 - GSA may issue an **Areawide Contracts (AWC)** for utility services within the franchised utility territory
 - Areawide Contracts also allow agencies to order Energy Management Services

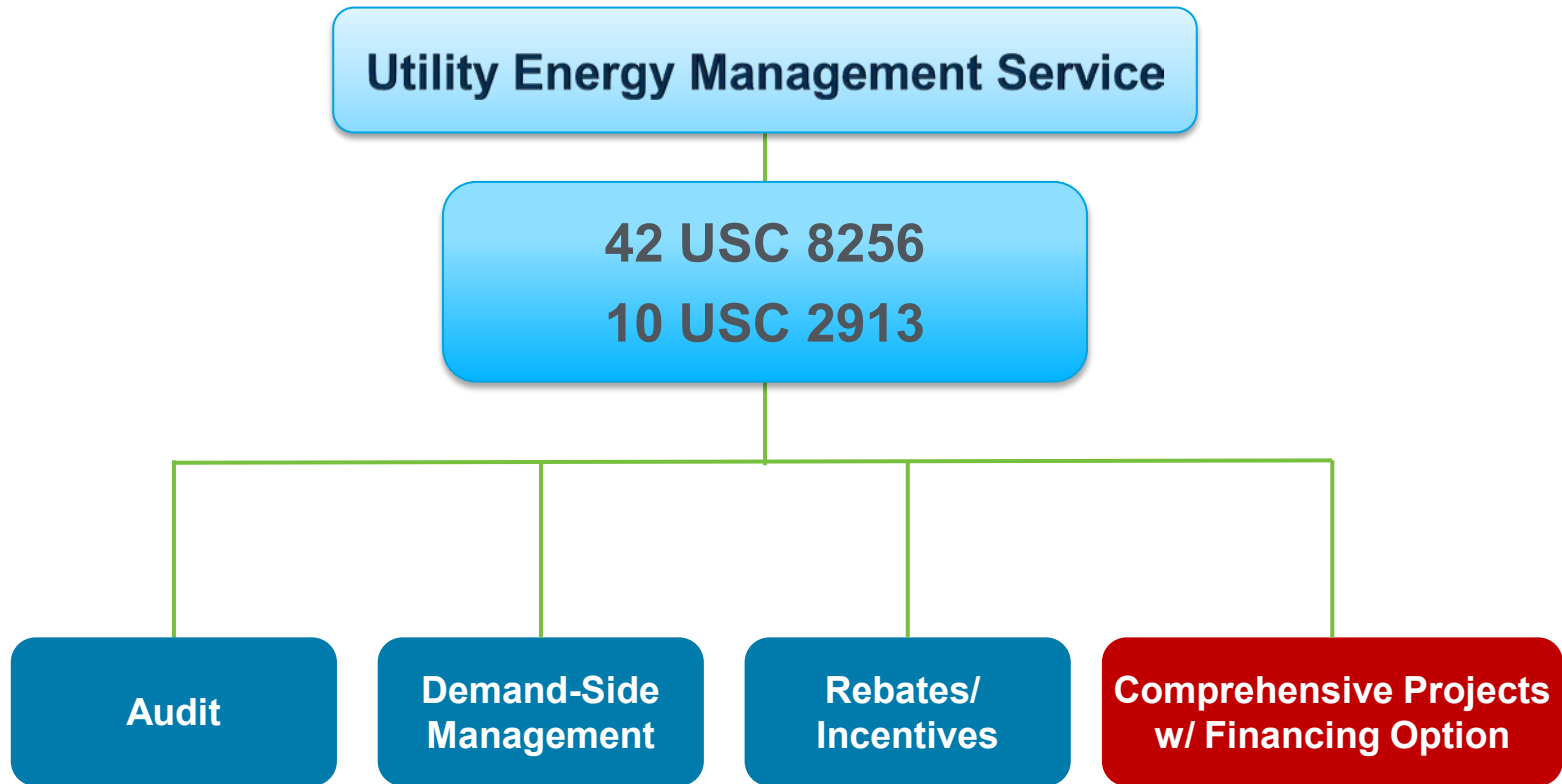
To Locate: From any internet search engine, search for ‘General Services Administration Energy Center of Expertise’, scroll down to ‘Utility Areawide Contracts’

GSA Directive: ADM 4800.2F Eligibility to Use GSA Sources of Supplies and Services

GSA Areawide Contracts (AWC)



Acquiring Energy Management Services under an AWC

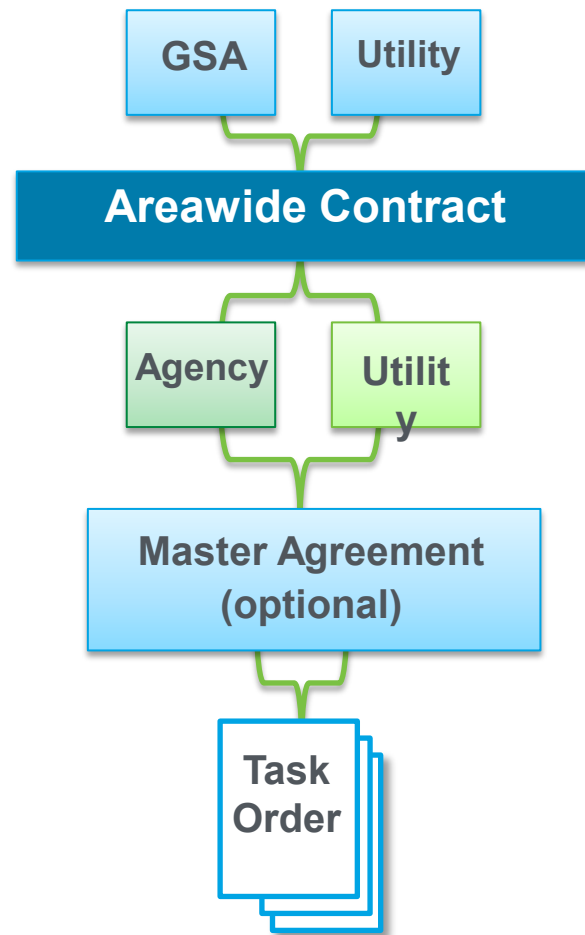


Using Areawide Contracts

Most common process

(and assumption for this workshop):

- GSA signs AWC with franchised utility
- Agencies Can place Task Orders (TOs) for Energy Management Services directly under an Areawide
- Agencies may sign a “Master Agreement” with a serving utility for “Energy Management Services” (to cover multiple future projects)
- TOs for UESCs may have terms up to 25 years: GSA Legal Opinion



GSA Energy Conservation Measure (ECM) Criteria

1. The ECMs must reduce energy or water consumption or demand;
2. The ECMs must be directly related to energy or water use or demand reduction;
3. The majority of the work must be for 1. or 2.; and,
4. The ECMs must be an improvement to real property *(land, buildings and anything attached and integrated, not personal property)*

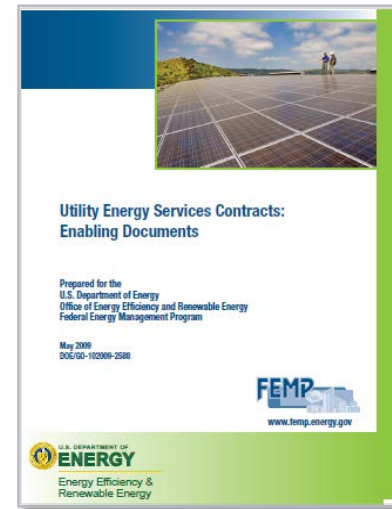


Potential ECMs

- Boiler and chiller plants
- Energy management control systems
- Building envelope
- HVAC
- Chilled/hot water and steam distribution
- Lighting
- Electric motors/drives
- Refrigeration
- Distributed generation
- Renewable energy
- Energy/utility distribution
- Water and sewer
- Electrical peak shaving/load shifting
- Rate adjustments
- Energy-related process improvements
- Commissioning
- Advanced metering
- Appliance/plug load reductions

UESC Enabling Documents

- Legislation and Executive Actions
- Sole Source Justification Info
- Legal Opinions
- Agency Guidance
- Sample Documents



http://www1.eere.energy.gov/femp/pdfs/uesc_enabling_documents09.pdf

Legal Opinions

- **GSA. Authority for Extended Utility Agreements** – authorized to enter contracts for terms greater than 10 years
- **GSA. Exception from the Competition-in-Contracting Act's Full and Open Competition** – Section 152's plain language contains an express authorization for an agency to participate in DSM contracts ... This language appears to provide express authority for an agency to directly approach a utility concerning DSM services, ... without the use of full and open competition



Alternative Finance Guidance Memoranda (AFGM)

- **AFGM 3. Relationship of Anti-Deficiency Act to Multi-Year Contracts under the Utility Incentive Program** – “. . . the only requirement on Federal agencies is the obligation of the annual costs for such contracts during each year that the contract is in effect. Therefore there is no conflict with the Anti-Deficiency Act for these multi-year contracts.”
- **AFGM 4. Federal Fund Sources to be Used to Pay for Multi-Year Contracts under the Utility Incentive Program** – clarifies that the choice of fund sources is not constrained by statute. Contracting Officers of each agency have discretion to use any funds deemed appropriate to pay for utility services, to pay for Multi-Year Contracts under the Utility Incentive Program

FAR Clauses Relevant to UESCs with GSA Areawide

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FAR Clauses Already in the GSA Area-wide Agreements:

Note: Not all area-wide contracts are identical. They will vary as to which of the supplemental clauses they contain.

For a good list of supplemental clauses refer to:

- Page 177 in UESC Enabling Documents book
- Section 14 and Exhibit B of existing area-wide contract

Examples might include:

Termination for Convenience,
Competition in Subcontracting,
Small Business Subcontracting Plan,
Printing/Copying Double-sided on recycled paper, etc.



FAR Clauses Relevant to UESCs with GSA Areawide

FAR Clauses Contracting Officers can choose from to meet needs

Best Practices:

- The appropriate clauses depend on the project, except for those that are required for All government contracts
- If the clause is already in the area-wide, you don't need to call it out again in the UESC task order agreement
- If your task order is just changing out light bulbs, you don't need all the clauses related to more complex installations
- Order of Precedence: Which document “trumps” the clauses in which document? The Task order “trumps” the area-wide agreement



Energy-Efficient Product Procurement

- 1) **FAR Subpart 23.2** requires agencies to buy ENERGY STAR and FEMP-designated products. It also requires agencies to include the clause at 52.223-15 in solicitations and contracts when energy-consuming products listed in the ENERGY STAR Program or FEMP will be delivered, acquired by the contractor for use in performing services at a Federally-controlled facility, furnished by the contractor for use by the Government, or specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance.
- 2) **FAR 52.223-15**, Energy Efficiency in Energy-Consuming Products must be included in all relevant contracts and solicitations (see above)

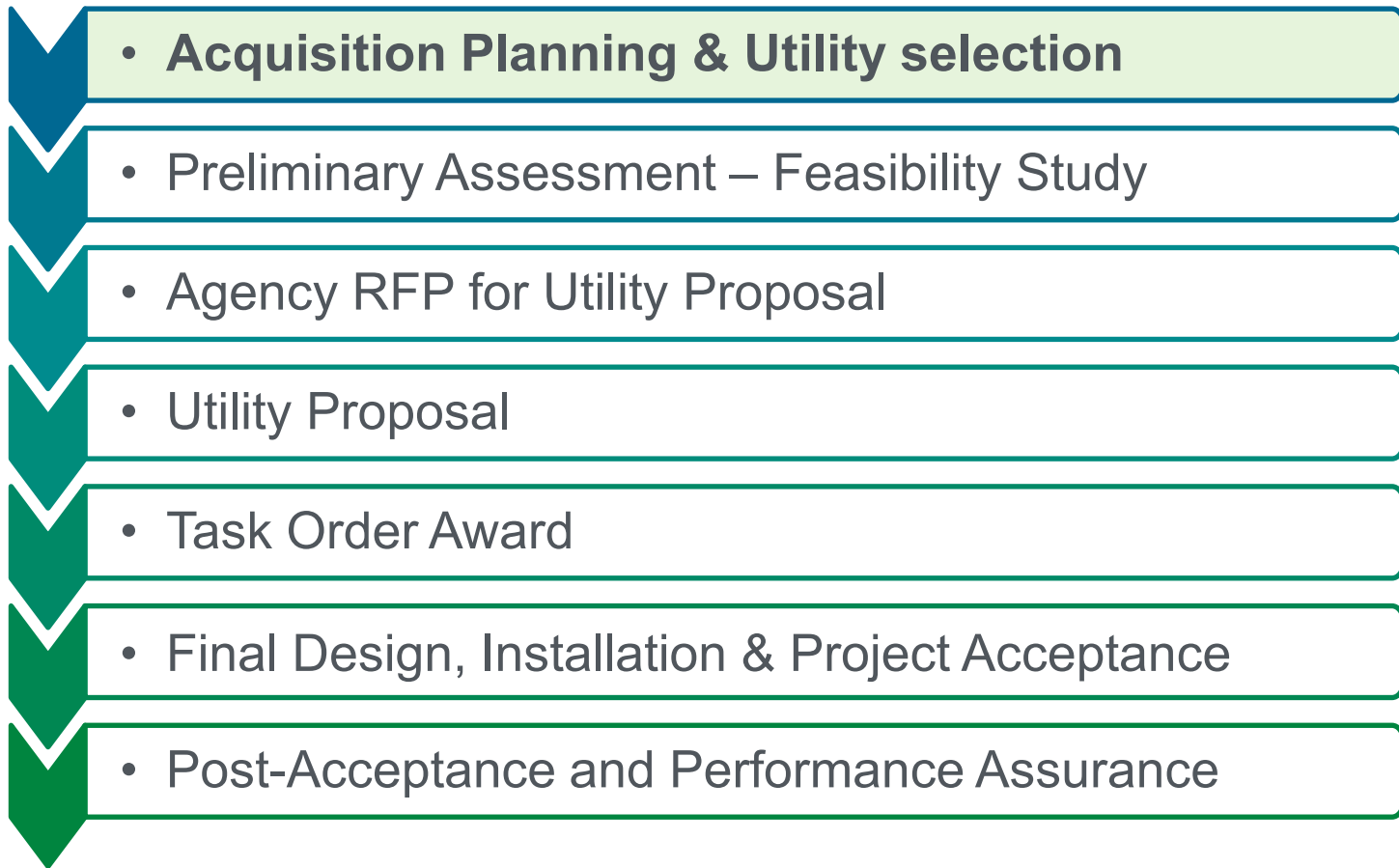
FEMP Energy-Efficient Product Procurement web site:

http://www1.eere.energy.gov/femp/technologies/procuring_eeproducts.html

Energy Star qualified products web site: <http://www.energystar.gov/>

Key Contract Actions Step-by-Step

Key Contract Actions Step-by-Step



Elements of Acquisition Planning

Initial project scope – to guide utility's Preliminary Assessment/Feasibility Study

- Facilities, buildings, needs, priorities, special considerations

Assign staff and resources

- Build project acquisition team
- Project definition document
- Team charter

Financial discussion

- Internal agency agreement to pay
- Fund with financing and/or appropriations



Elements of Acquisition Planning, continued

- Letter of Interest to all utilities serving the site
 - To determine interest, capabilities, and available incentives
- Evaluation of responses to Letter and selection of utility partner for project
 - Using a process of “fair consideration” if more than one utility is eligible and interested
- Justification for Other than Full and Open Competition (J&A)

Benefits of Complete Acquisition Team

- To bring together the people with the needed knowledge, experience, and responsibility
- To gain support for the effort early in the process
- To have a successful project

Who should be on the team?

- Contracting Officer and acquisition staff
- Technical Representative / Energy Manager
- Legal representation
- Ideally, everyone who could help, hinder, or be affected by the project

Letter of Interest to Utility Partner

(DATE)

(NAME OF UTILITY)
Attn.: Name of POC
(ADDRESS)

Dear (NAME OF POC)

The Department of Energy (DOE) is planning to develop energy conservation projects with in your territory, and award contracts utilizing the Utility Energy Service Contract (UESC) vehicle. We would like to meet with your organization and discuss accomplishing these projects pursuant to the terms, conditions, and exhibits of your GSA Areawide Contract GS-XXX-XX-XXX-XXXX.

Subsequently, we would like to invite you to our offices for a meeting to set the ground work for a partnership that will be beneficial and assist both of our organizations in meeting their energy goals.

This letter is only a request for the development of a UESC program and does not constitute authorization to proceed with any work. All contractual correspondence regarding this change should be directed to (NAME OF CONTRACTING OFFICEER), at (PHONE #). We look forward to meeting with you at your soonest convenience.

Sincerely,

(NAME)
(TITLE)

J&A – Single Utility

Sample Request Forms

Justification for other than Full and Open Competition (1 Utility)

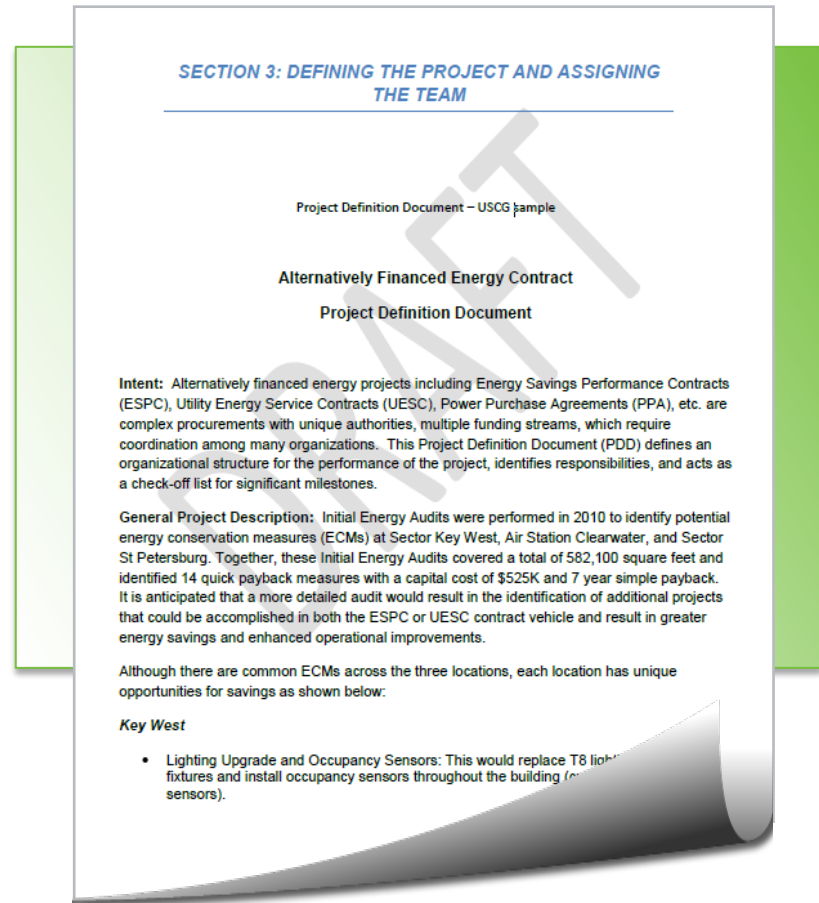
Template for single utility:

	Serial Number Date
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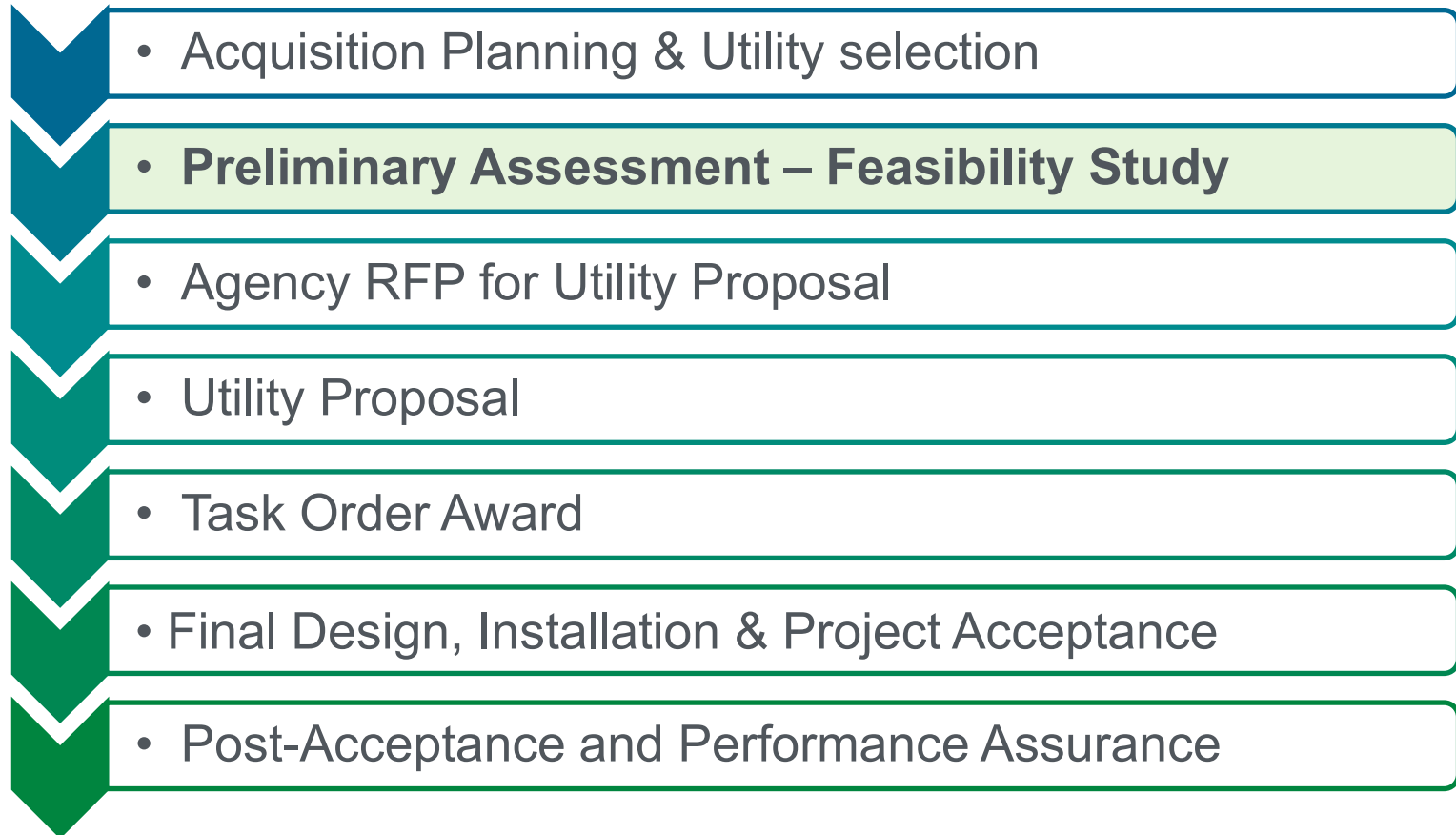
**JUSTIFICATION AND APPROVAL
FOR
OTHER THAN FULL AND OPEN COMPETITION**

1. **Identification of Agency and Contracting Activity:** The agency is the Department of Energy. The contracting office is (NAME OF CONTRACTING OFFICE AND LOCATION).
2. **Nature/Description of Action:** Approval is requested to negotiate and issue an "Authorization for Energy Management Service (Exhibit ?)" under the terms and conditions of General Services Agency (GSA) Area Wide Contract (CONTRACT NUMBER) for (NAME OF UTILITY), a public utility company regulated by the (STATE) Public Utilities Commission, to provide Utility Energy Service Contracts (UESC) services without full and open competition. The work will be performed at (LOCATION OF WORK), which is within the Company franchised service territory established by (STATE) law and the Public Utilities Commission, under the terms and conditions of the Area Wide Contract (AWC).
3. **Description of Supplies Services:** Subject to the provisions of the AWC and Authorization, (NAME OF UTILITY) will provide construction efforts to implement energy and water conservation projects in buildings (IDENTIFY BUILDINGS OR LOCATION), and install energy efficient street lighting at (NAME OF SITE). A description of the work requirements for this project is attached hereto. Implementation of this project will allow the United States Government to effectively improve the aforementioned facilities and reduce its electricity, gas and water demand. The energy and water savings will reduce the site's electricity, gas and water allocation resulting in utility cost avoidance and compliance with mandatory laws and statutes to reduce energy and water consumption. The total estimated value of this Order to be issued pursuant to the AWC will be approximately (INSERT ESTIMATED DOLLAR VALUE).
4. **Identification of Statutory Authority:** 42 U.S.C., Section 8256, of the Energy Policy Act encouraged Government installations to enter into agreements with electric, water and gas utilities to design and implement cost-effective demand and conservation incentive programs in order to address the requirements and circumstances of the Government installations. The main purpose of 42 U.S.C 8256 is to authorize the Government to take advantage of the expertise, rebates and other financial incentives offered to customers of utility service providers for reducing energy consumption. (IF APPLICABLE) This renewable energy project will also assist (NAME OF SITE) to meet the renewable energy goals as established by the Energy Policy Act 2005. Under 42 U.S.C., Section 8256, of the Energy Policy Act, the procedures and methods required by the Energy Policy Act are "procurement procedures otherwise expressly authorized by statute," and, as a consequence, are exempt from the Competition in Contracting Act requirement for full and open competition under 10 U.S.C. Section 2304(c) (5) as implemented by Federal Acquisition Regulation (FAR) 6.302-5.
5. **Demonstration of Contractor's Unique Qualifications:** (NAME OF UTILITY) is the only utility company able to provide comprehensive UESC Demand Side Management (DSM) services at (NAME OF SITE) in accordance with 42 U.S.C. Section 8256. After an extensive analysis and after (NAME OF CONTRACTING OFFICE), (NAME OF UTILITY) was selected to provide an energy audit, to develop the scope of work and to implement energy conservation improvements throughout (NAME OF SITE). (NAME OF UTILITY) was also a key reason for the final determination to award the contract to (NAME OF UTILITY).

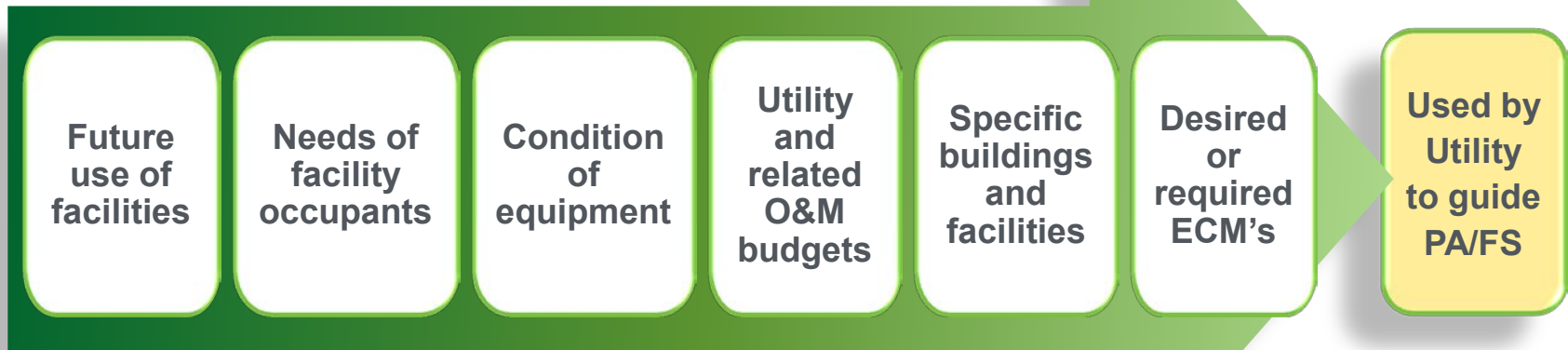
Initial SOW /Project Definition Document



Key Contract Actions Step-by-Step



Develop preliminary project scope and share requirements & priorities with Utility partner



The team will gather information that it will use to

- (1) determine facility needs and priorities, and
- (2) guide the utility's Preliminary Assessment/Feasibility Study

Scope Considerations

- **ECMs**
 - Must reduce or manage energy and/or water use or reduce demand
 - Implementation must result in cost savings
- **Buildings/sites/facilities**
 - No limitation on size of project or number of buildings
 - Utility must be providing utilities to facility
 - May be sites leased by the government, if government pays utility bills and lease does not exceed term of UESC TO

A “fuel-neutral approach” ensures the utility will provide the best options for the site regardless of fuel source.

Use Your Funding Strategy to Maximize the Value and Impact of Your Project

Implement a comprehensive energy, water, renewable energy generation project

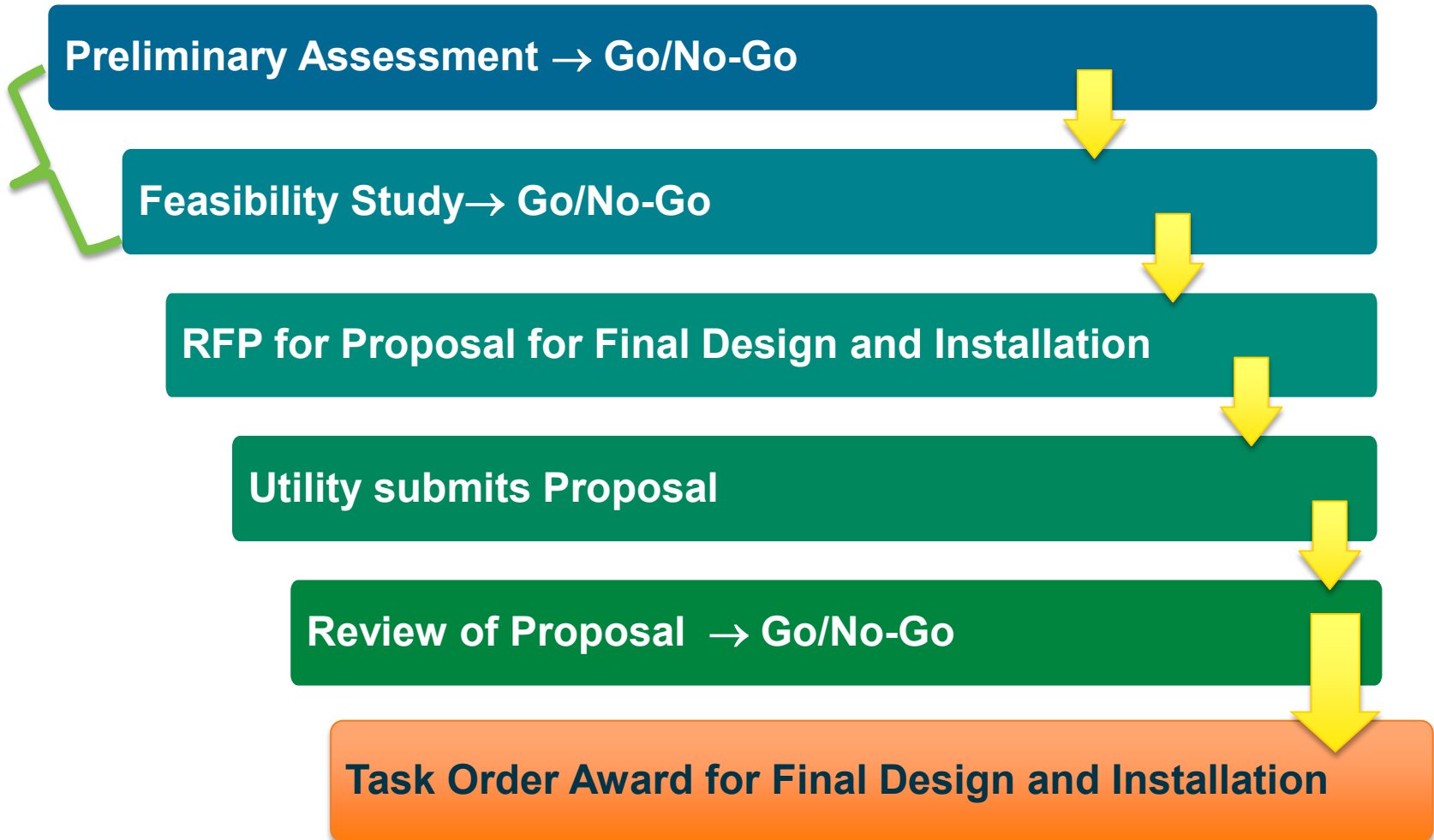
- Consider economies of scale
- Minimize disruption by installing multiple measures in ONE construction/installation process

Pay as you go

- Paying for assessments and design with appropriated funds

Finance assessments and design costs

- If appropriations are tight, agency can include costs for Preliminary Assessment (PA), Feasibility Study (FS), and design in the task order for final design and installation



Skipping the PA and Proceeding Directly to the Feasibility Study

Some facilities UESCs choose to combine the PA and FS

- Many already have determined preliminary project scope from previous audits and assessments
- Decision may be based on confidence in / experience with utility/UESCs
- Saves time and money

FEMP believes this can be a sound, cost-effective practice

However, there are reasons for doing a PA

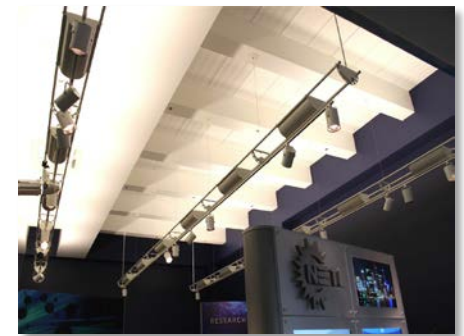
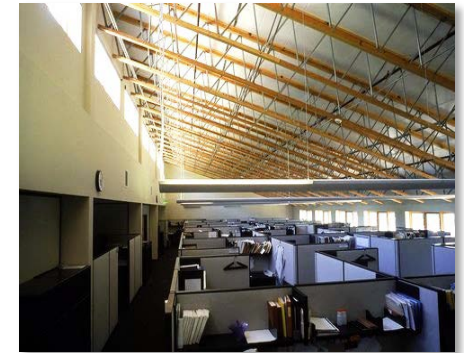
Key Distinctions Between the Preliminary Assessment and Feasibility Study

Preliminary Assessment

- Generally provided at no cost
- Lower level of detail and effort involved for both agency and utility

Feasibility Study

- Agency will pay for it (typically at cost – \$0.10 –0.20 /sq ft)
- Level of detail is much greater
- Is an investment-grade audit – and will define the project
- Significant effort for utility
- More preparation required on part of agency



Purpose and Function of the Feasibility Study

- An investment-grade audit – information all parties can bank on
- Detailed assessment of existing facility use and conditions
 - Systems, equipment, and energy/water use
- Establishes baselines, and the basis for the project design
- Details the technical and economic viability of the ECMs – defines and describes the project
- Plans for O&M, Commissioning, and Performance Assurance

Clearly Define Your Requirements for the FS

Recommended

- Results on all ECMs requested – including those studied but not recommended
- Development of potential project including refined ECM descriptions, assumptions, estimated savings, installation costs, incentives, performance assurance plan, etc.
- Fuel-neutral approach
- Desired level of supporting information on costs/pricing
 - Relevant information on subcontractors
- Level of fidelity, results ready for CTS upload, financial schedules, incentives and rebates ...
- Assumptions for calculating use and savings

Requesting the Feasibility Study

- TO for feasibility study
- Will use AWC and AWC attachments:
 - Exhibit C, Energy Management Services Authorization (EMSA)
 - Master Agreement also called Energy Services Agreement (ESA)
- SF-26 with negotiated cost for FS
 - Rarely utilities offer a no cost FS; recovering cost only if the project moves forward
- Payment alternatives:
 - Up front (Request funds to pay for FS)
 - Include in project cost

Anticipated Results of the FS

- 65% design
- Pricing
 - Summarized in task order schedules
 - All requested supporting information
- SOW for final design and installation
- Commissioning strategy
- Performance assurance strategy



Go or No/Go Decision

- **Review in General – Preparation for Negotiations**
 - Be thorough! You are reviewing the contractually defined details of your project.
 - Use your whole acquisition team in their areas of expertise
 - Keep to the schedule
- **Final FS Workshop – After reviews are completed**
 - Discuss comments and responses
 - Develop SOW for Final Design and Installation
- **Decision Point**
 - Go: Move forward with Final Design and Installation (begins to develop RFP)
 - No Go: End the process



Letter Requesting a Preliminary Assessment

(Date)

(Name of Utility)
Attn.: (Name of Federal Accounts Manager)
(Utility Address)

Dear (Name of Federal Accounts Manager)

The Department of Energy (DOE or insert agency name) is planning to develop energy and water conservation projects and award contracts pursuant to the terms and conditions of GSA Areawide Contract GS-(XXX-XX-XXX-XXXX). The Government requests that (Name of Utility) accomplish a preliminary assessment of the identified buildings and determine if they are candidates for a feasibility study and project development. This request is strictly for the preliminary assessment, upon determination of appropriate energy conservation measures (ECM) and our agency's decision to move forward, DOE will request of you a proposal of the associated costs to complete a feasibility study. Do not proceed with the feasibility study until directed by the Government. The following scope applies.

Scope: Preliminary assessment of energy and water consumption and systems including envelope for cost effective energy and water efficiency and savings and potential renewable energy applications.

Government Furnished Data:

- Previous studies (as available), site identified ECMs, Historical energy consumption data to be provided prior to scheduled walkthrough date.
- Government shall ensure building location & access issues are coordinated prior to scheduled walkthrough date.

Services:

- Perform a preliminary assessment of the energy and water consumption and efficiencies for each building listed to identify ECMs that are likely to be life cycle cost (LCC) effective or have a savings to investment ration of 1 or better. For the purpose of the preliminary assessment, simple payback is acceptable.
- Provide a report guided by the attached Energy Assessment Report template document detailing each of the recommended ECMs.

Exhibit – Authorization for Energy Management Services

Sample Request Forms

Authorization for Energy Management Services under an AWC (Exhibit "C")

Contractor's ID NO. _____ (Optional)
Ordering Agency's ID NO. _____ (Optional)

AUTHORIZATION FOR ENERGY MANAGEMENT SERVICES
CONTRACT NO. GS-_____

Ordering Agency: _____
Address: _____

Pursuant to Contract No. GS-_____ between the Contractor and the United States Government and subject to all the provisions thereof, service to the United States Government under such contract shall be rendered or modified as hereinafter stated. Contract Articles 3 and 4 shall be followed for the initiation of service under this contract.

PREMISES TO BE SERVED: _____
SERVICE ADDRESS: _____

NATURE OF SERVICE: Preliminary Energy Audit ECP Feasibility Study ECP Engineering & Design Study
 Energy Conservation Project (ECP) Installation Demand Side Management (DSM) Project
 Other (See Remarks Below)

SERVICE HEREUNDER shall be provided consistent with the Contractor's applicable tariff, rates, rules, regulations, riders, practices, and/or terms and conditions of service, as modified, amended or supplemented by the Contractor and approved, to the extent required, by the Commission. (See Article 5 of this contract.)

POINT OF DELIVERY: _____

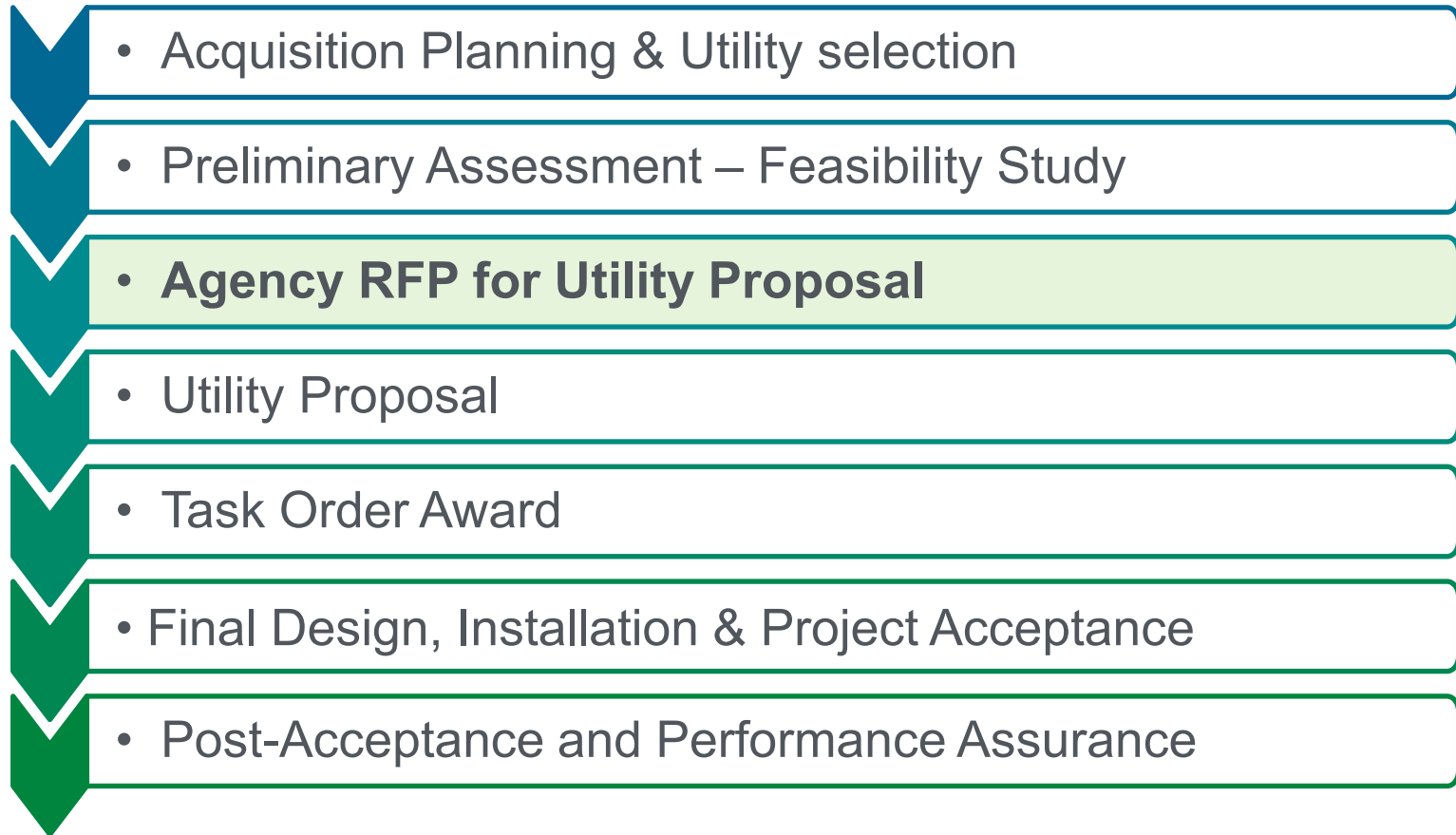
ESTIMATED PROJECT COST: \$ _____

ACCOUNTING AND APPROPRIATION DATA: _____

LIST OF ATTACHMENTS:

<input type="checkbox"/> General Conditions	<input type="checkbox"/> Payment Provisions	<input type="checkbox"/> Special Requirements	<input type="checkbox"/> Economic Analysis
<input type="checkbox"/> Facility/Site Plans	<input type="checkbox"/> Historical Data	<input type="checkbox"/> Utility Usage History	<input type="checkbox"/> ECP Feasibility Study
<input type="checkbox"/> Design Drawings	<input type="checkbox"/> Design Specifications	<input type="checkbox"/> Certifications	<input type="checkbox"/> Commission Schedules

Key Contract Actions Step-by-Step



The RFP Adds Project-Specific Requirements to TO for Final Design and Construction

- Tech staff will develop detailed SOW for RFP
- Now the UESC is a real mix of services and construction
- Mostly project-specific requirements such as particular standards of service (e.g., humidity levels in hospitals or cooling for data centers)
- No need to add terms and conditions included in AWC or other parts of the TO



RFP Should Include

- Davis-Bacon considerations
- Performance standard specs
- Performance assurance plan requirements
- Acceptance requirements
- O&M requirements
- Site access requirements, etc.



Utility Submits Proposal in response to RFP

- This is last chance for input/negotiation on SOW, ECMs, and pricing
- The CO should have the technical staff review the proposal thoroughly in a timely manner
- Independent government cost estimate should be part of this review
- Should be few surprises in the proposal, but review should look at:
 - Credible price?
 - Meets needs of agency?
 - Technically credible?
 - Evidence of subcontractor competition?
- The proposal will become part of the Task Order

Request for Proposal

Design or Construction RFP Cover Letter Template

This is a Request for Proposal cover letter template for implementing a services contract for design-build or design and construction contract; sent after feasibility study is complete and internal authorization is given to move to design and construction

DATE

UTILITY COMPANY NAME

Attn.: POINT OF CONTACT (POC)

ADDRESS

RE: Letter of Request for Proposal for Design and Construction of UESC (Facility Name, Address)

Dear POC,

The U.S. DOE (NAME OF CONTRACTING OFFICE) is planning to issue a contract pursuant to the terms and conditions of GSA Area Wide Agreement (AWC #). The proposed Order will require (NAME OF UTILITY COMPANY) to accomplish the design and construction for the (NAME OF SITE) energy conservation measures defined and priced in the attached proposal prepared by your office (referenced by title/date) and received and reviewed by (NAME OF CONTRACTING OFFICER). You are requested to develop and submit a final proposal including schedule, pricing, and financing for design and construction to this office prior to close of business (DATE).

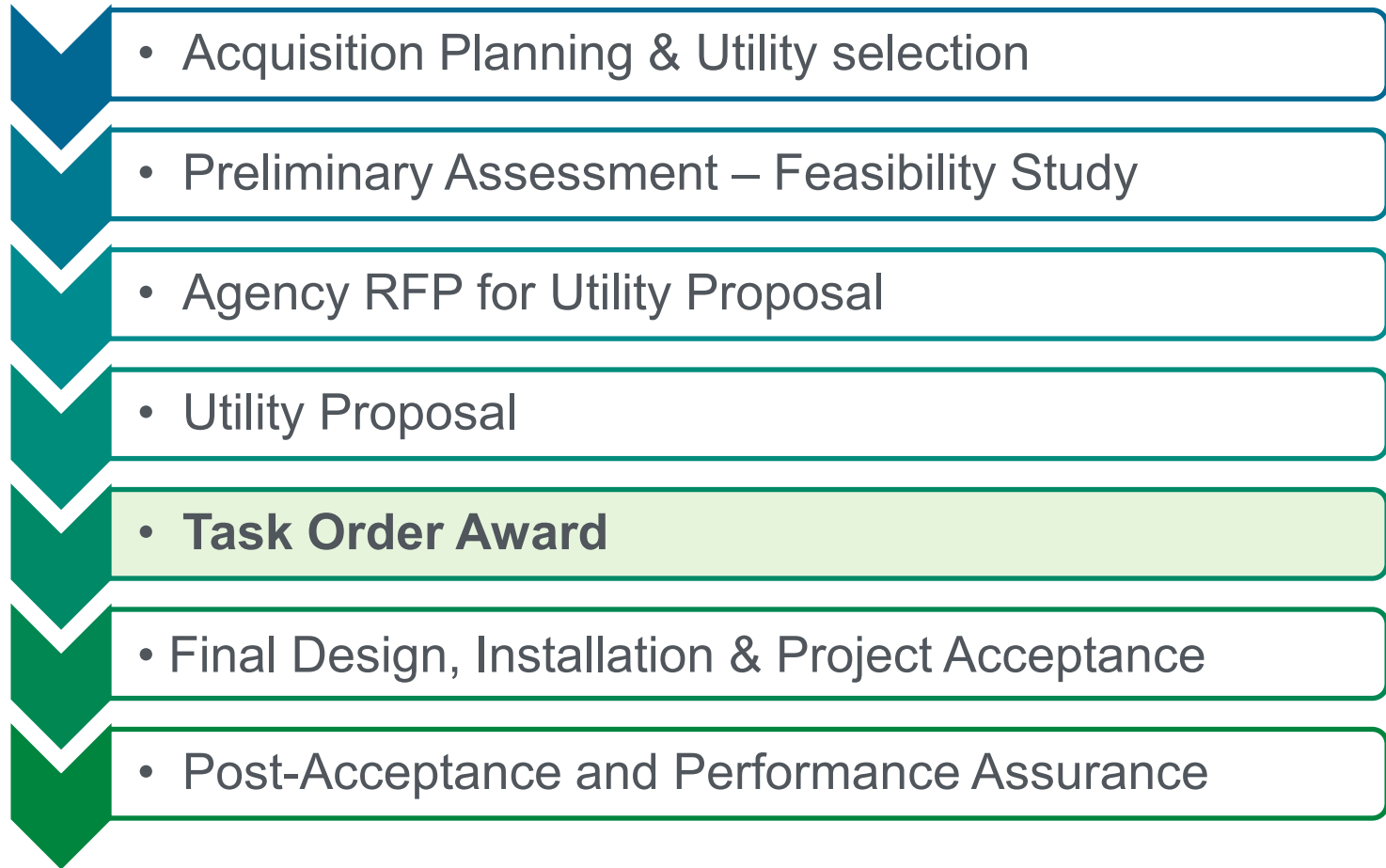
This letter is only a request for proposal and does not constitute authorization to proceed with the work. All contractual correspondence regarding this change should be directed to (NAME OF CONTRACTING OFFICER/email/phone#). Technical questions shall be directed to (NAME of engineer/email/phone #). Please provide acknowledgement of receipt of this request first by email and followed by a phone call to the Contracting Officer. No acknowledgement of receipt of this letter will be assumed to demonstrate no interest in further involvement in project development.

Sincerely,

(NAME)

(TITLE)

Key Contract Actions Step-by-Step



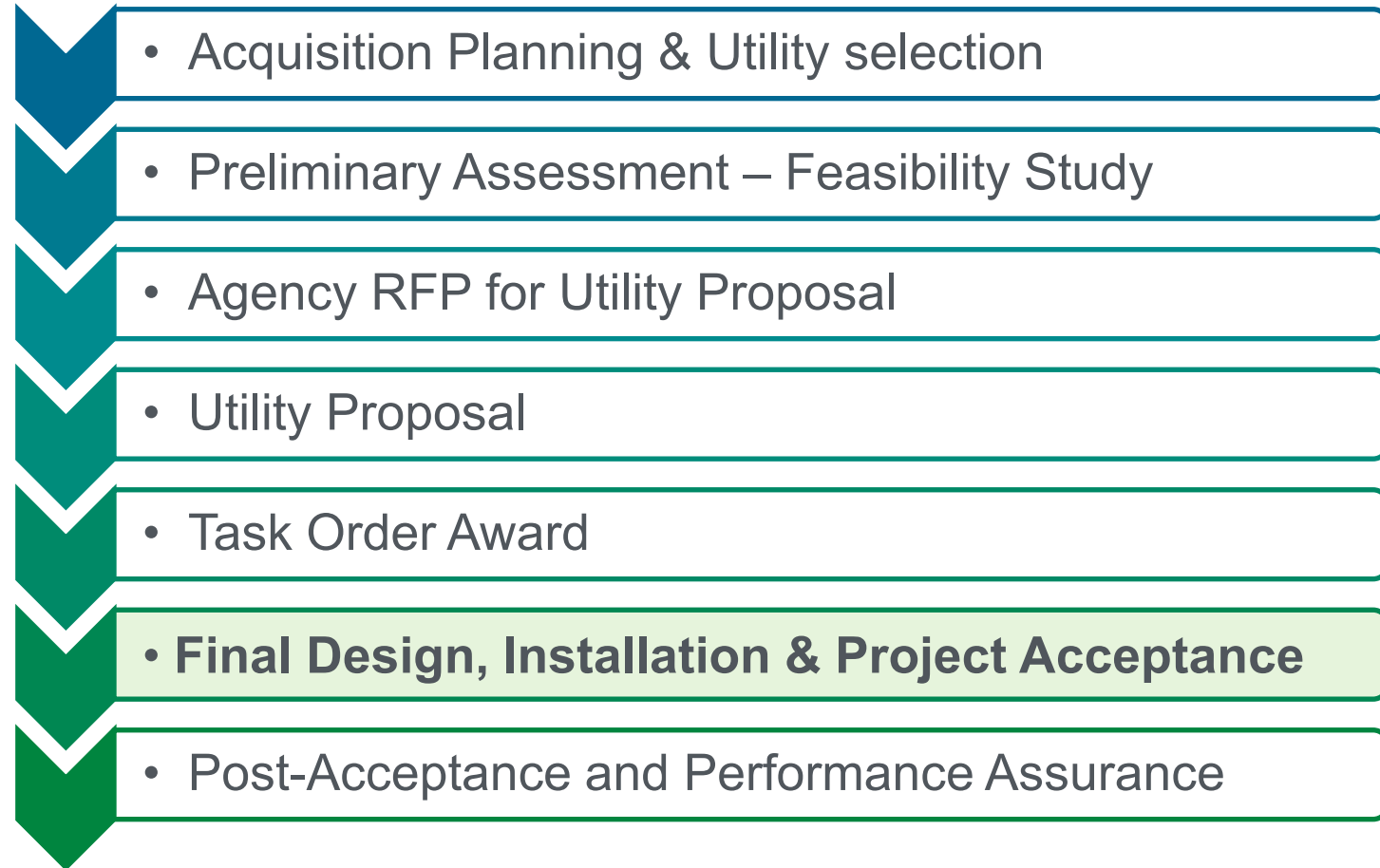
Go/No-Go to Task Award for Final Design & Installation (after the review of the proposal)

- **Is this a good fit for a continued partnership?**
- **You make the call ...**
 - **Yes?**
 - Negotiate revisions before the proposal goes into the TO
 - Agency approval to initiate TO for Final Design and Installation
 - Pay for the Study or Roll the cost into the Final Design and Installation TO
 - **No?**
 - Document decision
 - Pay for the Study

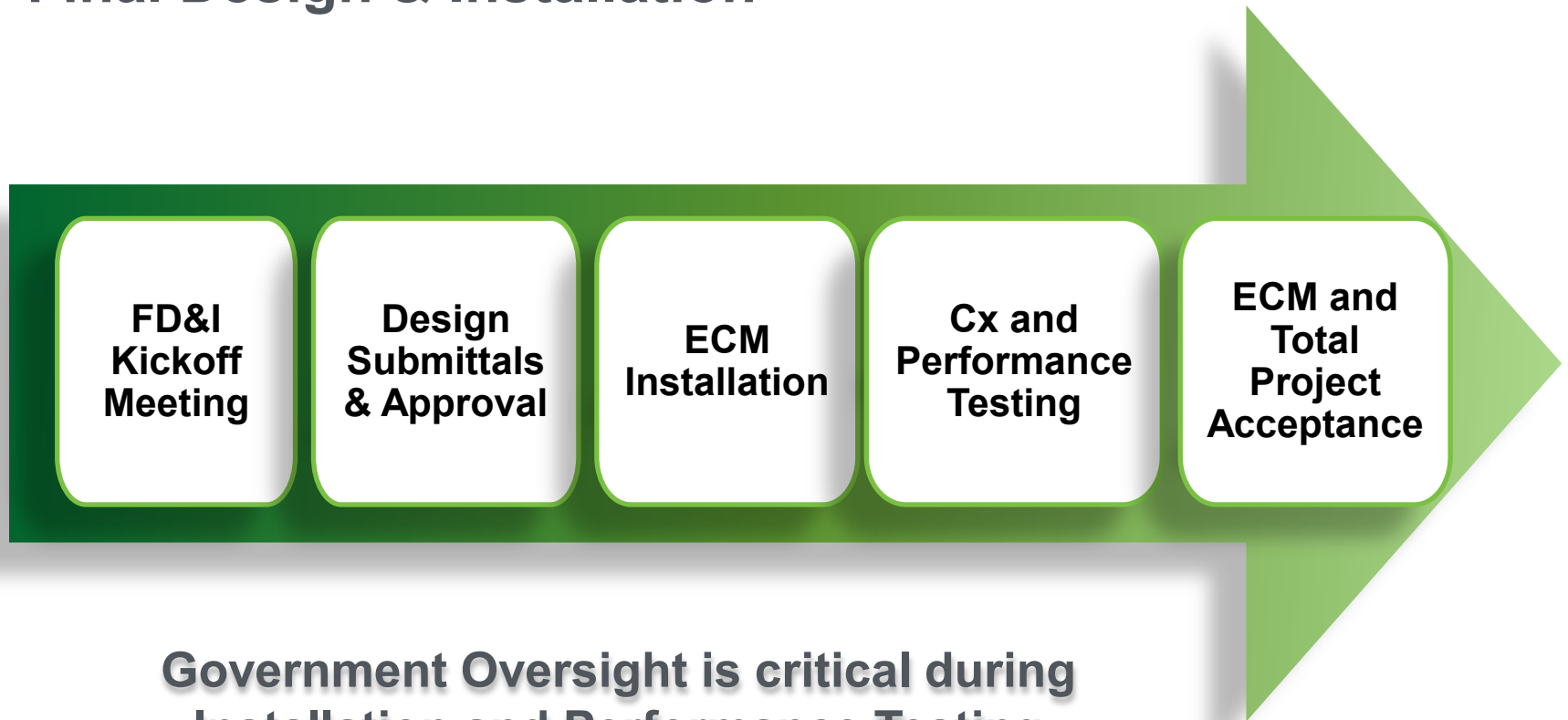
Task Order for Final Design and Installation

AWARD/CONTRACT		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		RATING	PAGE	OF	PAGES
2. CONTRACT (Proc. Inst. Ident.) NO.		3. EFFECTIVE DATE		4. REQUISITION/PURCHASE REQUEST/PROJECT NO.			
5. ISSUED BY		CODE	6. ADMINISTERED BY (If other than item 5)		CODE		
7. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code)						8. DELIVERY	
						<input type="checkbox"/> FOB ORIGIN <input type="checkbox"/> OTHER (See below)	
						9. DISCOUNT FOR PROMPT PAYMENT	
						10. SUBMIT INVOICES (If copies unless otherwise specified) TO THE ADDRESS SHOWN IN	
CODE	FACILITY CODE				ITEM		
11. SHIP/TOMARK FOR		CODE	12. PAYMENT WILL BE MADE BY		CODE		
13. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION						14. ACCOUNTING AND APPROPRIATION DATA	
<input type="checkbox"/> 10 U.S.C. 2304(c)() <input type="checkbox"/> 41 U.S.C. 25.36(c) ()							
15A. ITEM NO.	15B. SUPPLIES/SERVICES		15C. QUANTITY	15D. UNIT	15E. UNIT PRICE	15F. AMOUNT	
						15G. TOTAL AMOUNT OF CONTRACT \$	
16. TABLE OF CONTENTS							
(X)	SEC.	DESCRIPTION	PAGE(S)	(X)	SEC.	DESCRIPTION	PAGE(S)
PART I - THE SCHEDULE				PART II - CONTRACT CLAUSES			
	A	SOLICITATION/CONTRACT FORM			I	CONTRACT CLAUSES	
	B	SUPPLIES OR SERVICES AND PRICES/COSTS		PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACH			
	C	DESCRIPTION/SPECS./WORK STATEMENT			J	LIST OF ATTACHMENTS	
	D	PACKAGING AND MARKING		PART IV - REPRESENTATIONS AND INSTRUCTIONS			
	E	INSPECTION AND ACCEPTANCE			K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	
	F	DELIVERIES OR PERFORMANCE			L	INSTRS., CONDS., AND NOTICES TO OFFERORS	
	G	CONTRACT ADMINISTRATION DATA			M	EVALUATION FACTORS FOR AWARD	
	H	SPECIAL CONTRACT REQUIREMENTS					
CONTRACTING OFFICER WILL COMPLETE ITEM 17 OR 18 AS APPLICABLE							
17. <input type="checkbox"/> CONTRACTOR'S NEGOTIATED AGREEMENT (Contractor is required to sign this document and return _____ copies to issuing office.) Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. (Attachments are listed herein.)				18. <input type="checkbox"/> AWARD (Contractor is not required to sign this document.) Your offer on Solicitation Number _____ including the additions or changes made by you which additions or changes are set forth in full above, is hereby accepted as to the terms listed above and on any continuation sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your offer, and (b) this award/contract. No further actual document is necessary.			
19A. NAME AND TITLE OF SIGNER (Type or Print)				20A. NAME OF CONTRACTING OFFICER			
19B. NAME OF CONTRACTOR				20B. UNITED STATES OF AMERICA			
BY _____ (Signature of person authorized to sign)				19C. DATE SIGNED			
AUTHORIZED FOR LOCAL REPRODUCTION Previous edition is obsolete.							

Key Contract Actions Step-by-Step



Final Design & Installation



**Government Oversight is critical during
Installation and Performance Testing**

Final Design & Installation Roles

Utility

- Completes final design and submittals
- Installs ECMs, meeting design requirements
- Provides O&M manuals and training
- Performance assurance and documentation

Agency

- Approves design
- Oversees installation
- Witnesses/monitors performance assurance
- Accepts the project

FD&I Deliverables – Summary

- Designs, plans, and specifications for installation and equipment
- Final construction schedule
- Payment & performance bonds/letter of credit
- Final plans for commissioning, performance testing/assurance
- Report on results of commissioning, performance assurance/testing
- Final training plan
- Training and training manuals
- Construction Schedule

Final Design and Installation

In the proposal, design was about 65% complete, now you see the final – 100%

- Utility submits design package including:
 - Plans and specifications
 - Equipment selections
 - Final Plans for Cx, Performance Assurance, and O&M
- Agency reviews and approves submittals
- Agency approves commencement of installation
- Installation begins



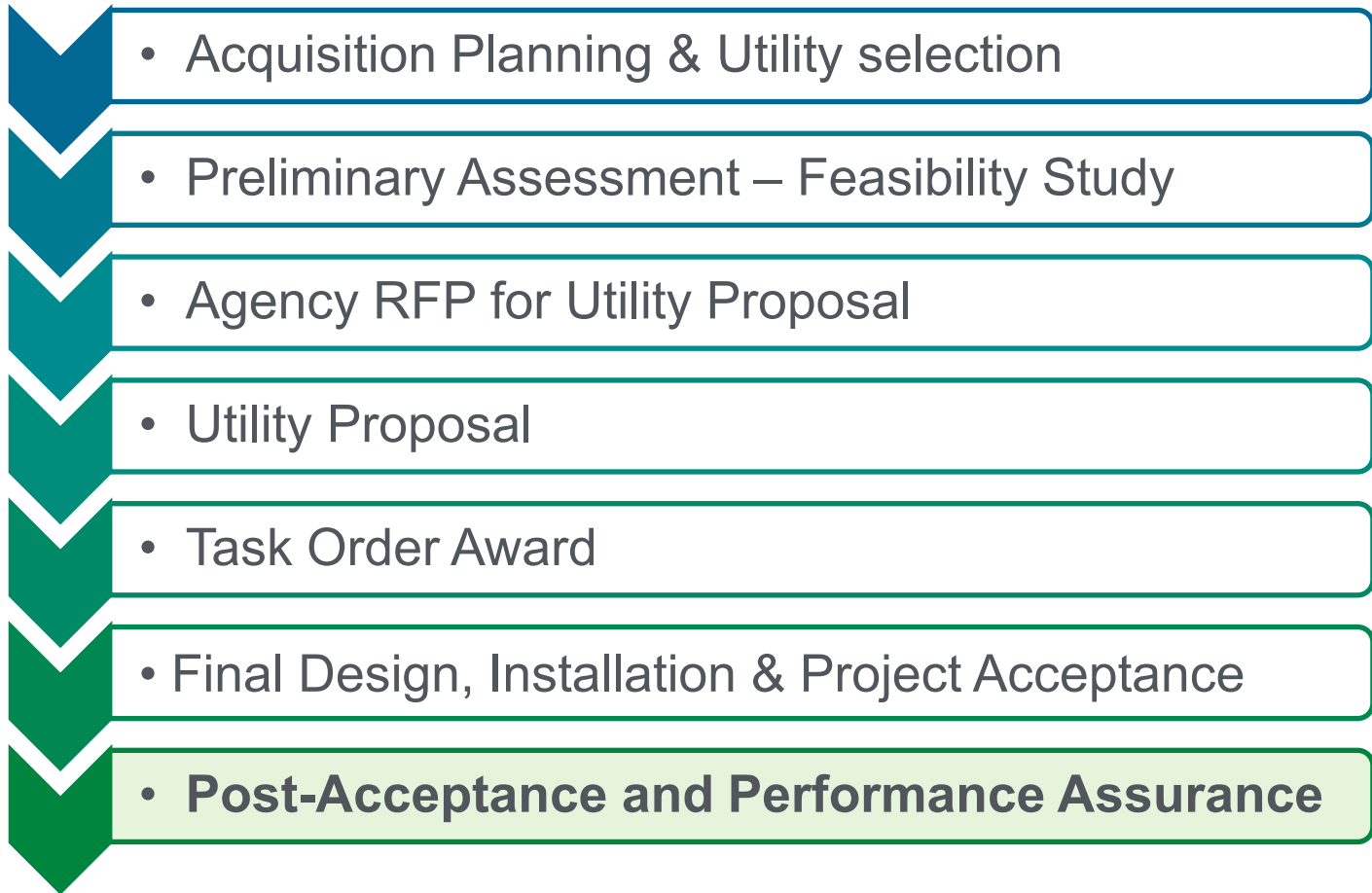
Project Acceptance

After all ECMs are installed and acceptance, Acceptance Letter to utility is signed, then invoices can be accepted and processed.

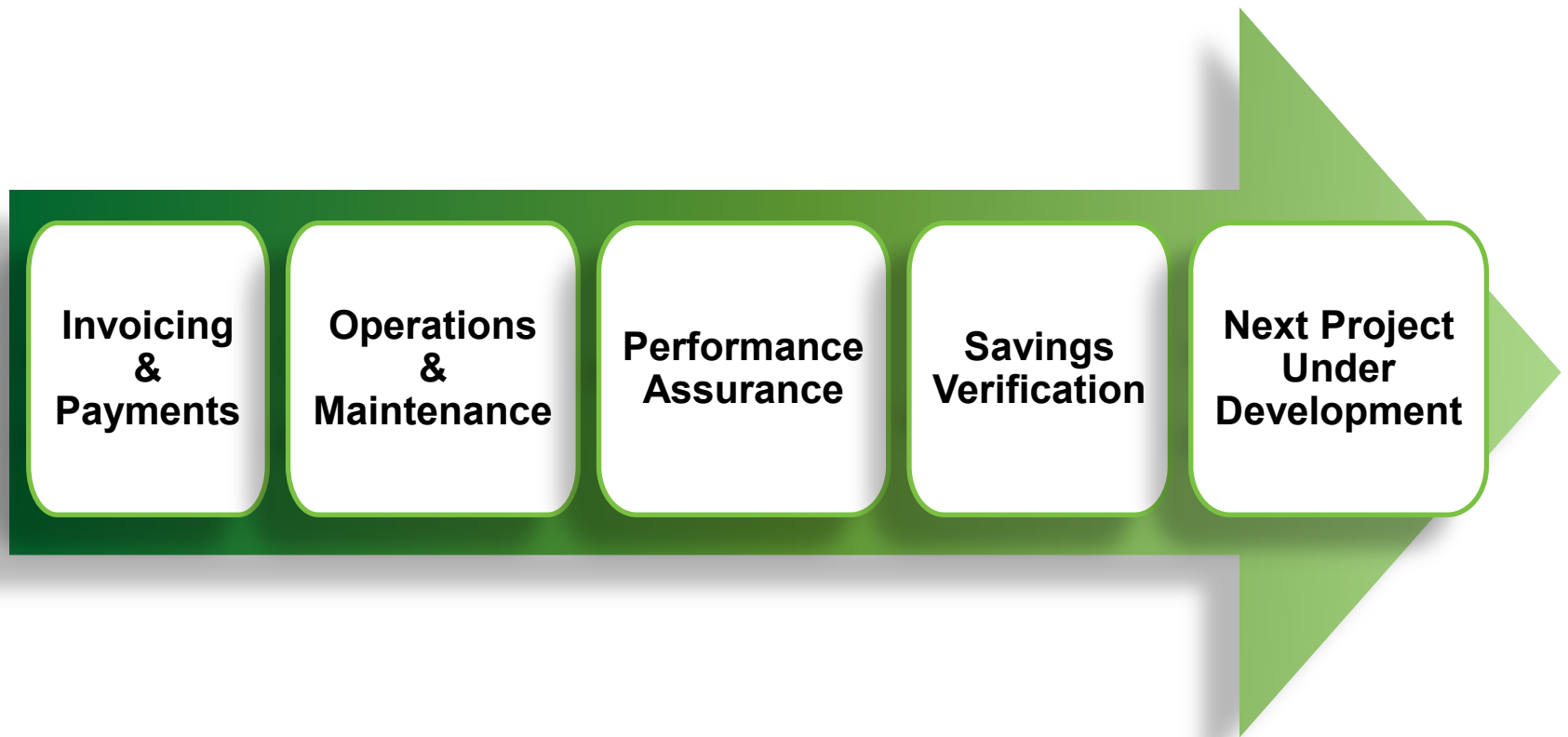
Invoicing can be initiated and payments made for individual ECMs after they are accepted but before final project acceptance, if previously agreed to in the contract.



Key Contract Actions Step-by-Step



Post-Acceptance and Performance Assurance



The minimal performance assurance plan recommended by the Federal Energy Management Program for alternatively financed UESC energy conservation measures is:

- Establish baseline pre-installation
- Start-up performance verification (based on measured date) prior to acceptance
- Performance verification at the end of the warranty period (based on measured data)
- Operations and maintenance training (required in the more common instance where the agency continues to operate and maintain installed equipment)
- Provision of continuing training throughout the contact period as specified in the contract as determined by the needs of the facility
- Periodic inspections and verification of appropriate O&M performance
- Performance discrepancy resolution

<http://www1.eere.energy.gov/femp/pdfs/41898.pdf>

Both the utility and the Agency are responsible for submitting Task Orders to GSA

FEMP Data Collection efforts are lead by Evan Fuka at Energetics (202) 406-4107 or efuka@energetics.com

- Data collection is done on a voluntary basis by all federal agencies and their serving utilities
- **Agency participation in data collection is vital to FEMP understanding current trends in investment and gauging UESC success**

Sample Collection Template:

Agency	Facility	Building (s)	Utility	Contract Type	Contract Term	Task Order/ Delivery Order	Award Date	Completion Date	ECMs Implemented In Project (See Key)	Project Description	Project Capital Cost (\$)	Percent Total Cost 3rd Party Financed	Rebate Amount (\$)	Rebate Source
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Estimated Annual Cost Savings (\$)	Estimated Total Energy Savings	Estimated Annual kWh Saved	Estimated Annual KW Saved	Estimated Annual Natural Gas savings (please specify cubic feet, therms or MMBtu)	Estimated Annual water savings (in kgal)
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Resources for Additional Help

GSA Guidance

In your Internet search engine, enter “GSA Energy Center of Expertise Library”, click on that link

Scroll down to “Utility Areawide Contracts and find:

- Utility Areawide Users Manual
- Procuring Energy Management Services with the Utility Areawide contract
- GSA Areawide Public Utility Contract Listing
- Sample GSA Utility Areawide Contract

FEMP UESC Website

- Enabling Documents book
- Types of contracts
- Laws and regulations
- Getting the Best Value
- Technology resources
- Case Studies
- Training Opportunities
- Introductory DVD



<http://www1.eere.energy.gov/femp/financing/uescs.html>

Federal Utility Partnership Working Group (FUPWG)

Establishes partnerships and facilitates communications among Federal agencies and utilities

Develops strategies to streamline sound projects



Open meeting October 16-17, 2012 in Mobile, AL

http://www1.eere.energy.gov/femp/financing/uescs_fupwg.html

Direct Support

- Guide agency teams through the UESC process
- Assist development of contract documents and provide document templates
- Technical review of audits, feasibility studies, and proposals
- In-depth technical support
- Build partnerships and facilitate relationships



Additional Training Opportunities

Monthly “Introduction to UESC” webinars

- Next webinar: **September 20**
- Visit <http://apps1.eere.gov/femp/training> for information and registration

Watch **FEMP web site** for future classroom workshops, on-demand webinars, and customized agency workshops

FEMP On-Demand Training –

Utility Energy Service Contracts and Energy Project Incentive Funds

http://apps1.eere.energy.gov/femp/training/course_detail_ondemand.cfm/CourseId=53

Contacts and Questions

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