

REQUEST FOR PROPOSAL

RFP No. 21-04

Administrative & Legal Services for PACE Programs

November 22, 2021



Western Riverside Council of Governments
3390 University Avenue, Suite 200
Riverside, CA 92501
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1. SUMMARY

The Western Riverside Council of Governments (WRCOG) is a joint powers authority whose purpose is to unify Western Riverside County so that it can speak with a collective voice on important issues that affect its members. Representatives from eighteen (18) cities in Western Riverside County, the Riverside County Board of Supervisors, and the Eastern and Western Municipal Water Districts have seats on the WRCOG Executive Committee, the policy setting Board for the Agency. The Riverside County Superintendent of Schools is an ex-officio member of the Executive Committee. As a Joint Powers Authority, WRCOG examines a range of regional matters critical to Western Riverside County's future.

WRCOG is distributing this Request for Proposals (RFP) No. 21-04 to solicit interested firms to provide professional consulting services to support the following: administrative services, legal advice and representation for WRCOG's subregion HERO Program, the California HERO Program, Renew Financial Program and PACE Funding Program (collectively, the "PACE Programs").

For more information about WRCOG, please visit the website at www.wrcog.us.

WRCOG HERO PACE Programs

In December 2011, WRCOG implemented an Energy Efficiency and Water Conservation initiative known as the HERO program. HERO is a Property Assessed Clean Energy (PACE) program, enabled by California law, that provides financing to residential and commercial property owners to implement a range of energy saving, renewable energy, water conservation, and seismic strengthening improvements to their homes and businesses. Financing is paid back through a lien placed on the property tax bill.

WRCOG's interest and involvement in HERO was born out of a desire to provide jobs to local area contractors, provide focused financing for energy efficient, renewable energy, and water conserving improvements on a voluntary basis to property owners to improve the appearance and comfort of their homes and businesses, and reduce energy and water use in the fast-growing subregion in order to help provide energy and water certainty to accommodate future economic growth.

The Program was expanded in 2014 to allow jurisdictions through the state to join WRCOG's Program and allow property owners in these jurisdictions to participate. WRCOG now offers Greenworks, CleanFund, and Twain as commercial PACE providers.

2. SUBMISSIONS

All Proposal submittals must consist of one electronic Proposal, via e-mail. Proposals must be **submitted** by **January 6, 2022, no later than 5:00 p.m. Pacific Standard Time (PST)** to:

Name	Western Riverside Council of Governments
Address	3390 University Avenue, Suite 200, Riverside, CA 92501
Attn	Mr. Casey Dailey, Director of Energy & Environmental Programs
Email	cdailey@wrcog.us

Proposals shall include a Table of Contents listing all sections, disclosures, etc., and their corresponding page numbers. **Please review Section 13 for additional details.** It shall be the responsibility of the Proposer to email the Proposal and all other required items to the WRCOG staff member specified in this RFP at or before **5:00 p.m. Pacific Standard Time (PST) on January 6, 2022.** WRCOG will not accept any Proposal received after the Proposal submission time and date.

3. QUESTIONS AND ANSWERS REGARDING THIS RFP

Questions can be directed to the attention of:

Name	Mr. Casey Dailey, Director of Energy & Environmental Programs
Address	3390 University Avenue, Suite 200, Riverside, CA 92501
Email	cdailey@wrcog.us

4. BUDGET PARAMETERS

Funding for the activities in this RFP will be paid through the existing Program and Administrative funds associated with the WRCOG PACE Program

5. DUE DATES

All proposals are due by **5:00 p.m.** PST on **January 6, 2022**. Any proposal received after the required time and date specified for receipt shall be considered late and will not be evaluated for award.

6. SCHEDULE OF EVENTS

Event	Date
1. RFP Distribution	November 22, 2021
2. Questions from vendors about scope or approach	December 6, 2021
3. Answers from WRCOG about scope or approach posted to WRCOG website	December 9, 2021
4. Proposal Due Date	January 6, 2022
5. Review of Proposals	January 10, 2022 – January 14, 2022
6. Potential Interviews	January 17, 2022 – January 21, 2022
7. Anticipated decision and selection of vendor(s)	February / March 2022
8. Anticipated commencement date of work	February / March 2022

The interview schedule may be staggered, depending on the number of Proposals received, and could span multiple weeks.

7. WRCOG RIGHTS

Award of a contract resulting from this RFP will be based upon the most responsive Proposal or Proposals which will be most advantageous to WRCOG in terms of cost, functionality, and effectiveness in meeting goals and objectives, and other factors as specified in this RFP.

A. WRCOG reserves the right to:

- Disqualify any and all Proposals that are not submitted in accordance with the required format described in this RFP.
- Reject any and all Proposals submitted.
- Request additional information.

- Issue Addenda to this RFP.
 - Award all or part of the work contemplated in this RFP.
 - Remedy errors in the RFP.
 - Cancel the entire RFP.
 - Issue a subsequent RFP.
 - Approve or reject the use of a particular subcontractor / supplier.
 - Negotiate with any, all, or none of the Proposers. If WRCOG is unable to negotiate final contract Terms and Conditions that are acceptable to WRCOG, WRCOG reserves the right to award the contract to another Proposer(s).
 - Accept other than the lowest priced Proposal.
 - Award a contract without interviews, discussions, or negotiations.
 - Award a contract to one or more Proposers.
- B. WRCOG may, at its discretion, and without explanation to prospective Proposer(s), at any time, choose to discontinue this RFP without obligation to such prospective Proposer(s).
- C. All Proposers should be aware of the insurance requirements for Contract Award. The Certificate of Insurance must be provided by the successful Proposer(s) prior to Contract Award. A contract may not be awarded if insurance requirements are not met.
- D. WRCOG does not reimburse for the cost of Proposal preparation, even in the event of RFP cancellation.
- E. Communication between the Proposer(s) and any member of the Proposal Review Committee during the selection process is prohibited, except in the manner expressly authorized in this RFP. Violation of this restriction is grounds for disqualification of the communicating Proposer's(s') Proposal.
- F. Every Proposal submitted is considered a firm offer that must be valid for a minimum of ninety (90) calendar days.
- G. If applicable, WRCOG prefers that software developed under WRCOG's contract not incorporate proprietary and / or third-party software components. This does not preclude the development of deliverables, which interface with commonly-available, off-the-shelf software. However, contractors must determine in advance whether WRCOG already has, or is willing to procure, appropriate licenses for any proprietary and/or third-party software that would be required. Contractors must also provide the impacts of any enhancements and upgrades. WRCOG will require delivery of documentation and source code for all electronic intellectual property developed under a WRCOG contract prior to releasing final payment to the contractor.

8. ADDENDA

WRCOG reserves the right to revise the RFP documents. Any WRCOG changes to the requirements will be made by written addenda to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any contract resulting from this RFP. Addenda will be posted on the WRCOG website. It is the responsibility of the Proposer(s) to check the WRCOG website to determine if any addenda have been issued. WRCOG will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Proposers shall acknowledge receipt of addenda in their Proposal. Failure to acknowledge receipt of all addenda may cause the Proposal to be deemed non-responsive to this RFP and be rejected without further evaluation.

9. NOTIFICATION OF RIGHT TO PROTEST CONTRACT AWARD

Proposer(s) have the right to protest the contract award. A written protest must be filed with WRCOG’s Director of Energy & Environmental Programs within five (5) working days after the decision of award is made. WRCOG will not accept any verbal protests. The protest must be a detailed, written statement of the protest grounds and reference the RFP Number and name of the designated Contracts Administrator. Grounds for a protest are that WRCOG failed to follow the selection procedures and adhere to requirements specified in this RFP or any addenda or amendments, there has been a violation of conflict of interest as provided by California Government Code Section 87100 et seq., or violation of State or Federal law. WRCOG will only consider those specific issues addressed in the written protest. The protest must be submitted to WRCOG via 1) certified mail and 2) e-mail using the contact information provided below.

Name	Mr. Casey Dailey, Director of Energy & Environmental Programs
Address	3390 University Ave., Suite 200, Riverside, CA 92501
Email	cdailey@wrcog.us

A written response from WRCOG will be directed to the protesting Proposer(s) within fourteen (14) calendar days of receipt of the protest, advising of the decision with regard to the protest and the basis of the decision.

10. CONFLICTS OF INTEREST

All Proposers responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships, or contracts, a Proposer is unable, or potentially unable, to render impartial assistance or advice to WRCOG; a Proposer’s objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or a Proposer has an unfair competitive advantage.

11. CONTACT

Any questions concerning technical specifications or Scope of Work requirements must be submitted in writing by and directed to:

Name	Mr. Casey Dailey, Director of Energy & Environmental Programs
Address	3390 University Ave., Suite 200, Riverside, CA 92501
Email	cdailey@wrcog.us

Answers to questions will, at minimum, be posted on WRCOG’s website at www.wrcog.us no later than **January 6, 2022**.

12. CRITERIA

Any award to be made pursuant to this RFP will be based upon the Proposal with appropriate consideration given to operational, technical, cost, and management requirements. Evaluation of offers will be based upon each Proposer’s responsiveness to the RFP and the total price quoted for all items covered by the RFP.

The following elements will be the primary considerations in evaluating all submitted Proposals and in the selection of a Proposer(s):

- A. Completion of all required responses in the correct format.
- B. Qualifications and experience with similar projects and clients.
- C. Key staff that will actually be working on the proposed tasks.
- D. The extent to which Proposer's proposed solution fulfills WRCOG-stated requirements as set forth in this RFP.
- E. An assessment of the Proposer's ability to deliver the indicated services in accordance with the specifications set out in this RFP.
- F. The Proposer's stability, experience, and record of past performance in delivering relevant services.
- G. Availability of sufficient high-quality personnel with the required skills and experience for the specific approach proposed.
- H. Overall cost of Proposer's Proposal.

13. PROPOSAL INFORMATION, ORGANIZATION, AND CONTENT

Proposer's submittal in response to this RFP will be incorporated into a final agreement between WRCOG and the selected Proposer(s). All Proposals shall contain, at a minimum, the following information:

- A. Title Page
- B. Table of Contents
- C. Cover Letter
- D. Firm Capabilities
- E. Approach and Understanding of the Scope of Work Plan
- F. Detailed and Itemized Pricing
- G. Appendix A: References
- H. Appendix B: Project Team Staffing
- I. Appendix C: Company Overview

The page limit for Items A - F is **15 double-sided pages (30 total pages)**. There is no page limit on appendices.

Title Page

The following must be provided on the title page:

- RFP number
- Title of the project
- Name and address of proposing firms and/or individuals
- Phone and Fax of Proposer
- Primary contact person
- Email address of the primary contact person
- Signature of the individual authorized / obligated to commit the Proposer to this project.

Table of Contents

A clear identification of the materials by section and page numbers are to be included in the Table of Contents.

Cover Letter

The cover letter should be brief (two pages maximum) and outline the Proposer's general approach, qualifications, and experience. In order to address the needs of this procurement, WRCOG will accept teams to propose in which proposing firms work cooperatively in presenting integrated solutions. Proposer's(s') team arrangements may be desirable in that they will enable the companies involved to complement each other's unique capabilities, while offering the best combination of performance, cost, and delivery for financial assistance being provided under this RFP. WRCOG will recognize the integrity and validity of Proposer's(s') team arrangements provided that:

- The arrangements are clearly identified and relationships are fully disclosed; **and**
- A primary (lead) individual is designated who will be fully responsible for all contract performance.

Firm Capabilities

All Proposals must provide a comprehensive, yet concise description of the Proposer's(s') individuals' capabilities including the following:

- A. A track record of providing successful assistance on similar disciplines and tasks highlighted in Section 14.
- B. A track record of providing successful services to similar governmental entities.
- C. Descriptions of the key staff that will actually be working on the proposed tasks and their experience working on similar issues.
- D. If responding as a firm, the ownership, size, and location of the office responsible for providing services to WRCOG.
- E. If responding as a firm, its legal organization (e.g., corporation, partnership) and year of incorporation.
- F. If responding as a firm, a description of the firm's equal employment opportunity and non-discrimination policies.
- G. If responding as firm, a summary of the firm's minority and female recruitment efforts and the percentage of minority and female officers, partners, or the equivalent.
- H. A statement, in one page or less, of any other relevant factors that should be considered by WRCOG in evaluating the Proposal.

Proposals will be evaluated by a Proposal Review Committee on the basis of the Proposer's(s') skills and experience, proposed cost, presentation and completeness of Proposal, and the ability and willingness to work with WRCOG, its management, and references.

Proposers to this RFP should be mindful that WRCOG's selection process prioritizes experience, knowledge, and abilities of key individuals more so than experience associated with a particular firm. WRCOG has found that successful completion of a project is heavily reliant on the key staff that will be working with WRCOG on a regular basis.

Approach and Understanding of the Scope of Work Plan

Proposers are encouraged to propose enhancements or procedural or technical innovations to the Scope of Work that do not materially deviate from the objectives or required content of the project.

WRCOG is requesting that the response to this portion of the RFP be limited to 15 double-sided pages (30 total pages). There is no page limit on appendices.

Proposer(s) shall:

- Provide a narrative, which addresses the Scope of Work, and shows understanding of WRCOG's needs and requirements.
- Describe the approach to completing the tasks specified in the Scope of Work. The work plan shall be of such detail to demonstrate the Consultant's ability to accomplish the project objectives.
- Sequentially outline the activities that would be undertaken to complete the tasks and specify who would perform the tasks.
- Furnish an estimate of hours required to complete the specified tasks along with a total anticipated budget.
- Identify methods that consultant will use to ensure quality control as well as budget and schedule control for the project.
- Identify any special issues, problems, or risks that are likely to be encountered in this project and how the Proposer would propose to address them.

Also, please provide hourly billing rates for staff you are proposing to include on this RFP for services not directly identified in the Scope of Work.

Appendix A: References

Please provide three (3) references, including names and contact information. References should not include any WRCOG staff or WRCOG Committee members.

Appendix B: Project Team Staffing

Please include biographies and relevant experience of key staff who would be assigned to the project. Please describe coverage levels of employees who would be assigned to this project. Affirm that no employees working on the engagement have ever been convicted of a felony.

Appendix C: Company Overview

Please provide the following for your company:

- Official registered name (Corporate, D.B.A., Partnership, etc.), Dun & Bradstreet Number, Primary and secondary SIC numbers, address, main telephone number, toll-free number(s), and fax number(s).
- Primary key contact name, title, address (if different from above address), direct telephone, and fax number(s).
- Person authorized to contractually bind the organization for any Proposal against this RFP.
- Brief history, including year established and number of years the company has been offering streetlight and energy assistance and / or services.

14. REQUEST FOR DETAILED SCOPE OF WORK AND BUDGET

For purposes of this proposal, WRCOG requests that detailed scopes of work and budgets are provided as part of this submittal. The detailed scopes of work have been identified for each discipline.

For Administrative Services, provide a comprehensive cost proposal for Administrative Service items 1-15.

For Legal Services, please provide an hourly billable rate.

SCOPE OF WORK

A. Administrative Services.

1. Store and maintain the original transcripts for all bonds issued by WRCOG for its PACE Program.
2. Review incoming prepayments and prepare addenda to Notice of Assessment/Payment of Contractual Assessment Required (NOA/PCAR) in the event of the prepayment of Assessments, in whole or in part; provide copies of recorded documents and a summary of assessment administrator's prepayment notifications.
3. Prepare releases to the NOA/PCAR as requested by property owners to clear title on properties for which the assessment liens have matured.
4. Review incoming invoices from Trustee, Assessment Administrator, and other participants in the ongoing administration of the PACE Programs and prepare requisitions and coordinate signatures and submission to Trustee.
5. Review and audit PACE Program fund payments; prepare requisitions for Trustee or transfer instructions for bond calls, as applicable.
6. Review incoming invoices and prepare requisitions for costs of issuance or administrative expenses including requisitioning for HERO Refund check fees, as applicable.
7. Respond to requests for recorded documents and provide copies when necessary.
8. In conjunction with the Legal Services described in clause 9 below, review incoming and background bankruptcy pleadings and file proofs of claims, if needed.
9. Prepare corrections to recorded documents (e.g., property descriptions, Assessment Parcel Numbers).
10. Prepare resolutions for annual levy and assist with coordination of placement of roll on county tax rolls.
11. Attend WRCOG PACE Program calls on an as needed basis.
12. Prepare and provide WRCOG the prepayment lockbox transfers breakdown from Trustees.
13. Prepare and provide WRCOG HERO including Statewide full Release of Lien delivery list.
14. Review incoming delinquency reports, reports to the Trustee, and correspondence from Assessment Administrator on an as needed basis.
15. Provide any necessary PACE training to assist WRCOG staff with the Program.

B. Legal Services related to:

1. The bonds issued by WRCOG for the PACE Program (the “Bonds”);
2. The terms and conditions, covenants and other obligations of WRCOG under the Master Indentures;
3. Assessment Contracts entered into by WRCOG and property owners participating in the PACE Programs;
4. The collection of Assessment Installments;
5. Enforcement of the collection of delinquent Assessment Installments including judicial foreclosure or deferral thereof;
6. Property owner complaints related to Assessment Contracts or the Assessments levied against such property owner’s property
7. Changes in federal or state law affecting the Bonds, the Assessment Contracts, the Assessments or the continuing administration of the Bonds and/or the Assessments;
8. Claims on the CAEATFA Loan Loss Reserve;
9. Provide advice regarding and representation of WRCOG in bankruptcy proceedings of property owners participating in PACE Programs; and
10. Provide additional Legal Services pertaining to the PACE Program as requested by WRCOG.

15. TERMS AND CONDITIONS

Any Proposer or person submitting a Proposal shall state their willingness to agree to the following terms and conditions:

- A. The awardee must be fully committed to the mission of WRCOG.
- B. Termination - A termination agreement is to be negotiated between the parties that includes provisions on termination for cause and termination for convenience.
- C. Oral Presentations - Any individual or firm who submits a Proposal in response to this RFP must be willing to make oral presentations related to contract-related activities at the request of the WRCOG Executive Committee or management.
- D. Compensation - The total value of this contract is undefined and contains the option of renewal at the discretion of WRCOG. The schedule of compensation will be mutually negotiated. The compensation plan will include payment based upon an assessment of the vendor’s attainment of specific, measurable outcomes or “performance benchmarks,” which will be mutually developed between WRCOG and the selected Proposer(s).

16. WRCOG STANDARD PROFESSIONAL SERVICES AGREEMENT

The successful Proposer(s) will be required to sign WRCOG’s standard Professional Services Agreement (PSA) in order to receive the contract award. Proposer(s) must identify in their Proposal any concerns or objections they would have with any of the PSA terms and conditions if selected for contract award. Proposer(s) shall propose alternative language for consideration in their Proposal. If WRCOG is unable to negotiate final contract Terms and Conditions that are acceptable to WRCOG,

WRCOG reserves the right to award the contract to another Proposer. The agreement may be viewed on WRCOG's website at <http://www.wrcog.us/DocumentCenter/View/334/WRCOG-Professional-Services-Agreement-PDF?bidId>.

17. DISADVANTAGED BUSINESS ENTERPRISES (DBE)

Though no DBE goal is set for this Project, WRCOG encourages participation from small and Disadvantaged Business Enterprises.

Attachment A: Scoring Criteria

Administrative & Legal Services for WRCOG PACE Programs

Proposals that meet the minimum responsiveness and responsibility requirements will be evaluated according to the following criteria and associated weights. Sub-criteria are equally weighted. Only proposal scoring 80 points or higher will move forward to the presentation process.

1. **TECHNICAL APPROACH** **40%**

Demonstrate knowledge of the scope of work and exhibit ability to identify and perform tasks and approaches that will efficiently meet WRCOG's needs.

- *Tasks & approach clearly described*
- *Creative/innovative approach*
- *Project intent has been met*

2. **PROPOSER FIRMS** **15%**

Qualifications of project staff, particularly key personnel including Project Manager. Demonstrate competence with completing the projects of similar scopes of work.

- *Familiar with regional and local issues*
- *Experience with similar projects of the same size and scope*
- *Demonstrate competence in working with public and private entities*

3. **PROJECT MANAGEMENT/TEAM STAFFING** **15%**

Overall, quality of logic of organization and staffing plan; appropriateness of labor distribution among the tasks; resources; and ability to meet project deadlines.

- *Qualifications of key individuals*
- *Time commitment of key individuals*
- *Demonstrate experience in each discipline proposed*

4. **PROJECT COSTS** **25%**

Provided realistic costs for services to be performed with inclusion of fee itemization by Section 14's phases, tasks, and deliverables.

- *Realistic cost for services to be performed*
- *Inclusion of fee itemization by Scope of Work phases, tasks, and deliverables*

5. **REFERENCES** **5%**

- *Similar projects completed on time and within budget*