

REQUEST FOR QUALIFICATIONS – RESIDENTIAL CONTRACTORS

Program Description

The City of Milwaukee has received funding through the Department of Energy's (DOE) BetterBuildings grant as part of the American Recovery and Reinvestment Act of 2009 (ARRA). The BetterBuildings grant was established with the following goals:

- Create and maintain jobs
- Reduce US dependency on imported energy sources through increases in energy efficiency and deployment of renewable energy technologies
- Promote economic vitality through an increase in “green jobs”
- Reduce greenhouse gas emissions

With its BetterBuildings funds and various partners, the City of Milwaukee (City) is implementing its Milwaukee Energy Efficiency program (Me²) to vastly grow the market for residential and non-residential energy efficiency building improvements. The Me² program provides an opportunity for approved residential contractors to grow their business with a projected \$30 million worth of residential construction activity occurring over the next three years.

Typical energy efficiency measures on residential property include attic/roof/floor/sidewall insulation, air sealing, heating, ventilation, air conditioning, hot water system upgrades, and to a lesser extent, windows and doors.

Approved Me² contractors will benefit from *a comprehensive marketing campaign to drive demand* for these home energy efficiency upgrades. Key elements of this campaign include:

- Free Energy Advocate assistance who will market the program on the ground and help homeowners through energy efficiency upgrade process. Energy Advocate assistance includes providing basic energy efficiency education to homeowners, changing over some lighting to compact fluorescent light bulbs, installing faucet aerators, assistance with selecting Me² approved consultants and contractors, and help with deciding how to finance projects.
- \$250,000 comprehensive marketing campaign.
- Instant rebates to homeowners who complete a home energy assessment with a Me² Approved Consultant.
- Applicable Focus on Energy Home Performance with ENERGY STAR Program Cash-Back Rewards.
- An affordable loan option so that homeowners can finance energy efficiency upgrades with little or no upfront costs and repay the loan as they save on their energy bills.
- \$500 grants for select Health and Safety improvements that are necessary for energy efficiency upgrades, such as electrical and mitigation of asbestos and vermiculite.

Me² will make available the following services and support to its Approved Contractors:

- Select mentoring and training.
- Promotion in program marketing.
- Listing on the Me² website, www.smartenergypays.com. Homeowners must select contractors from this list to be eligible for Me² financial incentives.
- Affiliation with Home Performance with ENERGY STAR and access to Home Performance with ENERGY STAR marketing toolkit.
- Program support and training on reporting and payment procedures.
- Quality assurance and quality control with prompt feedback to ensure adherence to high installation standards.
- Access to program implementers for prompt response to program issues.

Request for Qualifications¹

Wisconsin Energy Conservation Corporation (WECC), on behalf of the City, is requesting qualifications of contractors that would like to provide services to homeowners as part of this program. This qualification process will identify contractors with licenses, training, insurance, and professional skills required to provide energy efficiency improvement services to participating homeowners within the City's geographic limits. The objectives of the qualifications are to:

- Approve contractors that have knowledge and understanding of practical solutions to improving residential homes' energy efficiency performance with a commitment to customer service and the ability to maintain community working relationships.
- Inform homeowners of these approved contractors because homeowners must select contractors from the approved list to be eligible for Me² incentives and financing.
- Provide a practical framework to promote energy efficiency options to consumers.
- Facilitate the Me² program and its execution in a timely and consistent manner.
- Identify contractors who are committed to the economic vitality of the City of Milwaukee as reflected in a Community Workforce Agreement approved by the Mayor and the Milwaukee Common Council.

As part of the Me² program, the City has adopted a Community Workforce Agreement (CWA). Consistent with federal guidance of the American Recovery and Reinvestment act, this CWA promotes local hiring of City of Milwaukee residents and sound labor practices. The provisions of the CWA are fully incorporated into this Request for Qualifications (RFQ). As part of the CWA, contractors must agree to the terms of the CWA and document compliance.

Homeowners will only be eligible for Me² incentives or loan funds if their home energy assessments have been performed by a Me² Approved Consultant and the work has been completed by Me² Approved Contractor(s), pursuant to the specifications identified in this RFQ. Select Me² financial incentives will be paid to the homeowner. The Approved Contractors will work directly for the homeowners and receive payment only from them or the approved Me² lending agency. There will be no contractual or fiduciary relationship between WECC and the Approved Contractors nor between the City and the Approved Contractors. The Approved Contractors are not guaranteed any minimum amount of work or fees.

Labor Standards

To be approved, contractors must agree to the following labor standards. The labor standards cover positions related to the construction trades, including but not limited to electricians, insulation installers, laborers, HVAC mechanics, and plumbers. The labor standards do not cover work related to solar installations.

- 1) Resident Preference Program (RPP). On Me² program energy efficiency retrofit work, contractors shall agree to utilize UNEMPLOYED or UNDEREMPLOYED RESIDENTS of the city of Milwaukee in a minimum amount equal to the percentage of WORKER HOURS set forth in this paragraph. Forty percent (40%) of the sum total of WORKER HOURS performed on Me² program work by each contractor in a six month period must be performed by UNEMPLOYED or UNDEREMPLOYED RESIDENTS of the city of Milwaukee. Contractors must submit a city resident utilization plan detailing how the level of required participation will be achieved.

The contractor, prior to commencing work as an Approved Contractor for the Me² program, shall submit an affidavit(s) Form I with proof of residency for all employees utilized by the contractor and subcontractors to meet the RPP requirements, stating that each employee is either UNEMPLOYED or UNDEREMPLOYED and is a RESIDENT of the City and/or a plan to recruit and employ workers under the RPP program requirements in the ensuing six-month period. Approved Contractors shall prepare and submit accurate and timely resident utilization forms and reports to WECC. Time Reports

¹ NOTE: Requirements included in this Request for Qualifications are subject to change. WECC and the City will notify all current Approved Contractors of any changes 30 days before any change(s) become effective.

shall be submitted weekly as the work progresses and within ten (10) days following completion of work. The reports shall identify the name, address, work classification, and hours worked of all employees utilized on the Me² project by the contractor and all subcontractors. Failure to submit the required forms and reports to WECC will result in removal from the Approved Contractor list.

Approved Contractors shall maintain, and shall ensure that all subcontractors maintain, personnel records listing the name and address of all employees utilized for each Me² program contract and any records demonstrating that the employees utilized by the contractor to meet the RPP are RESIDENTS. These records shall be maintained for one (1) year after completion of work and shall be made available to WECC upon reasonable notice. RPP definitions include:

- i) RESIDENT. A person who maintains his or her place of permanent abode in the City of Milwaukee. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in the city. Mere ownership of real property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitations, the location where a person votes, pays personal income taxes, or obtains a driver's license.
- ii) UNEMPLOYED or UNDEREMPLOYED. A RESIDENT that has worked less than 1,200 hours in the preceding 12 months or has not worked in the preceding 30 days or, regardless of employment status, has household income at or below the federal poverty guidelines as adjusted in the following table:

Household Size	Yearly	Monthly	Twice per month	Every 2 weeks	Weekly
1	20,036	1,670	\$835	\$771	\$386
2	26,955	2,247	1,124	1,037	519
3	33,874	2,823	1,412	1,303	652
4	40,793	3,400	1,700	1,569	785
5	47,712	3,976	1,988	1,836	918
6	54,631	4,553	2,277	2,102	1,051
7	61,550	5,130	2,565	2,368	1,184
8	68,469	5,706	2,853	2,634	1,317
For each add'l household member add	6,919	577	289	267	134

- iii) A RESIDENT will continue to qualify as unemployed or underemployed for five (5) years from the date he or she first participates on a Me² program project. If a RESIDENT becomes an apprentice for a contractor or becomes a participant in an on-the-job training program immediately after or in the course of performing on a particular construction contract, he or she shall continue to qualify as unemployed or underemployed for a period not exceeding five (5) years from the date the person became an apprentice or participant in such on-the-job training program.
- iv) WORKER HOURS. Defined as the total hours worked on a Me² program contract by skilled and unskilled trade workers, whether those workers are employed by the contractor or any subcontractor. Worker hours includes work performed by persons filling apprenticeships and participating in on-the-job training programs and excludes the number of hours of work performed by all non-Wisconsin residents.

For access to trained and qualified workers from the City, contractors may contact WRTP/Big Step, located at 3841 West Wisconsin Avenue, Milwaukee, WI 53208. Telephone 414-342-9787, fax number 414-342-3546 .

Other organizations or sources of qualified RESIDENTS can be used at the contractor's discretion. Workers can have Form 1 notarized at:

- Big Step, located at 3841 West Wisconsin Avenue, Milwaukee, WI 53208. Telephone 414-342-9787, fax number 414-342-3546.
- Esperanza Unida (EU), located at 1329 West National Avenue, Milwaukee, WI 53204. Telephone number 414-671-0251 Ext. 125, fax number 414-383-7392.
- Milwaukee Urban League, located at 435 West North Avenue, Milwaukee, WI 53212. Telephone number 414-374-5850 Ext. 103, fax number 414-374-1995

If the prime contractor has problems in meeting the residency requirements or if any other problems relative to residency participation arise during the completion of this project, the prime contractor shall immediately contact WECC.

- 2) Proper Classification of Employees. Approved Contractors shall utilize only employees to perform work on a Me² project, rather than independent contractors, temporary workers, or any other individuals holding non-employee status. Approved Contractors shall classify all workers performing work on Me² projects as employees of the company and pay appropriate taxes, unemployment insurance, workers compensation, and other benefits as required by law. General contractors may contract with subcontractors to perform work on Me² projects, provided that those subcontractors have a registered Dunn and Bradstreet Data Universal Numbering System (DUNS) number and provided that the general contractor require all subcontractors to comply with the labor standards and other contractor requirements outlined herein.
- 3) Wages. On Me² residential projects of owner-occupied 1-3 unit homes, Approved Contractors shall pay wages to their employees performing work at a minimum wage rate of \$17 per hour. For residential projects in non-owner occupied buildings, Davis Bacon Wages are required.
- 4) Safety Trained Workforce. Approved Contractors shall utilize a safety-trained workforce in which all on-site workers have completed an OSHA 10-hour safety course and an Environmental Hazard Awareness Course. As applicable, contractors shall comply with State of Wisconsin laws regarding Lead Renovator training and certification for their workforce.
- 5) Certified/Accredited Workforce. Under the Me² program, the City and WECC, shall select nationally recognized certification/accreditation standards for workers covered under Section 1 of the CWA and whose trade does not already have a nationally recognized certification/accreditation in place (e.g. insulators and other building shell trades). Approved Contractors shall ensure their workers covered by this paragraph (e.g. those performing insulating and other building shell installations) are certified/accredited under the selected standard(s) within six (6) months of selection of the standards. Note that these standards have not yet been selected.

Qualifications Requested

Contractors that would like to be approved to participate in the Me² program are requested to provide proof of qualification for program participation to WECC.

All contractors must provide the following:

- A signed Focus on Energy Home Performance with ENERGY STAR Program Ally Application and Agreement form.
- Certificates of insurance at levels documented in the Focus on Energy Home Performance with ENERGY STAR Program Ally Agreement.
- A signed Me² Program Request For Qualifications Response Form.
- A signed Me² Program Contractor Participation Agreement.
- Form 1 Affidavits for all RPP eligible employees or a 250 word or less plan on meet the RPP requirement over the ensuing six month period.
- Documentation of each worker's OSHA 10 Hour safety training certification, such as a photocopy of each worker's certification card or a statement that all construction workers will receive this training within 30 days of WECC acceptance of qualifications.
- If certified, provide proof of EPA certification to Conduct Lead-Based Paint Activities and Renovations (lack of certification will not categorically exclude the contractor from the program, but may limit the opportunity in many homes).
- A documented waste disposal plan for sanitary and hazardous waste, which includes but is not limited to old light bulbs, lead ballasts, piping, roofing material, discarded equipment, debris, and asbestos.

Notice of the following are required and will be considered as grounds for rejection of application:

- Any suspension or revocation of licenses over the past three (3) years.
- Contractors and their subcontractors who are listed on the federal Excluded Parties List System (<https://www.epls.gov/>) or the Wisconsin Department of Workforce Development Consolidated List of Debarred Contractors will not be approved.

Contractors must be an established business for not less than one year to qualify for an EFS loan, and maintain a "satisfactory" or no rating with the Better Business Bureau.

WECC, on behalf of the City, reserves the right, in its sole discretion, to determine participation, reject any and all requests, as it is deemed by WECC to be in the best interest of the program, and may also negotiate any of the details of requests prior to determination.

Submitted requests will be reviewed initially by WECC to determine if all general qualification requirements are met. Failure to meet all such qualifications may result in rejection of the request. In the event that contractors do not meet one or more of the qualifications, WECC reserves the right to continue the evaluation of the request, request additional information, and to determine participation based on its full evaluation.

All contractors who respond to this RFQ will be notified in writing, via the email address of the primary contact, of WECC's determination. Company information of approved contractors, as presented through their request, will be included on an Approved Contractor reference list on the Me² program website. Contractors submitting a request waive any right it may have to bring any claim, whether in damages or equity, against WECC, the City, or any of their respective employees, directors, officers, agents, or contractors, with respect to any matter arising out of any process associated with this RFQ.



Me² PROGRAM REQUEST FOR QUALIFICATIONS RESPONSE FORM

Contractors interested in providing services through the Me² program must fill in this form and attach additional documentation as outlined in the previous "Qualifications Requested" section of the Request for Qualifications solicitation document. The materials should be submitted electronically to cindym@weccusa.org, fax or mail to the address below:

Wisconsin Energy Conservation Corporation
 ATTN: Cindy Moubry
 431 Charmany Drive
 Madison, WI 53719
 Phone: 608/249-9322 ext 220 Fax: 608/237-2094

GENERAL INFORMATION

CONTRACTOR INFORMATION:			
Contact Name:		Title:	
Company Name:		Phone:	()
Address:		Fax:	()
City/State/Zip:		E-mail:	
County:		Website:	
Dun and Bradstreet (DUNS) Number		Date Established:	
Business Classification:	<input type="checkbox"/> Individual/Sole Proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Other	Federal Tax ID:	<input type="checkbox"/> Social Security # <input type="checkbox"/> Employer ID #

CONTRACTOR EMPLOYEE INFORMATION:			
Total Number	Full Time:	Part Time:	
Sales & Marketing	Full Time:	Part Time:	
Administrative Support	Full Time:	Part Time:	
Executive	Full Time:	Part Time:	
Energy Efficiency Installation	Full Time:	Part Time:	RPP Certified:
Other	Full Time:	Part Time:	

NOTE: This information will be used as a baseline for reporting requirements related to jobs creation that accompanies this grant. Contractors will be asked to update this information as often as monthly. This will not be considered in the determination of contractor qualification.



QUALIFYING INFORMATION

Focus On Energy Affiliations

- Home Performance With ENERGY STAR Program Ally
- Efficient Heating and Cooling Contractor
- Photovoltaic Installer
- Solar Hot Water Installer

Jurisdiction in which company can provide timely service: (check all that apply)

- City of Milwaukee

Program Components for which submitting qualifications: (check all that apply)

- Energy Efficient Lighting Renovation
- Energy Star Windows and Doors
- Attic/Roof/ Floor/Sidewall/Sill Box Insulation
- Air Sealing
- HVAC: Central AC
- HVAC: Force Air Furnace
- HVAC: Boiler
- HVAC: Other (please list: _____)
- Hot Water Heaters / Tanks
- Electrical upgrades
- Solar Electric
- Solar Hot Water

I have attached the necessary qualification documents as outlined in "Qualifications Requested."

I hereby certify that as _____ of the above named firm,
I am authorized to submit this proposal and all above information is true and correct to the best
of my knowledge.

Name: _____

Title: _____

Signature: _____

Date: _____

Me² PROGRAM RESIDENTIAL CONTRACTOR PARTICIPATION AGREEMENT

Introduction

The Me² program is being offered by the City of Milwaukee and its partners to eligible owner-occupied residences (1 - 3 units) within the City's geographic limits to help them reduce their energy use. Me² program incentives will be paid by the relevant partner directly to the resident or contractor, as appropriate, following proper installation of qualifying measures by Approved Contractors.

Participation Requirements

Participating Contractors acknowledge and agree that they will:

1. Utilize only employees to perform work on a Me² project, rather than independent contractors, temporary workers, or any other individuals holding non-employee status. Approved Contractors shall classify all workers performing work on Me² projects as employees of the company and pay appropriate taxes, unemployment insurance, workers compensation, and other benefits as required by law. General contractors may contract with subcontractors to perform work on Me² projects, provided that those subcontractors have a registered Dunn and Bradstreet Data Universal Numbering System (DUNS), been documented in this application, and have also signed the Me² program agreement.
2. On Me² projects, Approved Contractor agrees that a minimum amount of forty percent (40%) of the sum total of WORKER HOURS performed on Me² projects by each contractor in a six month period must be performed by workers who meet the criteria. The contractor must submit an affidavit on Form I with proof of residency for all employees utilized by the contractor and subcontractors to meet the RPP requirements or a plan for meeting the RPP requirement over the next 6 months. This provision applies construction trades only.
3. On Me² residential projects of owner occupied 1-3 unit homes, contractors shall pay wages to their employees performing work at a minimum wage rate of \$17 per hour. This provision applies to construction trades only. For non- owner occupied homes and commercial properties, Davis-Bacon wage requirements do apply.
4. Utilize a safety-trained workforce in which all on-site workers have completed an OSHA 10-hour safety course and an Environmental Hazard Awareness Course.
5. Remain knowledgeable on the Me² program specifications and processes governing each program component for which the Approved Contractor is providing services.
6. Comply with historic preservation guidelines in effect for Me². No work may be completed under Me² outside of the scope of contact work contained with Appendix A and B of the attached document (pages 9 -15) without prior approval from the Me² project officer. See: http://www1.eere.energy.gov/wip/pdfs/state_historic_preservation_programmatic_agreement_wi.pdf
7. Construction work on homes in locally designated historic districts must receive a Certificate of Appropriateness before construction can begin. Vinyl windows may not be installed on locally designated historic homes, and HVAC venting may not protrude from the street-facing façade of the structure.
8. Promote Me² and Focus on Energy incentives and financing mechanisms to customers as a part of contractor sales and marketing efforts.
9. Maintain active status as a Focus on Energy Home Performance with ENERGY STAR Program Ally.
10. Comply with federal reporting requirements and attend Me² seminars on federal reporting guidelines and regulations. This includes reporting on the number of completed construction jobs, dollar value of jobs, and hours worked on jobs. Contractor will ensure data exporting format will conform with DOE specified XML data schema for reporting to DOE.
11. Apply for all necessary construction permits before construction commences. Electrical, plumbing, and HVAC contractors are required to pull their permits on-line via ePermits. <http://www.mkedcd.org/permits/>
12. Allow random field inspections of work performed or being performed under this Agreement in order to maintain the quality standards sought by this Program.

13. Contractors will be required to submit a business Waste Management Plan upon program approval (template will be provided). Project waste on all construction jobs will be reported and tracked using the WasteCap TRACE system. Green Madison staff will arrange trainings on this system. Contractors are responsible for the cost of utilizing the TRACE system. There is a fee of \$0.02 per square foot of affected area with a minimum fee of \$50 and a maximum fee of \$500 per project entry.
14. Receive payment directly, when applicable, from the approved Me² lending institution.
15. Pay any and all independent contractors or subcontractors employed as a part of the program in a timely manner.
16. Provide new contact information within 10 days of any change.
17. Treat Me² program participants fairly, responsibly and provide quality, on-time service.
18. Re-submission of up to date qualification documents within 10 days of any change.
19. Contractors shall agree to maintain and provide access to records to verify compliance with all provisions contained within this Agreement, including compliance with the labor standards enumerated above. At any time during normal business hours and as often as WECC or the City, or if federal or state grants or aids are involved, as the appropriate state or federal agency may deem necessary, there shall be made available to WECC or the City for examination all of the contractor's or subcontractor's records with respect to the matters covered by this Agreement and the contractor or subcontractor shall permit WECC or the City to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment, and other data relating to all matters covered by this Agreement.
20. Abide and conform to all applicable laws and maintain all applicable licenses required by the federal, state or local authority where the work is to be completed. In addition, contractor agrees to abide by all applicable regulations, rulings, proclamations, statutes, and building codes of all government bodies having jurisdiction.
21. Maintain levels of insurance as outlined below. Provide WECC with a certificate of insurance upon program approval.
 - Workers' Compensation Insurance for Contractor's employees to the extent of statutory limits.
 - Commercial General Liability Insurance as applicable to Contractor's obligations under this Contract with minimum limits of:
 - Personal Injury - \$1,000,000 per occurrence
 - Bodily Injury and Property Damage – \$1,000,000 per occurrence
 - Automobile Liability Insurance which applies to any automobile Contractor owned, hired or rented, used in the work performed with minimum limits of \$1,000,000 per person and per accident.
 - WECC shall be named as certificate holder and additional insured.
22. Provide any and all labor, resources, and quantity (ies) of materials and products necessary to complete the job as specified in contractor's bid, at no additional cost to the homeowner. Contractor is responsible for the costs of any and all indemnification, staffing, resources, products, and materials that are incurred by the homeowner as a result of the work performed under this contract and are not specifically itemized in the bid and/or change order(s).
23. Visit the site and warrant that all work, materials, and products provided have been performed as specified given the existing conditions of the site. This warranty will be provided in writing to the homeowner and will provide that all work performed under this contract will be free from defects in materials and workmanship for a period of one (1) year from the date of payment authorization and to also assign all longer contractor and material warranties to the homeowner.
24. All products and materials will be installed in accordance with manufacturer recommendations and instructions. Any manufacturer warranties for workmanship and/or materials that are compromised and/or voided as a result of work performed by the contractor will become the responsibility of the contractor.
25. Assign only trained, qualified, and licensed (where applicable) personnel to perform work. The work will be completed in a timely and professional manner that meets or exceeds currently accepted performance standards of the industry.



- 26. Execute a written agreement with the homeowner prior to commencement of the delivery of services, incorporating all terms and conditions set forth in both this Agreement and the contractor's bid.
- 27. Abide by legitimate marketing and sales practices in accordance with applicable federal, state, and local laws and regulations.

Maintenance of Records

The Approved Contractor shall keep, maintain, and preserve at its principal office throughout the term of Me² projects and for a period of three (3) years after the end of the project full and detailed books, accounts, and records pertaining to the performance of the project, including without limitation, all bills, invoices, payrolls, contracting efforts and other data evidencing, or in any material way related to, the direct and indirect costs and expenses incurred by the Approved Contractor in the course of such performance.

However, if any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit finding involving the records has been resolved.

Independent Contractor Status

The Approved Contractor is an independent contractor under the Me² program and will work directly for the homeowners, receiving payment only from them or the Me² approved financial institution(s). The Approved Contractor acknowledges and agrees that participation is in no way to be construed or presented as an endorsement of the Approved Contractor's work or qualifications. There will be no contractual or fiduciary relationship between WECC, the City, or its partners. Approved Contractors are not guaranteed any minimum amount of work or fees. The Me² program participant is solely responsible for arrangements for scheduling, payment, and the results of any work performed by the Approved Contractor.

Indemnification of WECC and the City

The Approved Contractor shall pay on behalf of or indemnify and hold harmless WECC, City Government, and each of the partners, from and against any and all claims, actions, damages, fees, fines, penalties, defense costs, suits or liabilities which may arise out of any act, neglect, error, omission or default of the Approved Contractor arising out of or in any way connected with the Approved Contractor's performance or failure to perform as a part of this program.

Term

The provisions of this Agreement are effective from the date of signature through May 31, 2013 unless otherwise amended or revoked.

By my signature, my company agrees to participate in the Me² program and provide all services and measure installations in accordance with program guidelines, standards, and procedures as well as the terms of this Agreement.

AGREED TO BY:

Signature: _____

Print Name: _____

Title: _____

Company Name: _____

Date: _____

WITNESS:

Print Name: _____



Milwaukee Energy Efficiency Program (Me²)
Residential Contractor Request for Qualifications
August 1, 2011

Signature: _____

Date: _____