



Ohio Administrative Code

Rule 3318:1-10-01 Selection process for installment payment contracts.

Effective: April 1, 2015

(A) Definitions

(1) "Proposer" means an architect, professional engineer, energy services company, or firm experienced in the design and implementation of energy conservation measures and provides energy management, design and construction services in exchange for compensation related to the energy and operational performance of an energy project.

(2) "Technical report" means an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district as described in division (G)(1) of section 133.06 of the Revised Code.

(3) "Energy project" means the installment payment contract for purchase and installation of energy conservation measures as defined in division (A) of section 3313.372 of the Revised Code.

(4) "District" means a city, exempted village, local or joint vocational school district.

(B) Selection process

(1) For each energy project, the district shall engage in a selection process consisting of a request for qualifications before contracting for a technical report.

(2) The district shall request statements of qualifications in the following manner:

(a) The request for qualifications shall be issued not less than fourteen days prior to the submission deadline.

(b) The request for qualifications shall include a general description of the buildings that are within



the scope of consideration, information detailing the district's utility bills for the buildings over the most recent twelve month period, and the criteria by which the submissions will be evaluated.

(c) The evaluation criteria set by the district shall include, but is not limited to:

(i) Competence to perform the required services as indicated by the technical training, education, and experience of the contractor's personnel, and;

(ii) Availability of qualified personnel, equipment, and facilities to perform the required services competently and expeditiously, and;

(iii) Experience and past performance working on similar types of energy projects.

(d) The district may request clarifications, conduct interviews or request additional information that supplements the statement of qualifications including, but not limited to a technical proposal, an estimate of energy project costs, or an estimate of energy savings in order to competitively select a proposer.

(e) The request for qualifications shall indicate how qualified contractors may submit a statement of qualifications for consideration.

(f) The district shall solicit statements of qualifications from no fewer than three proposers, soliciting through one or more methods including but not limited to direct invitation, electronic notification, websites, newspapers or additional methods as deemed by the district. The district shall make a good faith effort to solicit statements of qualifications from proposers who are ready, willing and able to undertake an energy project for the district.

(3) The statements of qualifications shall be timely reviewed and evaluated using the criteria published in the request for qualifications. The district shall announce the proposer deemed to be the most qualified to perform the required services, and enter into contract negotiations for the energy project.

(4) If the district fails to negotiate a contract with the proposer deemed to be most qualified, the



district shall inform the proposer, in writing, of the termination of negotiations. Upon terminating negotiations, the district may enter into negotiations with the proposer that the district ranked next highest.

(5) Nothing in this rule affects the district's right to accept or reject any or all proposers' statements of qualifications in whole or in part.