



GEORGIA ENVIRONMENTAL FINANCE AUTHORITY

REQUEST FOR STATEMENTS OF QUALIFICATION

FROM

ENERGY SERVICES PROVIDERS FOR STATE OF GEORGIA

FOR A QUALIFICATION TERM BEGINNING FEBRUARY 26, 2024, AND ENDING FEBRUARY 26, 2027

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ARTICLE I. DEFINITIONS

Unless otherwise provided herein, the following terms shall be defined as follows:

- 1.1 “Audit Agreement” shall mean the agreement pursuant to which the Energy Services Provider (“ESP”) (as hereinafter defined) will conduct the Investment Grade Energy Audit (as hereinafter defined) of a specific project.
- 1.2 “Audit Report” shall mean the report the ESP is required to produce pursuant to the Audit Agreement and which shall include a summary of the ESP’s recommendations for Energy Conservation Measures (“ECM”) (as hereinafter defined), which shall be based on anticipated energy, operational, water, or wastewater cost savings or revenue increases resulting from the ECMs. The Audit Report must include a detailed economic analysis of the project’s performance over the life of the contract term and estimates for each ECM of all costs of installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy or operating costs will be reduced.
- 1.3 “Authority” shall mean the Georgia Environmental Finance Authority.
- 1.4 “Annual Review” shall mean the annual review, reconciliation, and verification of the Verified Savings.*
- 1.5 “Contract Time for Verified Savings” shall mean the period of time beginning on the latter of (1) acceptance of the Work or (2) the date Owner (as hereinafter defined) provides a notice of commencement of Contract Time for Verified Savings, and shall end at the end of the fiscal year that is (contract term number of years) years thereafter.¹
- 1.6 “Contract Time for Work” shall mean the period of time beginning on the date that the Work is permitted to proceed through the date established for Final Completion.²
- 1.7 “Energy Conservation Measure” or “ECM” shall mean a program, or facility alteration, or technology upgrade designed to reduce energy, water, wastewater, or other consumption or operating costs including, without limitation:
 - (A) Insulation of the building structure or systems within the building;
 - (B) Storm windows or doors, caulking or weather stripping, multi-glazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy

¹ denotes definition of a term that is not used within this document but may be used in subsequent Requests for Proposals or other related documents

² denotes definition of a term that is not used within this document but may be used in subsequent Requests for Proposals or other related documents

consumption;

- (C) Automated or computerized energy control systems;
- (D) Heating, ventilating, or air conditioning (HVAC) system modifications or replacements;
- (E) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to applicable state or local building codes for the lighting system after the proposed modifications are made;
- (F) Energy recovery ventilation systems;
- (G) A training program or facility alteration that reduces energy consumption or reduces operating costs, including allowable costs, based on future reductions in costs for contracted services;
- (H) A facility alteration that includes expenditures required to properly implement other energy conservation measures;
- (I) A program to reduce energy costs through rate adjustments, load shifting to reduce peak demand, or use of alternative suppliers as otherwise provided by law, such as, but not limited to:
 - (i) Changes to more favorable rate schedules;
 - (ii) Negotiation of lower rates, where applicable; and
 - (iii) Auditing of energy service billing and meters;
- (J) The installation of energy information and control systems that monitor consumption, redirect systems to optimal energy sources, and manage energy using equipment;
- (K) Indoor air quality improvements;
- (L) Daylighting systems;
- (M) Renewable generation systems owned by the governmental unit, such as solar photovoltaic, solar thermal, wind, and other technologies as identified in the project, provided that all metered distribution and deliveries of electric energy are made by an electric supplier authorized under the "Georgia Territorial Electric Service Act;"
- (N) Geothermal HVAC systems;
- (O) Water and sewer conservation measures, including, without limitation, plumbing fixtures and infrastructure;
- (P) Equipment upgrades that improve accuracy of billable revenue generating systems; and
- (Q) Automated, electronic, or remotely controlled systems or measures that reduce direct and other operating costs."

- 1.8** “ECM Continuing Services” shall mean annual services, including but not limited to training, maintenance, monitoring, measurement and verification, and the Annual Review.
- 1.9** “ECM Installation Work” or “Work” shall mean work associated with the design, procurement, fabrication, construction, installation, testing, and commissioning of those ECMs that are identified in and installed in accordance with the GESPC and that are capital expenditures for federal income tax purposes.
- 1.10** “eProject eXpress” is a U.S Department of Energy platform used for state and local governments to report, track, and demonstrate the ongoing value of the energy savings performance contracting projects and programs.
- 1.11** “ESP” shall mean Energy Services Provider. The term shall include companies that meet the definition of either an ESP or an Energy Service Company (“ESCO”) published by the National Association of Energy Service Companies (“NAESCO”). ESPs are not required to be accredited by or members of NAESCO. For the purposes of the Act, an ESP is a company that possesses:
- a record of successful GESPC projects with documented verified savings that meet or exceed their guarantees;
 - technical and managerial competence to develop comprehensive energy efficiency projects, including lighting measures; efficient motors and drives; and measures involving heating, ventilation, and air conditioning systems;
 - technical and managerial competence to provide a full range of energy services, including conducting investment grade energy audits, providing or arranging for project financing, design engineering, providing operations and maintenance services, and verifying energy savings according to accepted industry practice;
 - experience in the design, implementation, and installation of energy conservation measures and
 - the technical capabilities to verify that such measures generate guaranteed energy and operational cost savings or enhanced revenues according to accepted industry practice; and
 - the ability to secure or arrange the financing necessary to support energy savings guarantees.
- 1.12** “Guaranteed Energy Savings Performance Contract” or “GESPC” shall mean a contract for the evaluation, recommendation, and implementation of one or more ECMs in accordance with the Act (as hereafter defined). The GESPC shall include, at a minimum, the design and installation of

equipment and, if applicable, operation and maintenance of any of the ECMs implemented. The GESPC shall also include guaranteed savings (as hereafter defined) annually that meet or exceed the total annual contract payments made by the Owner (as hereinafter defined) for the contract, including financing charges to be incurred over the life of the contract. Each GESPC shall comprise two phases of work: (1) ECM Installation Work and (2) ECM Continuing Services.

1.13 “Guaranteed Energy Savings Performance Contracting Act” or “Act” shall mean the O.C.G.A. §§ 50-37-1 through 50-37-8.

1.14 “Guaranteed Savings” shall mean the agreed upon level of energy savings, operational cost savings, and revenue enhancements guaranteed in a GESPC. Guaranteed Savings must meet or exceed the total annual contract payments made by the Owner (as hereinafter defined) for the GESPC, including financing charges to be incurred over the life of the contract.

1.15 “Investment Grade Energy Audit” or “IGA” or “Audit” shall mean the study performed by the ESP and provided to the Owner (as hereinafter defined) that includes detailed descriptions of the improvements recommended for the project, the estimated costs of the improvements, and the utility and operation and maintenance cost savings projected to result from the recommended improvements.

1.16 “Owner” shall mean the State Agency that issues a Request for Proposals pursuant to the Act, enters into an Audit Agreement with an ESP, and enters into a GESPC for a project.

1.17 “Prequalification List” shall mean the list of prequalified ESPs eligible to compete for contracts with State Agencies that desire to enter into GESPCs.

1.18 “Qualification Period” shall mean the three-year period beginning with the publication of the initial Prequalification List on February 26, 2024, during which those ESPs included on the list will be eligible to receive RFPs for specific GESPC projects.

1.19 “Resident ESP” shall mean an ESP that has maintained a place of business with at least one employee inside the state for at least one (1) year prior to the submission of its Statement of Qualifications (as hereinafter defined), or a new business that is domiciled in Georgia that regularly maintains a place from which business is physically conducted in Georgia. A Post Office Box address, site trailer, or temporary structure will not satisfy this requirement.

1.20 “Request for Proposals” or “RFP” shall mean a State Agency’s request for Preliminary Technical Proposals from selected prequalified ESPs for specific GESPC projects.

1.21 “Request for Statements of Qualifications” or “RFQ” shall mean this document, whose purpose is to elicit Statements of Qualifications.

1.22 “Statement(s) of Qualifications” or “SOQ” shall mean the responses submitted by ESPs in response to

this RFQ.

1.23 “State Agency” or “State Agencies” shall mean every state agency, authority, board, bureau, commission, and department of the state of Georgia, including but not limited to the Board of Regents of the University System of Georgia and its universities.

1.24 “Verified Savings” shall mean actual energy savings, operational cost savings, and revenue enhancements realized with reference to certain baseline/benchmarks and determined in accordance with methods and procedures specified in GESPCs. Verified Savings shall result solely from ECMs installed or performed by ESPs in accordance with GESPCs under the Act.

ARTICLE II. BACKGROUND AND PURPOSE

2.1 Background

In 2010, the Georgia Constitution was amended to authorize the state of Georgia to finance governmental energy efficiency and conservation improvement projects in which an ESP guarantees specified savings or revenue gains that will purportedly emanate solely from the improvements. During the 2010 session, the Georgia General Assembly implemented the authorization in the Georgia Constitution by enacting the “Act.” It provides the statutory authority for State Agencies to enter into GESPCs. In 2012, the Georgia General Assembly passed SB 113, which allows the Authority to open up the ESP Prequalification List at any time during the three-year term and this posting on the Georgia Procurement Registry makes the RFQ readily available. The current list of Prequalified ESPs can be found [here](#).

Under the Act, a GESPC must include a written guarantee from the ESP that energy, water, wastewater, or operating cost savings or revenue increases will meet or exceed the cost of the ECMs within, at most, a twenty (20) year period from the date of final acceptance of installation or implementation. GESPCs shall require ESPs to provide an annual reconciliation of the guaranteed energy cost savings and must hold ESPs liable for any annual savings shortfall which may occur.

2.2 Purpose

Pursuant to the Act, the Authority is seeking SOQs from ESPs capable of developing, implementing, and installing ECMs for State Agencies. This RFQ is intended to identify responsible ESPs that meet or exceed the identified requirements contained herein and to be placed on the list of prequalified ESPs. Any ESPs added by this RFQ will be on the list through February 26, 2027, which is the last day of the three-year term. The Authority may remove an ESP from the Prequalification List at any time that the Authority determines the ESP fails to meet the criteria for continued inclusion. The Authority may also add ESPs to the list at any time.

ARTICLE III. SUMMARY OF OPPORTUNITY

3.1 RFQ Process Produces Prequalification List

This RFQ allows ESPs to be added to the Prequalification List. This RFQ will not result in a contract award.

3.2 Summary of Contracting Process Following Prequalification of ESPs

3.2.1 Request for Proposals

Following the completion of this RFQ process, State Agencies, in their sole discretion, will issue Requests for Expression of Interest to all ESPs on the Prequalified list of ESPs to move to the RFP process for specific projects. The Authority will provide State Agencies with guidance for selecting the ESPs for specific projects. Interested ESPs that have received an RFP may submit a Preliminary Technical Proposal.

The State Agency desiring to undertake a project will select the ESP whose Preliminary Technical Proposal best meets the needs of that State Agency in accordance with criteria established by the State Agency for the specific project, including but not limited to the comprehensiveness of the proposal, comprehensiveness of cost-saving measures, experience, quality of technical approach, overall benefits to the State Agency, and other factors determined by the State Agency to be relevant to the implementation of the project. The ESP will not be selected on the basis of lowest cost.

3.2.2 Investment Grade Energy Audit Agreement

Upon completion of the RFP process and the selection of an ESP for a project, negotiations will be initiated with the selected ESP to finalize terms and conditions of the Audit Agreement, including the fees to be paid. In the event a satisfactory fee agreement cannot be reached with the selected ESP, the State Agency will formally terminate the negotiations in writing and enter into negotiations with the second highest-ranking ESP, and so on until a mutual agreement is established or the State Agency abandons the project.

Pursuant to the Audit Agreement, the ESP will conduct the Audit of that specific project for a given contract term, which shall not exceed twenty (20) years. The Audit shall include detailed descriptions of the improvements recommended for the project, the estimated costs of the improvements, and the utility and operation and maintenance cost savings projected to result from the recommended improvements. The ESP will be required to produce an Audit Report summarizing its recommendations for ECMs based on anticipated energy, operational, water, or wastewater cost savings or revenue increases resulting from the ECMs. The Audit Report must include a detailed economic analysis of the project's performance over the life of the contract term and estimates for each ECM of all costs of installation, maintenance, repairs, and debt

service and estimates of the amounts by which energy or operating costs will be reduced.

3.2.3 Guaranteed Energy Savings Performance Contract

After receiving the Audit Report, the State Agency may, but is not required to, negotiate and enter into a GESPC with the selected ESP to implement the ECMs chosen by the State Agency. If the Agency goes forward with the GESPC the Audit fee is added to the GESPC financed amount. If the Agency chooses to not proceed to a GESPC, the Agency pays the ESP the Audit fee. The GESPC shall comprise two phases of work: (1) ECM Installation Work and (2) ECM Continuing Services. The GESPC must also require the ESP to provide the State Agency with an annual reconciliation of the guaranteed energy cost savings and hold the ESP liable for any annual savings shortfall that may occur.

ARTICLE IV. EVALUATION PROCESS

This RFQ process is being conducted to gather and evaluate SOQs from ESPs. All timely responses will be evaluated in accordance with the following steps. The objective of the evaluation process is to identify qualified ESPs based on the identified evaluation factors. The Authority will announce the results of the RFQ as described further in this section.

4.1 Schedule of Events

The following schedule of events represents the Authority's best estimate of the schedule that will be followed during this prequalification process. All times are designated in Eastern Standard Time. The schedule may be changed by an addendum to this RFQ.

Description	Date	Time
RFQ available to ESPs on the Georgia Procurement Registry at www.procurement.state.ga.us	02/26/2024	5:00 p.m.
Deadline for written questions sent via email as referenced in Section 5.3	Accepted at any time.	N/A
Responses to Written Questions available at www.procurement.state.ga.us	Responses will be answered within two weeks of receipt.	N/A
Deadline for Submission of SOQs	This is an open call for SOQs. SOQs will be accepted at any time before or during the Prequalification Period (February 26, 2024 – February 26, 2027).	N/A
Publication of Prequalification List	Prequalification List will be updated monthly with any changes and published at http://gefa.georgia.gov/prequalification-list . Submissions will be reviewed within 30 days of	N/A

4.2 Extension of Submittal Period

This RFQ automatically concludes on the date and time indicated above, unless an addendum is issued by the Authority extending the submittal period.

4.3 Administrative/Preliminary Review

The SOQs first will be reviewed to determine compliance with the following requirements.

4.3.1 SOQ was submitted by deadline in accordance with Articles IV and V.

4.3.2 SOQ is complete and contains all required documents.

4.3.3 The following minimum qualifications have been met, in accordance with this RFQ:

4.3.3.1 Neither the ESP nor its principals are currently ineligible, debarred, suspended, or otherwise excluded from bidding or contracting with the state of Georgia, any other state, the federal government, or any agency, subdivision, department, or authority of the foregoing.

4.3.3.2 Neither the ESP nor its principals have been terminated for cause or are currently in default on any public works contract or guaranteed energy savings performance contract.

4.3.3.3 The surety that will underwrite the required bonds for the ESP on GESPC projects is on the most recent U.S. Treasury Listing of Approved Sureties and has an A.M. Best rating of A- or better, an A.M. Best Financial Class Size of V or higher, and is licensed to do business in the state of Georgia.

4.3.3.4 The ESP has completed no fewer than ten (10) guaranteed energy savings performance contract projects within the last ten (10) years and each of these projects has a minimum of one (1) year repayment and savings performance history.

4.3.3.5 The ESP has a current Commercial General Liability (CGL) Insurance policy and is insurable in the following minimum coverage amounts: bodily injury, including death, limits of one million dollars (\$1,000,000) for each accident, and property damage limits of two million dollars (\$2,000,000) for each accident and ten million dollars (\$10,000,000) for the aggregate of operations. (The State Agency reserves the right to require additional limits and/or coverage for actual contract.)

4.3.3.6 The ESP has a current Professional Liability (Errors and Omissions) Insurance

policy for design professionals, subconsultant engineers and architects, and all other applicable consultants with the minimum coverage of one million dollars (\$1,000,000) per claim. (The State Agency reserves the right to require additional limits and/or coverage for actual contract.)

4.3.3.7 The ESP has all necessary, valid and current licenses to do business in the state of Georgia.

4.3.3.8 The ESP has demonstrated a commitment to safety with regard to workers' compensation by having an Experience Modification Rate (EMR) over the past three (3) years of 1.2 or less.

4.4 Evaluation of Qualification Factors

The selection committee will evaluate the ESPs whose SOQs pass administrative/preliminary review as delineated in Section 4.3. SOQs that receive seventy-five percent (75%) or more of the total points available will be designated as "Qualified" by the Authority until the end of the three-year Qualification Period, which is February 26, 2027. Criteria for the evaluation are listed below:

4.4.1 Financial Stability of the ESP (30 points)

- Firm's corporate history and growth
- Financial soundness and stability of the ESP (past three years of financial statements)
- Completeness of ESP's financial statements and reports
- ESP's bonding capacity (payment and performance bonds for cost of improvements)
- ESP's bond ratings or ratings of parent guarantor

4.4.2 Experience and Track Record (30 points)

- Qualifications and experience of ESP's personnel, including employment background, educational background, professional/technical qualifications, and energy performance contracting project experience of ESP's primary project team members
- Overall energy performance contracting project experience and qualifications
- Experience with energy savings performance contracting projects
- Quality of design, engineering, installation, maintenance, and repairs associated with guaranteed energy savings performance contracts
- Reliability of equipment performance on past projects
- Quality of Project History and Client Reference documentation for at least ten (10)

completed guaranteed energy savings contracting projects in repayment with at least one (1) complete year of savings performance data currently under contract with the ESP

- Quality and completeness of documentation of achieved energy savings from previous projects
- Litigation history
- Reliability of equipment performance on past projects
- Accreditation from NAESCO

4.4.3 Project Management (20 points)

- Overall project management capability
- Ability to effectively manage project construction
- Location and quality of engineering and construction management resources
- Comprehensiveness of post-installation project monitoring, data collection, and verification of and reporting of savings
- Ability to plan and complete all phases of the project on schedule

4.4.4 Technical Approach (15 points)

- Quality of the sample investment grade energy audit
- Comprehensiveness of the technical approach to past projects
- Quality of sample Customer Savings Report
- Quality of sample Savings Measurement and Verification Plan
- Quality of sample design documentation for installed ECMs
- Quality of sample Operations and Maintenance Manual
- Quality of sample Commissioning Plan
- ESP's available technical resources

4.4.5 Overall Quality (5 points)

- Other factors determined by the executive director of the Authority to be relevant and appropriate and relate to the ability to perform the project.

ARTICLE V. INSTRUCTIONS TO ESPs

5.1 Submission Format

ESPs are required to submit two (2) complete sets of their SOQs on CD-ROMs, USB Drives (SOQ Media), or through the following Quickbase application link:

<https://georgiaenvironmentalfinanceauthority.quickbase.com/db/brq5zf66?a=nwr>

5.1.1 If the Authority is unable to open an electronic file due to a virus or because the file has become corrupted, the ESP's SOQ may be considered incomplete and the ESP may be disqualified from further consideration.

5.1.2 The Authority has the capability of viewing documents submitted in the following format: Microsoft Word, Microsoft Excel, portable document format file (PDF), and plain text files with the file extension noted in parentheses (.txt). In the event the Authority is unable to open an electronic file because the Authority does not have ready access to the software utilized by the ESP, the ESP's SOQ may be considered incomplete and the ESP may be disqualified from further consideration.

5.1.3 ESPs must submit an SOQ including all information outlined in Article VI below. Incomplete SOQs or SOQs missing required information will be deemed unresponsive and will not be evaluated.

5.1.4 Each electronic filename must begin with the ESP Name or acronym. See Article VI below for the specific filename requirements.

5.1.5 Each set of SOQ Media must be labeled with the ESP Name or acronym, GEFA GESPC 2024, and ____ of ____ SOQ Media.

5.2 Submission Deadline

SOQs may be submitted until February 26, 2027. Submit SOQs to:

Miracle Wilson
Project Manager
Georgia Environmental Finance Authority
47 Trinity Ave SW
Fifth Floor
Atlanta, GA 30334

It is the sole responsibility of the ESP to have its SOQ submitted as described herein to the Authority on or before the above deadline. SOQs received after the specified deadline will be considered non-responsive and will not be evaluated.

5.3 ESP Questions and Inquiries

Questions and requests for clarification may be submitted on or before the date specified in

Section 4.1 above via email with the subject line "GESPC RFQ Questions" to: mwilson@gefa.ga.gov A summary of the questions received and the Authority's responses will be posted at www.procurement.state.ga.us. A final summary of questions and responses will be posted as specified in Section 4.1 above.

5.4 Changes or Alterations to SOQ

Changes or modifications to a submitted SOQ can occur only prior to the deadline for submission. The ESP shall include a cover letter summarizing the nature of the modification with its modified SOQ. Oral requests for SOQ modification will not be considered.

5.5 Restriction of Communication

From the issuance date of this RFQ until the notification of review and the Prequalification List update is published, ESPs are not allowed to communicate regarding this RFQ with the members and staff of the Authority or any State Agency, except for submission of written questions as instructed above or until their SOQ review is completed. For violation of this provision, the Authority reserves the right to reject the SOQs of offending ESPs.

5.6 Reservations

The Authority reserves the right to reject any or all SOQs, or any item or items of the submittal, and to waive technical defects which are not substantive in nature if it is determined that it is in the Authority's best interest to do so. The Authority reserves the right to obtain clarification of any point in an SOQ or to obtain additional information so long as such clarification or additional information is requested during the submittal process. The Authority will proceed with the selection of those ESPs that, in the Authority's opinion and based on the application of the selection criteria to the SOQs, are best qualified for the type of services that it perceives may be desired by the State Agencies.

ARTICLE VI. STATEMENT OF QUALIFICATIONS FORMAT AND CONTENT

All SOQs shall be received by the Authority prior to the deadline indicated in Section 5.2 above. SOQs received after the time specified in Section 5.2 above will not be reviewed. SOQs that are not responsive to this RFQ will not be reviewed. To be considered responsive, in addition to being timely, the SOQ must include all information required by this RFQ.

All SOQs shall include sections with titles and numbers that correspond to the following sections identified below. All pages in the SOQ should be numbered sequentially. Include a table of contents in the SOQ indicating the page numbers of the sections (title and number) corresponding to the information included. Provide your responses formatted to print on 8½" x 11" paper. Font size must be no smaller than ten (10) point.

The content of all SOQs must be categorized and numbered as outlined below, and must address all of the following requested information in a responsive and responsible manner.

6.1 Cover Letter

6.1.1 Include in a cover letter the name or names of the individuals who will be the principal contact(s) during this RFQ procurement process and contact information for those individuals, including company address, telephone number and email addresses.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].61LTR.

6.2 Description of the ESP

6.2.1 Include in the description of the ESP the company name, address, telephone number, fax number (if available), email address(es), and company website (if available). If the ESP has multiple offices, the description of the ESP shall include information about the location of the parent company and any and all branch offices from which projects for State Agencies could be managed.

6.2.2 Include the ESP's form of ownership, including state of residency or incorporation, and number of years in business as an energy service company or provider. For joint venture entities that have not undertaken at least two (2) guaranteed energy savings performance contract projects together as a joint venture, this information shall be submitted for each ESP separately.

6.2.3 Include a brief description of the history and growth of the ESP including general information about the ESP's personnel resources, including specializations. Indicate the number of

guaranteed energy savings performance contracting projects implemented by the ESP.

6.2.4 Indicate whether the ESP has been declared in default on any guaranteed energy savings performance contracting projects in the five (5) years immediately prior to the submittal of the SOQ.

6.2.5 Disclose and provide a discussion of any litigation, mediation, arbitration, or administrative proceedings related to guaranteed energy savings performance contract projects in which the ESP has been involved in the five (5) years immediately prior to the submittal of the SOQ including but not limited to litigation, mediation, arbitration, or administrative proceedings with owners and/or architects. List and give brief explanation of all active or pending litigation related to guaranteed energy savings performance contract projects.

6.2.6 Indicate whether the ESP is currently a member of and/or accredited by NAESCO. ESPs are not required to be accredited by NAESCO, but NAESCO accredited ESPs will receive additional consideration.

6.2.7 Identify the ESP's legal counsel. Provide the name and address of the primary individual who will be responsible.

6.2.8 Indicate the state(s) where the ESP meets the definition of a Resident ESP. For each such state, disclose whether that state grants preference to its Resident ESPs. (See Section 7.8 of the RFQ.)

6.2.9 The total page limit for information submitted pursuant to 6.2.1 through 6.2.8 is ten (10) pages.

6.2.10 Provide a copy of the ESP's non-discrimination policies and describe the ESP's record and methodologies of addressing public safety; cultural, environmental, and historical preservation; or other related concerns.

6.2.11 For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].62DESC.

6.3 ESP's Financial Information

6.3.1 Provide a copy of the ESP's audited financial statements for the most recent three (3) fiscal years prepared in conformity with generally accepted accounting principles including the balance sheet, income statements, and statement of cash flows. The firm name, office address, and telephone number of the individual who performed the audit of the financial statements must be included. The individual or firm must

have been a certified public accountant at the time of the audit.

6.3.2 Provide a copy of the ESP's latest quarterly financial report and a description of any adverse material changes in financial position since the last annual report.

6.3.3 Provide banking references including financial institution, address, contact person, telephone number, and any other specific information pertinent to the ESP's credit and ability to arrange financing for large-scale projects. Please include statements from the banks confirming the ESP's credit lines available for GESPC projects.

6.3.4 Provide bonding references including bonding company name, address, contact person telephone number, and information on the ESP's maximum bonding capability. The surety that will underwrite the bonds for the ESP must be on the most recent U.S. Treasury Listing of Approved Sureties and must have an A.M. Best rating of A- or better, an A.M. Best Financial Class Size of V or higher, and must be licensed to do business in the state of Georgia. Attach documentation verifying listing with the U.S. treasury, A.M. Best ratings, and registration with the Georgia Office of Insurance and Safety Fire Commissioner. Provide a letter or other supporting documentation from a bonding company indicating the ESP's capacity to bond GESPC projects.

6.3.5 Indicate the total value of all guaranteed energy savings performance contracts awarded to the ESP during the previous three (3) years.

6.3.6 Provide a brief overview of the types of financing used by the ESP for previous guaranteed energy savings performance contracting projects, including the source of funds.

6.3.7 For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].63FIN.

6.4 ESP's Certification of Meeting Minimum Requirements

In order to be eligible for further evaluation, the ESP shall issue the following certified sworn statement by an individual possessing the authority to bind the ESP asserting that the ESP meets the minimum qualifications required to be prequalified for these services. For supporting documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].64CERT. The signed and notarized certification shall state as follows:

6.4.1 The ESP certifies that neither it nor its principals are currently ineligible, debarred, suspended, or otherwise excluded from bidding or contracting with the state of Georgia, any other state, the federal government, or any agency, subdivision, department, or authority of the foregoing.

6.4.2 The ESP certifies that neither it nor its principals have been terminated for cause, are currently in default, and/or have been declared in default on any public works contract or guaranteed energy savings performance contract within the five (5) years preceding the submittal of this SOQ.

6.4.3 The ESP certifies it has or will have sufficient bonding capacity for the anticipated total costs of ECM Installation Work on GESPC projects for which it will submit bids. The ESP further certifies that the surety that will underwrite the required bonds for the ESP on GESPC projects is on the most recent U.S. Treasury Listing of Approved Sureties and has an A.M. Best rating of A- or better, an A.M. Best Financial Class Size of V or higher, and is licensed to do business in the state of Georgia.

6.4.4 The ESP certifies it has a current Commercial General Liability (CGL) Insurance policy and is insurable in the following minimum coverage amounts: bodily injury, including death, limits of one million dollars (\$1,000,000) for each accident, and property damage limits of two million dollars (\$2,000,000) for each accident and ten million dollars (\$10,000,000) for the aggregate of operations. (The State Agency reserves the right to require additional limits and/or coverage for actual contract.)

- *Provide the ESP's current insurance certificate using descriptive filename(s) beginning with [ESP Name or acronym].64CERT.*

6.4.5 The ESP certifies it has a current Professional Liability (Errors and Omissions) Insurance policy for design professionals, subconsultant engineers and architects, and all other applicable consultants with the minimum coverage of one million dollars (\$1,000,000) per claim. (The State Agency reserves the right to require additional limits and/or coverage for actual contract.)

- *Provide the ESP's current insurance certificate using descriptive filename(s) beginning with [ESP Name or acronym].64CERT.*

6.4.6 The ESP certifies it has all necessary, valid, and current licenses to do business in the state of Georgia.

- *Provide the ESP's current business license and registration with the Georgia Secretary of State using descriptive filename(s) beginning with [ESP Name or acronym].64CERT.*

6.4.7 The ESP certifies it has demonstrated a commitment to safety with regard to workers' compensation by having an Experience Modification Rate (EMR) over the past three (3) years of 1.2 or less.

- *Provide a letter or other supporting documentation using descriptive filename(s)beginning with [ESP Name or acronym].64CERT.*

6.4.8 The ESP certifies it has completed no fewer than ten (10) guaranteed energy savings performance contract projects within the last ten (10) years and that each of these projects has a minimum of one (1) year repayment and savings performance history.

6.4.9 The ESP certifies: (a) the SOQ is genuine and is not made in the interest or on behalf of any undisclosed person or entity; (b) the ESP has not directly or indirectly included or solicited any other ESP to put in a false or insincere SOQ; and (c) the ESP has not solicited or induced any person or entity to refrain from sending a SOQ.

6.4.10 The ESP certifies it has submitted a complete and accurate response to this RFQ using the format described in Article V.

6.5 ESP's Personnel Information, Technical Qualifications, Capability, and Experience

6.5.1 Complete and submit the ESP's PERSONNEL INFORMATION AND TECHNICAL QUALIFICATIONS FORM located in Exhibit A for the primary project team members (no more than ten (10) individuals) who will likely be working on State Agency projects.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].651QUAL.

6.5.2 Complete and submit the ESP's CAPABILITY AND EXPERIENCE PROFILE form located in Exhibit B.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].652EXPR.

6.5.3 Submit an organizational chart with names, roles and responsibilities, and reporting structure for a typical guaranteed energy savings performance contract project that would be undertaken by the ESP.

- For documents submitted in response to this section, use descriptive filename(s)beginning with [ESP Name or acronym].653ORG.

6.6 ESP Project History

6.6.1 Complete and submit the PROJECT HISTORY and CLIENT REFERENCES form located in Exhibit C for ten (10) guaranteed energy savings performance contract projects. Each of the ten (10) projects must have a minimum of a one (1) year repayment history and savings performance. Each project must be currently managed or must have been managed by the specific branch, division, office, or individual that would be assigned to State Agency projects. Client references will be contacted.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].661HIST.

6.6.2 Complete and submit the ENERGY, WATER, AND OPERATIONAL SAVINGS DATA form located in Exhibit D for the same ten (10) guaranteed energy savings projects for which PROJECT HISTORY and CLIENT REFERENCES forms are submitted.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].662DATA.

6.6.3 Describe any projects where this ESP has made payments to a client under the terms of the guaranteed energy savings performance contract as a result of not meeting the guaranteed energy savings.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].663PAY.

6.7 Technical Project Capabilities

6.7.1 Provide a sample Savings Measurement and Verification Plan from a completed guaranteed energy savings performance contracting project implemented by the ESP, including an estimate of the total number of measurement points currently being monitored by ESP for that project.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].671MVP.

6.7.2 Provide a sample Investment Grade Energy Audit conducted by ESP that includes detailed energy and economic calculations.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].672IGA.

6.7.3 Provide a sample Operations and Maintenance Manual developed by ESP.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].673OMM.

6.7.4 Provide a sample Commissioning Plan from a project implemented by ESP.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].674CXP.

6.7.5 Provide a sample Final Design Specification for an installed ECM, e.g., HVAC, controls, etc.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].675SPEC.

6.7.6 Provide a sample Customer Savings Report from a guaranteed energy savings performance contract project implemented by ESP.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].676CSR.

6.7.7 Provide a sample Customer Training Plan from a guaranteed energy savings performance contract project implemented by ESP.

- For documents submitted in response to this section, use descriptive filename(s) beginning with [ESP Name or acronym].677CTP.

ARTICLE VII. ADDITIONAL TERMS AND CONDITIONS

7.1 Submittal Costs and Confidentiality

Upon receipt, all SOQs become the property of the Authority. Expenses for preparing and submitting the SOQ are the sole cost of the submitting ESP. The Authority is not obligated to reimburse such expenses.

Pursuant to the Open Records Act, O.C.G.A. § 50-18-70 *et seq.*, there is no exemption from disclosure merely because information was submitted to the Authority in response to this RFQ. Labeling information provided in submittals as “proprietary,” “confidential” or any other designation of restricted use will not necessarily protect the information from public view. Trade secrets may be protected from disclosure if the information is submitted to the Authority in accordance with O.C.G.A. § 50-18-72(a)(34).

7.2 Statement of Agreement

By submitting a SOQ, the ESP represents that the ESP has carefully examined this RFQ. By submitting a SOQ, the ESP acknowledges acceptance of the Final Audit Agreement, Contract, and Finance, documents, as well as the use and monitoring of eProject eXpress platform to record and capture all ESPC data and metrics from the project for the GESPC program. Acceptance of these documents is a condition for selection as a prequalified ESP Pool participant, and those firms that accept the Audit Agreement, the GESPC Contract and Finance documents (Exhibit E) will be designated as prequalified ESP Pool participants. The ESP has the responsibility of requesting clarification on any issues in the RFQ with which the ESP disagrees or needs to have clarified. Failure of the ESP to mention these items in the SOQ will be interpreted to mean that the ESP is in full agreement with the terms, conditions, specifications, and requirements in this RFQ.

7.3 Right to Protest - SOQ Challenges

By responding to this RFQ, the ESP acknowledges, understands, and abides by the Authority's reserved right to waive any informalities, to reject any and all SOQs, to accept portions of any SOQs and to accept any SOQs, which in its opinion, may be in the best interest of the Authority and the state of Georgia.

Any ESP that is aggrieved in connection with the Prequalification List developed pursuant to this RFQ may protest on the grounds of irregularities in the SOQ procedures, but not based upon the evaluation of each SOQ. Written protest must be filed with the executive director of the Authority within five (5) business days of the publication of the Prequalification List. The written protest must include a statement with particular facts and grounds identifying the basis for the protest, including applicable statutes, laws or ordinances. For purposes of this section and the deadlines specified herein, a protest shall be considered filed when an

email containing the written protest, either in the body of the email or as an attachment to the email, is received by the Authority at mwilson@gefa.ga.gov with the subject line "GESPC RFQ PROTEST." Failure to timely file the written protest shall constitute a waiver of rights of protest. Any and all actions or decisions of the Authority in response to the protest shall be final. This section shall not give rise to any right to recovery for any irregularities in RFQ or SOQ procedures.

7.4 Assignment and Subcontracting

A successful ESP may not sell, subcontract, or otherwise transfer its interest in its prequalified status without the prior approval of the Authority.

7.5 Indemnification

All successful ESPs selected by a State Agency to enter into an Audit Agreement and, ultimately a GESPC, will be required to agree to indemnify and hold harmless the state of Georgia, the State Agency, the Authority, and their agents, assigns, and employees from and against all claims, demands, liabilities, suits, judgments and decrees, losses, and costs of expenses of any kind or nature whatsoever due to injuries or death of any person or persons or damage to any property occurring directly or indirectly from performance of work by the ESP or its employees, agents, associates, or subcontractors.

7.6 Insurance and Bonds

All successful ESPs selected by a State Agency to enter into an Audit Agreement and, ultimately a GESPC, will be required to provide bonds and insurance specified in the applicable RFP, Audit Agreement, and GESPC. The ESP will be required to furnish Payment and Performance Bonds and proof of insurance, including Worker's Compensation and Employer's Liability Insurance, Commercial General Liability Insurance, Property or Builders Risk Policy Insurance, and Professional Liability (Errors and Omissions) Insurance for design professionals, subconsultant engineers and architects, and all other applicable consultants.

7.7 Licensing

With submission of a SOQ, the ESP agrees to comply with any and all applicable licensing requirements under Georgia and federal law.

7.8 Reciprocal Preference Law

For the purposes of evaluation only, an ESP that resides in the state of Georgia will be granted preference over ESPs that reside in another state in the same manner, on the same basis, and to the same extent that

preference is granted by such other states to ESPs that reside therein. For the purposes of this law, the definition of a Resident ESP is one that maintains a place of business with at least one employee inside the state for at least one (1) year prior to the submission of the SOQ, or a new business that is domiciled in Georgia and regularly maintains a place from which business is physically conducted in Georgia. A P.O. Box address, site trailer, or temporary structure will not satisfy this requirement.

7.9 Small and Minority Business Enterprise

It is the policy of the state of Georgia that small businesses and minority business enterprises have a fair and equal opportunity to participate in the state purchasing process. The state of Georgia recognizes that the preservation and expansion of the American economic system of private enterprise is through free competition, but it also recognizes that the security and well-being brought about by such competition cannot be realized unless the capacity of minority business enterprises is encouraged and developed. To further encourage competition, it is the declared policy of the state to ensure that a fair proportion of the total purchases and contracts or subcontracts for property, commodities, and services for the state be placed with small businesses so long as the commodities and services of small businesses are competitive as to price and quality.

In keeping with the state's policy, the Authority encourages all small businesses and minority business enterprises to compete for contracts to provide goods, services, and construction, and encourages ESPs to solicit minority business enterprises in procuring subcontractors and suppliers. This desire on the part of the Authority is not intended to restrict or limit competitive bidding or to increase the cost of the work. ESPs and subcontractors that utilize qualified minority subcontractors may qualify for a Georgia state income tax credits for qualified payments made to such minority subcontractors. See O.C.G.A. § 48-7-38. The Georgia Department of Administrative Services maintains a list of certified minority business enterprises.

7.10 E-Verify

In accordance with the Georgia Security and Immigration Compliance Act, all public employers in the state of Georgia, including the Authority and State Agencies, participate in E-Verify, the federal work authorization program to verify employment eligibility of all newly hired employees. All ESPs that enter into an Audit Agreement and/or a GESPC will be required to register and participate in E-Verify. All subcontractors and sub-subcontractors, as such terms are defined in O.C.G.A. § 13-10-90, of such ESPs shall also be required to comply with these E-Verify requirements. All ESPs that enter into an Audit Agreement and/or a GESPC with a State Agency, and such ESPs' subcontractors and sub-subcontractors, will be required to execute an affidavit verifying their compliance with O.C.G.A. Section 13-10-91.

7.11 State's Right to Amend and/or Cancel the RFQ

The State Entity reserves the right to amend this RFQ prior to the end date and time. Amendments will be made in writing and publicly posted as one or more addenda to the Georgia Procurement Registry (GPR). Each offeror is individually responsible for reviewing addenda and any other posted documents and making any necessary or appropriate changes and/or additions to the offeror's response. All offerors are encouraged to frequently check the GPR for additional information.

GEFA has the discretion to select all, some, or none of the firms that submit a response to this RFQ. Finally, the GEFA reserves the right to cancel this RFQ at any time

ARTICLE VIII. SOQ CHECKLIST

- Submit two (2) complete sets of SOQ on SOQ Media or via the Quickbase application link.
- Each SOQ Medium labeled with [ESP Name or acronym], GEFA GESPC 2024, and _of _ SOQ Media.
- Cover letter with descriptive filename(s) beginning [ESP Name or acronym].61LTR.
- Description of ESP with descriptive filename(s) beginning [ESP Name or acronym].62DESC.
- ESP's Financial Information with descriptive filename(s) beginning [ESP Name or acronym].63FIN.
- ESP's Certification of Meeting Minimum Requirements), and supporting documentation, with descriptive filename(s) beginning [ESP name or acronym].64CERT.
- ESP's Personnel Information and Technical Qualification form (Exhibit A) for each member of the primary project team (no more than ten (10) individuals) with descriptive filename(s) beginning [ESP Name or acronym].651QUAL.
- ESP's Capability and Experience Profile form (Exhibit B) with descriptive filename(s) beginning [ESP Name or acronym].652EXPR.
- Organizational chart with descriptive filename(s) beginning [ESP Name or acronym].653ORG.
- Project History and Client References form (Exhibit C) for ten (10) guaranteed energy savings projects with descriptive filename(s) beginning [ESP Name or acronym].661HIST
- Energy, Water & Operational Savings Data forms (Exhibit C) for same ten (10) guaranteed energy savings projects with descriptive filename(s) beginning [ESP Name or acronym].662DATA.
- Description of projects where ESP has made payments as a result of not meeting guaranteed energy savings with descriptive filename(s) beginning [ESP Name or acronym].663PAY.
- Sample Savings Measurement and Verification Plan with descriptive filename(s) beginning [ESP Name or acronym].671MVP.
- Sample Investment Grade Energy Audit, including detailed energy and economic calculations, with descriptive filename(s) beginning [ESP Name or acronym].672IGA.
- Sample Operations and Maintenance Manual with descriptive filename(s) beginning [ESP Name or acronym].673OMM.
- Sample Commissioning Plan with descriptive filename(s) beginning [ESP Name or acronym].674CXP.
- Sample Final Design Specification for an installed ECM with descriptive filename(s) beginning [ESP Name or acronym].675SPEC.

- Sample Customer Savings Report with descriptive filename(s) beginning [ESP Name or acronym].676CSR.
- Sample Customer Training Plan with descriptive filename(s) beginning [ESP Name or acronym].677CTp.

Exhibit A

ESP's PERSONNEL INFORMATION AND TECHNICAL QUALIFICATIONS FORM

Using the format provided below, briefly describe the relevant experience, qualifications, and educational background for ONLY those PRIMARY project team members (no more than ten (10) individuals) who will likely be involved in working directly on State Agency projects. Do not include individual resumes.

NAME:	
Personnel Information	
Current Employment Current job title: Number of years with ESCO: Primary office location: Job responsibilities:	
Previous Employment Company name: Number of years with this ESP: Job responsibilities:	
Educational Background Degrees/disciplines: College/university:	
Professional/Technical Professional affiliations: Publications: Technical training: Indicate the total years of relevant energy-related experience for this individual:	
Five Year History of Guaranteed Energy Savings Project Experience	
List all energy savings performance contracting projects this individual has been involved with during the past five (5) years including: - Project location: - Type of facilities: - Year implemented:	
Describe the specific role and responsibilities this individual had for each listed project.	

Provide a detailed description of the role and responsibilities this individual will have for the duration of this project.	
Describe any other relevant technical experience.	

Exhibit B

ESP's CAPABILITY AND EXPERIENCE PROFILE

Identify all personnel assigned to state Agency projects who have primary responsibilities for each of the technologies listed.					
TECHNICAL CAPABILITY	Primary roles and responsibilities, e.g., electrical, mechanical, controls, CEM, etc.	Years of experience with specific technology	Total years employed by an ESP	Number of guaranteed energy savings performance contract projects implemented while in this role	Dollar value of five most recent guaranteed energy savings performance contract projects for this ECM
Lighting (List personnel)					
Energy Management Systems (List personnel)					
HVAC (List personnel)					
Central Plant (List personnel)					
Water Conservation (List personnel)					

Energy Auditing (List personnel)					

Exhibit B

ESP's CAPABILITY AND EXPERIENCE PROFILE (continued)

SERVICE CAPABILITIES	Years of experience providing specific service	Total number of years employed by an ESP	Number of projects implemented while in this role with an ESP	List the specific dollar volume for each of the five most recent guaranteed energy savings performance contracts implemented while in this role
Project Management (List personnel)				
Engineering/Design (List personnel)				
Construction Management (List personnel)				
Training Services (List personnel)				
Commissioning (List personnel)				
Measurement and Verification (List personnel)				
O&M Services (List personnel)				

Exhibit C

PROJECT HISTORY and CLIENT REFERENCES

On separate 8-1/2" x 11" pages describe at least ten (10) completed guaranteed energy savings contracting projects in repayment with at least one (1) complete year of savings performance data currently under contract with the ESP. Limit your response to those projects that have been managed directly by the specific branch, division, office, or any individual in such branch, division, or office who will be specifically assigned to work on State Agencies' projects. Please indicate those project references involving state buildings.

Project Name and Location Number of Buildings Primary Use Total square footage	
Project Dollar Amount (installed project costs) & Source of Project Financing	
Primary ECMs Installed and ESP Services Provided	
Construction Start and End Dates	
Contract Start and End Dates	
If the project was not completed on schedule, please explain.	
Dollar Value of <u>Projected</u> Annual Energy Savings	
Dollar Value of <u>Guaranteed</u> Annual Energy Savings	
Dollar Value and Type of Annual Operational Cost Savings (if applicable), e.g., outside maintenance contracts, material savings, etc.	
Method(s) of Savings Measurement and Verification	
Provide names of owner(s)' representatives with whom the ESP did business on this project. You should ensure that all representatives are familiar with this project. Also, provide current and accurate phone numbers and email addresses for the specified representatives. Do not include the ESP's personnel as a reference.	

Describe the specific roles and responsibilities of ESP personnel associated with the identified project. Limit your response to only those personnel who will be directly involved in the state's projects.	
Identify the major subcontractors on this project, and describe their scope.	

EXHIBIT D
ENERGY, WATER, AND OPERATIONAL SAVINGS DATA FORM

Complete the following information for each of the ten (10) projects for which PROJECT HISTORY and CLIENT REFERENCES forms are submitted. Do not enter dollar values except for those rows where dollar values are the identified values.

ENERGY, WATER, AND OPERATIONAL SAVINGS DATA FORM							
Project Name and Location:							
Annual Savings (List Commodity Savings in Units – not Dollars)	Projected	Guaranteed	Achieve				
			Year 1	Year 2	Year 3	Year 4	Year 5
Electric Demand (KW)							
Electric Energy (KWH)							
Natural Gas							
Fuel Oil							
Steam							
Water							
Other							
Other							
Material (\$)							
Maintenance Contracts (\$)							
Total Annual Savings (\$)							
ESP Notes or Comments							

EXHIBIT E

Sample Agreements

<https://gefa.georgia.gov/information-state-agencies>