Business & Technology Strategies

TechSurveillance

PROGRAM IMPLEMENTERS:

Identifying, Hiring, and Managing an Energy Efficiency Implementation Contractor

Part two of a two-part series

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ARTICLE SNAPSHOT:

What has changed in the industry?
As part one of this two-part series describes, utilities are facing growing pressure from policymakers, regulators, and consumers to increase the number and scope of energy efficiency programs.

What is the impact on cooperatives?
The resources and expertise needed to significantly extend energy efficiency (EE) programs may exceed some co-ops' current capabilities, leading to gaps that must be filled. Rather than hiring additional staff, co-ops could choose to outsource some or all program administration services to implementation contractors (ICs) with experience and expertise with utility energy efficiency programs.

What do cooperatives need to know and/or do about it?
Co-ops can benefit from understanding the options, business models, and impacts that a contracted implementer could have for their energy efficiency program. Outsourcing the management of an energy efficiency program would be similar to some traditional uses of contractors, such as vegetation management. This article gives guidance to an electric cooperative that is ready to engage an IC, including the questions to ask internally to prepare for an IC, the information to provide to and to solicit from potential ICs, and how to select an IC.

INTRODUCTION

Volume 1 of this *TechSurveillance* series, ***Energy Efficiency Program Implementers as an Extension of Co-op Staff***, described the many reasons why an electric cooperative may seek out implementation contractors (ICs) to assist with energy efficiency (EE) program delivery. Once your cooperative, a group of cooperatives, or your generation and transmission company (G&T) has decided to engage an IC for some component of your EE program, this volume provides practical and actionable guidance about finding the right IC for your organization's proposed program, budget, and timeline. This article describes:

(1) How to prepare your organization to solicit proposals from ICs;

(2) What information you should provide to and solicit from a potential IC;

(3) How to identify and select an IC that fits your needs and budget; and

(4) Best practices for negotiating contracts and managing ICs.

Although this article is specific to hiring implementation contractors, your organization would go through a similar process to contract with a consultant on program design and planning or with a third-party evaluator.

To attract bids from the best ICs and secure the most competitive prices, you will need a substantial piece of work to put out for bid.

ARE YOU READY TO REQUEST PROPOSALS?

After reviewing Volume 1 of this series and deciding to engage with an IC on your program, a few key pieces of information should be in place before you begin soliciting proposals:

Define Scope and Gain Approval

Volume 1 discusses the many ways that using an IC can assist with a cooperative's EE program. Before engaging an IC, your organization should have a clear understanding of the goals, scope, and budget of your EE program, and should then determine for what area an IC is needed—marketing, direct implementation, reporting, or some other area.

Having a larger scope to your program tends to produce larger contracts and will attract more interest from ICs. To attract bids from the best ICs and secure the most competitive prices, you will need a substantial piece of work to put out for bid.

Co-op leadership should provide input and approval as needed. Internal staff should understand why an IC is preferred over using staff resources (e.g., content expertise, need for staff on other projects). Getting buy-in and approval from all needed stakeholders can take time, depending on the structure of the co-op. For example, Scott Drake, Manager of Corporate Technical Services at East Kentucky Power Cooperative, a G&T co-op headquartered in Winchester, KY, said it can take approximately two months from the initial proposal to hire an IC to the final approval from the co-op's management.

Identify Responsible Co-op Staff

To manage the selection process, there should be a point person or team of people who will research possible ICs, write a RFP (if one is needed), and select the IC. A committee with a small number of people is helpful for making the best selection (Kinard, 2011). Art Thayer, Director Energy Efficiency Programs at Michigan Electric Cooperative Association (MECA), said, "If I had hired on a contractor by myself, that would not have contributed to having a successful program. A selection committee made up of our members selected an implementer; giving everyone a voice at the table, which got more buy-in to the program itself and using a contractor."

Determine Process for Selecting an IC

The process for selecting an IC will depend on your organization's procurement requirements and your particular needs for the EE program.

- You may have had a positive experience with a company and ask them to do another project for you. However, even if you are very

satisfied with a particular company, you should consider soliciting other bids to make sure costs are competitive.

- Your organization could talk with other cooperatives and G&Ts about their experiences with different ICs, and then directly approach identified ICs to discuss the services you need. Wes McFarland, Marketing Services Coordinator at Hoosier Energy (Bloomington, IN), recommended "talking with other G&Ts and co-ops about what companies have been successful and are familiar with working with electric cooperatives."
- Your organization could instead issue an RFP for the work needed. This paper describes the process in more detail.

Wabash Valley Power Association (WVPA), a G&T in Indianapolis, Indiana, has taken many paths for hiring ICs in the past few years to work with its member cooperatives and energy efficiency programs. When WVPA needed assistance with EE program design, they approached a few companies with known experience, discussed the work, and then selected a company. However, for implementing a business new construction program and residential lighting program, WVPA decided to instead issue RFPs. Laura Matney, Energy Efficiency Programs Manager at WVPA, said, "We weren't sure which company was best qualified to do the work, and issuing an RFP allowed us to select the best qualified contractor at a reasonable price."

The next section discusses the key elements of a formal RFP. However, the information is also important to solicit when you are discussing projects more informally with potential ICs.

MANAGE MULTI-COOPERATIVE COLLABORATION

Hiring an IC in conjunction with other distribution cooperatives as a group or through the G&T may provide economies of scale. Having multiple contracts between distribution co-ops and ICs will be more expensive than having one single contract with an IC. In addition, larger contracts will attract more competition and interest from ICs. A larger co-op seeking bids for several programs for a multi-year project will attract more bids and better pricing than a smaller distribution co-op could attract for one program.

If you are collaborating on hiring an IC, you have a few additional questions to answer before moving forward:

- Who among the collaborators will manage the contract with the IC?
- How will you select the IC? Will there be a selection committee made up of staff from the various co-ops and/or a G&T, or will the managing co-op or lead organization select the IC?
- What financial amount does your co-op need to contribute to the hiring of the IC?
- Do the collaborating co-ops need to sign an internal contract?

A related *TechSurveillance* article, ***Practical Partnerships: Collaborative Approaches to Energy Efficiency***, discusses the benefits and challenges of working with multiple other distribution cooperatives and the G&T on EE programs.

"The Energy Optimization program here in Michigan is a great example of cooperation amongst cooperatives. Through our statewide association, we were able to establish contracts with energy efficiency program providers that created efficiencies on both the program administration as well as the audit side required by the state of Michigan. This was done through a voluntary collaboration amongst most of Michigan's electric cooperatives and municipal electric utilities that pooled each of their needs. That pooling of needs translated into better contracts to keep the program cost-effective."

– Mark Kappler, General Manager
HomeWorks Tri-County Electric Cooperative

KEY ELEMENTS OF A REQUEST FOR PROPOSAL (RFP)

If you decide to issue a request for proposal (RFP) for your EE program, having a well-crafted one is essential to hiring the right IC for your organization. Spending time upfront developing the RFP can help prevent receiving proposals from ICs that are ill-suited for the work. The RFP should provide clear information about the project and expectations for the contractor. (Behringer, 2011)

It is important to provide clear expectations in the RFP to help ensure bidders will be well-suited to the needed work.

Scott Drake at East Kentucky Power Cooperative shared, "Before I develop an RFP, I look at ones from nearby cooperatives and G&Ts and also discuss the RFP with potential vendors." If you are unsure about what exact assistance you need, you can conduct these informal discussions with potential bidders before issuing the RFP. You can also instead issue a request for information (RFI) to solicit ideas from potential bidders before writing the RFP. Some utilities use a consultant to help develop and write the RFP.

Below is a basic outline for an RFP. Your RFP can have a different structure or include some pieces of information as appendices, but should include at least this information. Once you have written an RFP, be sure to have another staff person and/or someone from another cooperative review it for clarity and completeness.

Note: If you decide to hire an IC outside of an RFP process, gathering the same information listed below is still important to ensure that you get the right IC for your needs.

I. RFP Introduction

Your RFP's introduction should give potential ICs a general overview of your organization. The RFP introduction should include basic information about your cooperative or G&T, including number of members, area served (including a map), and any relevant history. Consider including information on recent initiatives or regulations that are spurring your cooperative or G&T into a new direction (Kinard, 2011).

II. Program Summary

The program summary is where you can get into the details of the program for which you are soliciting an IC. Important information to include in this section is:

- Program name and description.
- Goals and objectives of the program.
- Type of program and services provided.
- Sectors that the program serves.
- Any other ICs that are involved in the program.
- Program timeframe: will this program run on a calendar year, a program year, continuously until funding runs out, or some other timeframe? (Behringer, 2011)

III. Scope of Work/Services

The Scope of Work section should detail exactly what you are expecting of an IC, so that you receive the best proposals. Having a vague or incomplete scope of work could result in receiving few or no appropriate responses (Knox, 2009), or receiving responses that are so diverse that they are difficult to compare.

The Scope of Work section should include:

- Tasks and subtasks to be completed.
- Responsibilities of IC versus responsibilities of cooperative/G&T staff versus responsibilities of any other contractors.
- Key list of deliverables and deadlines.
- The payment structure: will the IC be paid based on performance or on time and materials? Pricing structures are discussed in more detail later in this volume.
- Expected timeframe for the contractor involvement.

If the scope of work is very detailed, you can include a summary in this section and have an appendix with the full description (Behringer, 2011). If you are open to creative approaches for how the work can be completed, you can state in this section that alternative approaches from how the scope of work is presented in the RFP are encouraged (Knox, 2009).

Not including a budget can prevent some potential ICs from responding or result in your organization receiving bids that are completely out of range.

You can choose to include or not include a budget for the work in the RFP. If you do not include a budget, request that responders develop their own based on the scope of the work and evaluate proposals partly based on budget responses. However, not including a budget can prevent some potential ICs from responding or result in your organization receiving bids that are completely out of range. Toben Galvin, Director of Energy at Navigant Consulting, recommended that co-ops include, at the least, a budget range and further explained, "We are occasionally hesitant to respond to an RFP without any budget guidance. Co-ops in particular have not worked as much with implementation contractors, so there are fewer similar budget examples for us to work from."

IV. Proposal Requirements

In this section, you should detail the information you consider part of a successful proposal from a potential IC. At minimum, a proposal should include:

- Company information for the IC, including its history, size, core services, current clients, and contact information for key staff.
- The proposed solution from the IC. This will likely include:
  - General approach to your project.
  - Any project partners, such as other ICs.
  - Original ideas that might set them apart from the competition.
  - Detailed budget.
  - Proposed project team, including biographies/resumes of the key personnel who would work with you.
  - Similar projects on which the IC has worked.
- Insurances, licenses, and certifications held by the company.
- References from similar current or recent clients.

You should also explain whether bidders need to provide intent that they will submit a proposal, whether there will be a pre-bidders meeting, how bidders can submit the proposal (e.g., by email), the deadline for submitting proposals, and whether there is a page limit for proposals. (Behringer, 2011)

V. Evaluation and Award Process

This section should explain how a potential contractor will be evaluated and selected.

- ***Selection criteria***

  You should provide information to potential ICs about how their bids will be evaluated. Depending on the proposed work, these selection criteria could be very concise or very detailed. A rubric that lays out the criteria and their weighting is useful both for the potential IC and for the selection committee members. Having a selection rubric gives each selection committee member a chance to weigh in equally on every proposal and helps ensure that all viewpoints on the committee are accounted for in the final selection. Table 1 is an example of the selection criteria used by the Michigan Electric Cooperative Association (MECA) when soliciting proposals for implementing the Energy Optimization program. The full RFP from MECA for this work is provided as an example attachment.

Depending on the proposed work, your selection criteria could be very concise or very detailed.

TABLE 1. Selection Criteria from 2011 MECA Energy Optimization Implementation RFP

Decision Criteria	Weighting (1-10)	Overall Rank Score	Weighted
Cost	30%		
Bid price			
Savings due to bidding R and C&I			
Achieve Goals within Budget			
Performance based bidding			
RFP Response	30%		
Completeness of response			
Quality of response			
Clarity of response			
Experience and Delivery	40%		
Experience			
Michigan Based Resources			
References			
Working with other MI utilities			
Total	100%		

The lowest bid may not necessarily be the best selection, as the IC could underbid and need to revise pricing later.

If you did not provide a budget in the RFP, the proposed budget from each potential IC will be an important part of your evaluation. However, simply taking the lowest bid may not be the best path for your organization. Art Thayer, MECA, says, "I am skeptical of low bids. Often, they are from contractors trying to get a foot in the door and in the end, they have to revise the price up because they underbid the work."

- ***Timeline for selecting proposals***
  Providing at least four weeks for ICs to respond to an RFP helps ensure that you will receive an adequate number of quality submissions (Knox, 2009). Many RFPs will also include a pre-bid meeting to answer any questions from potential applicants. If you hold a pre-bid meeting, be sure to include adequate time in your schedule to accept and answer questions and hold the meeting. Consider also any holidays and industry events that may fall in the proposal window (Kinard, 2011).

  The RFP should clearly list:

  - If intent to bid is required, due date for expression of intent.
  - If there is a pre-bid meeting, date of this meeting, when questions are due, and when answers to all questions will be provided to potential applicants.
  - Date when proposals are due.
  - Dates of any possible interviews.
  - Expected date of selection.
  - Expected start of work by the IC.

THE SOLICITATION AND SELECTION PROCESS

Solicitation

When developing the RFP, your organization should have an idea of potential ICs who would respond. Talking with other co-ops and G&Ts about the companies they have worked with is a good place to start. You could also look at industry associations that would include ICs, such as the **Association of Energy Service Professionals**. You can develop a bidder's list and send the RFP directly to these companies.

Advertising the RFP in a number of places ensures that a sufficient number of potential ICs will know about your RFP and can respond. Possible places to advertise the RFP include:

- A press release on your co-op's webpage and/or newsletter to members.
- Regional energy efficiency organizations; they may not circulate RFPs but could list them on their news section or in a newsletter.
- Energy media sources, such as Greentech Media, Clean Technica, and Energy Central,

If you answer a question from one bidder, be sure all potential bidders are aware of the answer.

may be willing to promote the RFP via their social media streams.

- Directly to industry associations that you think may be interested in the RFP. For example, AESP posts relevant RFPs and RFIs on a central site at no cost.
- Co-op social media outlets, such as LinkedIn or Twitter.
- Paid press release vendors, such as PRWeb or Marketwired (Wemple, July 2014).

While the RFP is out, you should be sure to interact with any bidders in an impartial manner. If you answer a question from a bidder, make sure all potential bidders are aware of the answer. As discussed previously, if you anticipate many questions, you can hold a pre-bid meeting to discuss the proposal with potential bidders.

Good documentation during the selection process will help you later answer any debriefing questions.

Selection

Once the deadline for proposals has passed and you have proposals in hand, it is time to review and select your IC.

Review each proposal based on your selection criteria. If you developed a rubric, each committee member should evaluate each proposal based on the criteria. Note the strengths and weaknesses of each proposal. Good documentation will help you later remember why a particular proposal was chosen and answer any debriefing questions other potential ICs may have. If you have multiple people on your selection committee, each person should evaluate the proposals separately and come together to discuss their results (Knox, 2009).

After selecting the contractor, both parties need to agree on the budget, pricing structure, timeline, and key deliverables for the project.

Based on this evaluation, you may have an obvious finalist or a set of candidates. If there are a few candidates who seem like they would be a good fit, the selection committee could hold interviews with each of them. You could request a presentation that goes into more detail on their proposed work, or hold a meeting with the key IC staff.

Hopefully, you have now found a great IC! If none of the proposals you received was appropriate for your work, you can re-open the RFP to attempt to attract more proposals. However, before you do so, evaluate the initial RFP and process to determine why you may not have received any suitable responses.

Contract Negotiation

After selecting the contractor, both parties need to agree on the budget, pricing structure, timeline, and key deliverables for the project. The key points should be documented and agreed to in a formal contract signed onto by both parties. The contract should also provide information on invoicing, IC staffing, key points of contact, how member data will be kept and managed, and circumstances for contract termination. Lisa Pucelik, Client Services Director at WECC, a not-for-profit IC based in Madison, Wisconsin, recommends that the contract be very explicit in terms of frequency of reporting and check-ins between the IC and the cooperative or G&T, so that all parties are aware of the expectations.

COMMON PRICING STRUCTURES FOR IMPLEMENTATION CONTRACTORS

There are two main pricing structures for paying implementation contractors: performance-based contracts ("pay for performance") and time- and materials-based contracts.

Performance-based Contracts

Under this system, contractors are paid, or not paid, based on their performance toward a predetermined program metric. For EE programs, this metric is often energy saved, but could also be program participation (e.g., projects completed) or market penetration (e.g., percent of residential members contacted). This type of payment may require more work to determine amount of progress on a metric, but ultimately ties IC reward to meeting the goals of the EE program. Paying for performance works best when the IC is directly involved the energy sav-

Paying for performance works best when the IC is directly involved the energy saving work.

ing work, such as implementing a direct install program. Dan Tarrence, Executive Vice President of Franklin Energy Services, an implementation contractor, said, "If there is a good methodology in place and a measurable metric, we're happy to make part of our compensation contingent on meeting performance goals."

Time-and-Materials payments

Time-and-materials contract does not incentivize ICs to ensure maximized energy savings.

Under a time-and-materials contract, a contractor bills the co-op for labor hours worked and materials used. It is a straight-forward and transparent way of billing. However, this structure does not incentivize ICs to verify energy savings or ensure that your members' dollars are achieving the maximum energy savings. This type of payment may be best when you hire an IC to provide expertise on a technical subject or to assist with process-management work, such as reviewing applications or regulatory reporting.

Hybrid Payments

Combining the two systems may make sense for your EE program. An example would be to put a time-and-materials contract in place, but provide bonus incentives for achieving 110 percent of the energy savings goal or include a holdback penalty for not achieving energy goals (Wemple, March 2014). MECA, for example, issued an RFP for its Energy Optimization (EO) Collaborative for a time-and-materials contract, but included a 10 percent holdback provision for the IC not meeting the goals for each participating distribution co-op and municipal utility (see sidebar for RFP language).

SIDEBAR

EXAMPLE OF HOLDBACK PROVISION LANGUAGE FROM 2011 MECA EO COLLABORATIVE RFP

For program years January 3, 2012 through December 31, 2012, 2013, 2014 and 2015, MECA EO Collaborative will hold back 10 percent payment of the implementation invoices for each MECA EO Collaborative Member (does not include customer incentives). When 100% of the performance goals for a MECA EO Collaborative Member are achieved for that year, the program is within budget, quality and customer satisfaction measures are met, and after verified gross savings are determined, the 10 percent held back for that Member shall be paid to the Implementation Contractor. MECA recognizes the hold back payment requires some graduated payments in relationship to achieving various levels of energy savings goals and welcomes the Implementation Contract's recommendation.

MANAGING AN IMPLEMENTATION CONTRACTOR

Once an IC is in place and all the contracts are signed, you may be inclined to let the IC loose on the work, but your job isn't done! Managing the IC through the course of the project is important for ensuring that you receive the best work for dollars spent. It is also important to continue monitoring progress, so you can provide continual feedback to the IC.

Best Practices for Managing an Implementation Contractor

Below are some best practices for managing your implementation contractor to ensure clear communication and expectations:

- Designate a key point of contact at your organization for the IC to provide questions and updates. Similarly, the IC should have a few key staff that work with you. Laura Matney at WVPA, says, "Franklin Energy has three to four staff people that work with us and if they need to bring in some expertise, they manage that internally. As a result, our member co-ops know who the points of contact are at Franklin Energy."
- Remain actively engaged with the IC, particularly in the beginning of a contract, to make any midcourse adjustments or corrections. Hold regular meetings to review performance, provide feedback, and answer questions. Matney at WVPA says that she meets, calls, and emails with her IC staff regularly to stay informed on day-to-day activities, progress, and any problems.

- Request progress reports to accompany invoices.
- If the IC will be doing direct member contact, inform members so that they know the IC is legitimate. Wells Rural Electric Cooperative works with Efficiency Services Group (ESG), an IC based out of Portland, OR with a specific focus on co-ops, on their direct install program Jeff Cromie, Director of Marketing and Key Accounts at Wells Rural Electric Cooperative, shared, "We communicated with the members about what we were trying to accomplish with the direct install program. At the meeting and in our newsletter, we referred to ESG staff as partners of the co-op." They also request that ESG wear shirts and brand their vans with the Wells Rural Electric Cooperative logo, so that members are clear that the IC is an extension of the co-op.

Terminating the relationship should happen rarely, but can be a tool in your management toolbox.

TERMINATING CONTRACT

With a strong solicitation, selection, and management process, you should hopefully be satisfied with your chosen IC and their work. However, you may find yourself in a situation where the IC you have selected is not working out for your organization. Terminating the relationship should happen rarely, but can be a tool in your management toolbox.

As terminating a contract can be legally risky and costly, before going forward with termination, your co-op should do the following:

- Ensure that your organizations has given the IC accurate and timely feedback and provided opportunities for response.
- Review the contract between your organization and the IC for conditions for contract termination.
- Evaluate the costs, time, and risks of completing the current contract versus terminating it and engaging a different IC or doing the work in-house (Gay, 2015).
- Discuss next steps with your legal and financial staff.

CONCLUSION

As Volume 1 of this series detailed, delivering the best service and EE programs to your members may require hiring an implementation contractor. ICs can offer regulatory expertise, technical expertise, staffing flexibility, cost efficiencies, and reduced liabilities. They can provide a wide range of services, such as marketing and customer service, and can be a cost-competitive way of implementing EE programs. You should work carefully with your organization and partners to bring in the best IC for the work, which could mean a selective RFP process. Once the IC is in place, your organization should continue to manage the relationship carefully to ensure the best service for your members' dollars. ■

OTHER RESOURCES

- RFP Examples
  - MECA Energy Optimization Collaboration (available on cooperative.com)
  - Focus on Energy
  - Vermont Energy Investment Corporation
- NRECA Associate Member Directory
- E Source Energy Vendor IQ

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