

ESIP PROGRAM

Final version 42413

BPU RULES

1. Public Entity must decide if they will use an ESCO or DIY method or Hybrid thereof prior to issuing the RFP and the RFP must state the intended method. A change in the project procurement model after the RFP closing date will be cause for immediate rejection and disqualification of potential Clean Energy program incentives.
2. RFP procedures shall be adhered to as per the legislation, including the use of BPU approved forms. Any alteration of the forms, without prior approval from the BPU shall be grounds for rejection.
3. RFP must include copy of an audit (ASHRAE Level II w/Level III for lighting) and audit must be prepared by a firm classified by DPMC in the 036 discipline.
4. All firms, including professional services, whether using ESCO or DIY model, must be DPMC classified.
5. If an Architect is engaged by the public entity, the architectural fees are the responsibility of the public entity and must be paid directly to the firm. These fees may be included in the energy cost savings analysis and payback.

ESCO's may contract directly with an architectural firm, in which case the architectural firm serves as a subcontractor to the ESCO and the project related service costs may be included within the project's economic model.

6. Public entity shall conduct pre-bid meetings and site visits per existing statutes.

In the interest of open public bidding transparency, it is a requirement of the BPU that all proposers must attend the pre-proposal bid meeting.

7. There shall be no negative cash flow in any year of the program.
section 7 (1)(a)
“the energy savings resulting from the program will be sufficient to cover the cost of the program's energy conservation measures.”
8. SREC values are not permitted to be used in the energy cost savings calculations.
9. Capital cost avoidance values are not to be used in the energy savings calculations.
10. Operational and Maintenance (O&M) cost savings may be permitted in the cost savings calculations, but only with supporting documentation.
11. Blended utility rates shall not be permitted. Use the actual utility tariff or local contracted rates if there is a third party supplier.

For the RFP proposals, the public entity shall define the utility rates in the RFP

12. Contracted third party utility rates may only be used for the term of the contract (5 yr. maximum)
Subsequent years are to be projected at the utility tariff rates plus the annual BPU escalation rates.
13. Public entity shall conduct M&V (measurement and verification) at the one (1) year operational date and shall provide a copy of the M&V report to the Board of Public Utilities.

For the RFP proposals, the ESCO shall provide the cost for the one (1) year M&V only. For comparative purposes, the one year M&V pricing shall be indicated on the proposal Form VI, under the “Annual Service Costs” column. Additional M&V costs are at the discretion of the local unit and are not to be included in the proposal.

14. The decisions made by BPU staff regarding compliance or other issues that arise in connection with the RFP procurement process shall be considered a final decision of the BPU. Any appeal will need to be through the New Jersey Superior Court, Appellate Division.
15. For the RFP proposals only, Demand Response (DR) revenues claimed by ESCO’s can only be projected for a maximum period of three (3) years. DR revenue projections beyond three years will not be permitted. DR revenues must be included and presented under the “Energy Rebates/Incentives” column of FORM VI.
16. ESCO “fees” proposed during the RFP phase of the project cannot increase post-award. ESCO’s are required to maintain the fee percentages through final contract negotiations and construction of the Board approved Energy Savings Plan
17. Public Bid openings shall be held on the due date of the proposal submissions. The public entity shall announce the name of the bidder and the total dollar amount. After award of a contract, all proposals received will be made available by the owner for public inspection
18. Rejection of bids by the public entity shall be conducted in accordance with the appropriate sections of the applicable legislation, as stated in Title 40A:11-13.2. Additionally all proposals must be returned to the respective ESCO’s upon rejection.
19. Field changes that exceed 5% of the project cost require BPU approval.
20. Energy Savings Plans (ESP) that is dependent upon incentives from the Clean Energy Program must review the current program requirements, at the time of application, for each incentive to insure eligibility. If any program incentive is denied, resubmission of all ESIP related forms will be necessary to remain ESIP qualified.