



CITY OF BLOOMINGTON

401 N. Morton St.
Bloomington, IN 47404
www.bloomington.in.gov

REQUEST FOR PROPOSALS

For

GUARANTEED ENERGY SAVINGS CONTRACT SERVICES

RFP #2016-ESD-GESC

RELEASE DATE: November 9, 2016

SUBMITTAL DATE: December 21, 2016

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PURPOSE:

The City of Bloomington is requesting proposals from qualified and experienced Energy Services Companies (ESCOs) to perform a technical energy audit, which the City expects to lead to a Guaranteed Energy Savings Contract for City-owned facilities located in the City of Bloomington, Indiana. The selected Contractor will identify and implement building improvements to reduce energy and related costs in facilities, such that annual cost savings are applied to annual payments for improvements. These services will be performed in accordance with Indiana law (including Indiana Code 36-1-12.5).

PART I: GENERAL INFORMATION

1.1 BACKGROUND:

This Guaranteed Energy Services Contract (GESC) is part of the City of Bloomington’s efforts to reduce municipal energy use and to maintain efficient and reliable infrastructure. This project will provide both immediate and long-term benefits including reduced energy and operating costs, and reduced negative environmental impact.

Services and capital improvements will be financed through a GESC which:

- Achieves significant cost savings and reduced negative environmental impacts that are sustainable over the long-term.
- Achieves a guarantee for cost savings backed directly by the ESCO.
- Maintains or improves levels of occupant comfort, health and safety within municipal facilities.
- Captures additional benefits that may directly or indirectly result from energy-related services and capital improvements, such as discovery of hazardous materials (for the City’s removal, disposal and remediation), reduced maintenance needs, improved indoor air quality, additional building and operational improvements.

The scope of work for this project could potentially include all facilities owned by the City of Bloomington, including, but not limited to, municipal water and wastewater facilities.

1.2 SCOPE OF WORK:

The purpose of this project is to provide the City with the means to realize maximum utility savings, operational savings, and operational improvements, and to minimize negative environmental impacts through the implementation of conservation measures under Indiana Code 36-1-12.5.

The City has already completed a Request for Qualifications phase and is working with two ESCOs identified during that phase to identify potential energy conservation measures. Additional firms may respond to this RFP.

The next phases in the process will include:

- Targeted Technical Audit and Project Concept Phase: Responding firms shall provide an investment-grade audit of City Hall and project lists as outlined in Section 2.9. A firm, or firms will be selected for the next phase based on the quality and content of the submittals received in this phase. The steps in this phase will be performed at no cost to the City.

- **Technical Audit and Project Proposal Phase:** A project development agreement will be developed with the selected Contractor(s).^[1] This investment-grade audit of City-owned facilities, conducted in close cooperation with City staff, will identify and evaluate cost-saving measures, and define the proposed project scope, cost, savings and cash-flow over the proposed financing term.^[2] A project proposal will present aggregated measures that can be financed through guaranteed savings.
- **Construction/Implementation/Commissioning and Financing Phase:** The City may elect to negotiate a Guaranteed Energy Savings Contract with one or more firms as determined to be most advantageous to the City. This contract will establish the project scope and costs based on the results of the Technical Audit and Project Proposal Phase, and will identify construction and follow-up services to be provided during the financing term. A separate financing agreement will be developed.
- **Post-Construction Guarantee/Monitoring Phase:** After construction, the selected ESCO(s) will offer a variety of services to ensure savings are met, such as a savings guarantee, staff training, follow-up monitoring, contract maintenance services, and establishment of a clear ongoing process of monitoring energy/utility usage and costs. Continuing quarterly or semi-annual energy audits to verify savings will be conducted by the selected ESCO using energy software acceptable to the City.

Any construction work by the ESCO, or any third party, shall be performed pursuant to construction agreements, terms and conditions acceptable to City.

1.3 INSTRUCTIONS:

By submitting a proposal in response to this RFP, the qualified ESCO is applying for consideration to respond to the technical audit and project proposal phase of City of Bloomington facilities described above. ESCOs responding to the RFP will be evaluated solely on the information provided. Respondents will be ranked from the most qualified to the least qualified on the basis of the information provided.

1.4 LICENSES AND CERTIFICATIONS:

Respondents will be eligible to perform this type of work in Indiana according to Indiana Code 36-1-12.5. The qualified ESCO and employees shall have all valid and up-to-date licenses required by the State of Indiana necessary for this type of project.

1.5 QUALIFICATIONS:

Qualified Providers shall be responsive, responsible and have the capability, experience, and personnel to render the services requested.

1.6 INSPECTION OF WATER AND WASTEWATER FACILITIES:

Qualified Providers may contact Nolan Hendon, City of Bloomington Utilities Conservation & Resources Manager to schedule visits to City of Bloomington Utilities' Water and Wastewater Treatment Plants prior to submitting their proposal. He may be contacted at 812.349.3652, or [hendonn@bloomington.in.gov](mailto:hendon@bloomington.in.gov).

^[1] The City may enter into the Technical Audit and Project Proposal Phase with more than one firm, but only one audit will be performed for each facility or process. That is, firms will be assigned separate facilities or processes based on their expertise and/or the quality of their proposed ECMs.

^[2] The selected firms will work with the city to agree on utility costs, both present and future, to be used for calculations.

1.7 SELECTION PROCESS:

All proposals deemed responsive to this request will be reviewed. Selection of the successful ESCO(s) will be based on multiple factors including: quality of deliverables (see Section 2.9); qualifications and experience, project management experience, and technical approach.

ESCOs must provide all information outlined in Section 2.9. A Selection Committee will evaluate the qualifications of respondents, rank them, and select one or more ESCOs to perform a technical audit and complete project proposal as outlined above.

1.7.1 The ESCO, or an authorized agent, may withdraw a submittal upon written request prior to the scheduled closing time for accepting proposals. Negligence on the part of the ESCO in preparing its submittal confers no right to withdraw its response *after* the scheduled closing time.

1.7.2 All proposals submitted shall remain valid until the proposal has been rejected, or accepted, and awarded. Furthermore, the City may reject any and all submittals, waive any irregularities or informalities in a submittal, and to issue a new or modified request, or cancel the RFP if it is found to be in the best interest of the City.

1.8 AWARD:

Once the submittals are opened and evaluated by the City, taking into consideration the criteria stipulated in this RFP, the City, sole judge in evaluation considerations, may move forward with the qualified ESCOs that submit the responses judged by the City to be the most advantageous. Selection of a qualified ESCO is not guaranteed by the City. If a contract is awarded, it will be approved at subsequent meetings of the respective Boards. Respondents will be notified when these meetings are scheduled.

1.9 KEY DEADLINE DATES:

Event	Time	Day	Date
RFP Issuance Date	N/A	Wednesday	November 9, 2016
Facility walk-throughs (optional)	9:00 a.m. Local Time	Friday	November 18, 2016
Inquiries Due	5:00 p.m. Local Time	Monday	November 21, 2016
Responses to Inquiries Due	5:00 p.m. Local Time	Wednesday	November 23, 2016
Affirmative Action Plan Due	5:00 p.m. Local Time	Tuesday	December 20, 2016
Submittal Deadline	4:30 p.m. Local Time	Wednesday	December 21, 2016
Opening – Bloomington Common Council Meeting	7:30 p.m. Local Time	Wednesday	December 21, 2016

The City reserves the right, at its sole discretion, to adjust the RFP key deadline dates as it deems necessary. Any adjustment of the deadline dates shall constitute an RFP addendum. Any addenda will be posted on the City’s RFP Information web page: <http://bloomington.in.gov/RFP>

PART II: GENERAL CONDITIONS

2.1 **SUBMITTAL REQUIREMENTS:**

Proposals shall be submitted to the address shown below. Submittals must include three (3) copies printed front and back on recycled paper with a minimum post-consumer content of 30%, and one (1) electronic copy on a flash drive in Adobe PDF format. The submittal shall be no more than 30 pages (except where otherwise noted) and should be produced in a font no smaller than 10 points. The proposal shall contain a Table of Contents and all pages shall be numbered. Any pages in excess of 30 pages will not be reviewed, except where those pages are explicitly exempted as outlined in Section 2.9.

All submittals shall be clearly marked "Guaranteed Energy Savings Contract Services". Submittals will be due to the address listed below on or before 4:30 p.m. local time, December 21, 2016. No other formats will be accepted.

Sealed proposals will be opened and each Respondent's name will be read aloud at the City of Bloomington Common Council meeting Wednesday, December 21, 2016, at 7:30 p.m. local time. The meeting will be held in the Council Chambers located at 401 N Morton Street, Bloomington, Indiana. Any proposals received after the deadline will be returned unopened.

Submit Proposals To:

Mailing Address: City of Bloomington
Attn: Dan Sherman
401 N. Morton St., Ste. 110
Bloomington, IN 47404

2.2 **DELIVERY OF PROPOSALS:**

Each proposal must be received by the date and time set for closing receipt of offers. The envelope shall be identified with the RFP Title, and the name of the qualified ESCO submitting the proposal. No electronic or facsimile offers will be accepted.

Note: Any deviation from this requirement may result in Qualified Provider's proposal being considered non-responsive, thus eliminating the Qualified Provider from further consideration.

2.2.1 It is the responsibility of each Provider to assure actual delivery of proposals with the City prior to 4:30 p.m. on December 21, 2016. To confirm receipt of proposals, contact Nicole Bolden at 812.349.3408, or boldenn@bloomington.in.gov.

2.3 **SUBMITTAL COSTS:**

Those submitting proposals do so entirely at their expense. There is no expressed or implied obligation by the City to reimburse any individual or company for any costs incurred in preparation or delivery, or providing additional information when requested by the City. This includes, but is not limited to, costs for travel and per diem, attending interviews, providing presentations or demonstrations, and participating in contract negotiation sessions.

2.4 ACCEPTANCE OR REJECTION:

Submission of any proposal indicates acceptance of the conditions and requirements contained in the Request for Proposal unless clearly and specifically noted otherwise in the submittal documents.

The City of Bloomington also reserves the right to reject any and all submittals, in whole or in part, to waive any and all formalities, and to disregard all non-conforming, non-responsive or conditional submittals.

2.5 COMPLIANCE:

The Qualified Provider warrants and agrees that its performance under this contract will at all times comply with all local, state and federal laws, codes, rules, ordinances and regulations.

2.6 PRE-PROPOSAL WALK-THROUGHS:

An optional walk-through of targeted facilities is scheduled for November 18, 2016, 9:00 a.m. (EDT). We will begin in the Atrium at City Hall, 401 N. Morton St. All attendees must sign in at the site visit location. A tour of a subset of City facilities will be provided with opportunities to pose questions. The City will either respond to questions, or document questions for later response. Any follow-up questions should be submitted as per instructions listed in Section 2.7.

2.7 INQUIRIES:

It is the responsibility of each qualified ESCO to examine the RFP, and to seek clarification in writing via email if the ESCO does not understand any information, or instructions.

Questions regarding the RFP must be submitted via email. Submittals shall include “Guaranteed Energy Savings Contract Services RFP #2016-ESD-02” in the subject line. The City assumes no liability for assuring accurate/complete/on time e-mail transmissions and receipts. Inquiries must be submitted via email no later than 5:00 p.m. local time, Monday, November 21, 2016.

- a. Be sure to reference the page number and paragraph within this RFP relevant to the question presented for clarification.
- b. The City will respond to all inquiries within two (2) business days of receipt, when possible.
- c. All inquiries warranting clarification of the RFP will be posted as addenda on the City’s RFP website listed in Sections 1.9 and 2.8.
- d. Any ambiguities or inconsistencies shall be brought to the attention of the City through written communication via email by 5:00 p.m. local time, November 21, 2016.

Submit RFP inquiries to:
Jacqui Bauer, Sustainability Coordinator
bauerj@bloomington.in.gov
812.349.3837

2.8 ADDENDA:

If revisions become necessary, the City will provide written addendum which will be posted on the City’s RFP website listed below. The Qualified Provider may contact the City to ascertain whether any addenda has been issued. Failure to do so could result in an unresponsive submittal.

<http://bloomington.in.gov/RFP>

2.9 REQUESTED INFORMATION

In order to facilitate the evaluation of responses to this RFP, responding ESCOs are required to prepare their proposals in accordance with the instructions outlined in this section and Section 2.1. Respondents whose proposal deviates from these instructions may be considered non-responsive and may be disqualified at the discretion of the City. Proposals should be prepared as simply as possible and provide a straightforward, concise description of the ESCO's capabilities to satisfy the requirements of the RFP.

All proposals shall include the following deliverables in addition to the information below:

1. An investment-grade (ASHRAE Level 3) audit on City Hall (401 N. Morton).
2. A description of projects associated with all facilities visited during walk-throughs. Include rough estimates of cost where available (i.e., an estimated cost is acceptable, though costs should be as precise as is practical).
3. A listing of project concepts for any other City facilities, departments, or processes. This listing can be made at a higher level than the description of projects referenced in #2. Estimates of cost should be included where available.

These steps will be performed at no cost to the City. The deliverables listed above will not contribute to the 30-page proposal limit.

ESCOs interested in performing the work described in this RFP shall provide the following information presented in a clear, comprehensive, and concise manner illustrating the company's capabilities and expertise:

2.9.1 Company Introductory Cover Letter - Describe performance contracting from your firm's perspective and your firm's ability to support each of the phases. Include highlights on company background, market sectors served, company strengths and areas of expertise. Letter must state the name and title of the person(s) authorized to represent the company in any negotiations, the name(s) and titles(s) of persons authorized to sign any contract that may result from this RFP, and the contact person's name, mailing address, phone and fax numbers, and email address. A legal representative of the company authorized to bind the firm in contractual matters must sign the Cover Letter.

2.9.2 Company Qualifications – Provide a statement which documents the company's qualifications and experience addressing the issues described in the Scope of Work. The response should include the following:

A. Company Profile:

- 1) Provide general information on the responding firm including: company name, contact person(s) for this project, address, telephone number, email, and evidence of qualified ESCO status under I.C. 36-1-12.5.
- 2) Provide the most recent annual audited financial report for the company (this will not contribute to the page limit).
- 3) Include the location of the company's headquarters and for how many years the company has operated in the State of Indiana.
- 4) Where are the company's performance assurance and/or energy monitoring groups located?
- 5) How many years has the company been involved in providing GESCs?

- 6) Does the company have experience performing GESC's with municipal water and wastewater utilities, including renewable energy options?
- 7) Does the company have experience addressing hazardous materials in project settings?
- 8) Does the company have experience with utility incentive programs, including applying for applicable rebates?
- 9) Is the company (and its subcontractors) willing to provide open-book reporting of material costs with a mark-up?
- 10) Who will produce computer-assisted engineering drawings for the projects?

B. Project Team:

- 1) List the lead personnel employed by the ESCO who will be involved in this project. Include a resume on each person listing name, title, education, experience, work history and responsibilities on this project. Identify specifically the type of work performed by each person and for how long.
- 2) *Legal Grievances:* The ESCO shall describe in detail any litigation related to any construction projects, past or present, with a public entity.

C. References:

- 1) Past performance is a critical component in the selection process of this project. References will not be considered for projects performed by the ESCO's employees while working with a different employer.

Each ESCO must include a *summary* of **all** GESC's performed in Indiana for the past 10 years. Of these, a minimum of five (5) previously completed GESC's for public entities (with at least one year of reported guaranteed savings results) is required to be considered for this project. Include the following detailed information on these five (5) guaranteed savings contracts.

- a. Organization name, contact person, telephone number and email
- b. Description of Scope of Work
- c. Start & completion date of the installation phase of the project
- d. Note if projects achieved Energy Star, LEED, or other certifications
- e. Annual guaranteed and actual energy savings

Note: Proposals not listing all past Indiana and all guaranteed savings contract project references over the past 10 years shall be rejected without further consideration. Proposals not containing at least five (5) guaranteed savings contract references completed by the ESCO with public entities shall be rejected without further consideration.

- 2) Identify any projects implemented by the ESCO that did not meet the energy guarantee and explain the reason(s) for the shortfall.

D. Certifications:

I.C. 36-1-12.5 requires that ESCOs submit with their proposal, certification from the Indiana Department of Public Works that they and their subcontractors (for all subcontracts in excess of \$150,000) are certified to perform the work included in this project. This statute also requires that each ESCO be a Certified Professional Services company that employs a minimum of one (1) full-time employee registered in the State of Indiana as a Professional Engineer.

- 1) Include a copy of the certification(s) from the Indiana Department of Public Works that proves the ESCO is a Certified Qualified Provider (this will be exempted from the page limit).
- 2) Include the names and PE numbers for all relevant full-time employees who are professional engineers registered in the State of Indiana.
- 3) Include the names and CEM numbers for all (Full or Part-time) relevant employees and independent contractors who are Certified Energy Managers.

E. Insurance Certificate:

The ESCO shall include a certificate of insurance in the response indicating its insurance coverage, and the ESCO shall maintain such insurance in full force and effect at all times until the work has been completed, in the following minimum amounts:

<u>COVERAGES</u>	<u>LIMITS OF LIABILITY</u>
General Liability	\$1,000,000
General Aggregate	\$2,000,000
Product & Completed Operations Aggregate	\$2,000,000
Auto Insurance (combined single limit)	\$1,000,000

2.9.3 Technical Approach - Provide the following information about the respondent's technical approach to meeting the City's timelines, energy efficiency, operating cost reduction, and other objectives.

A. Engineering Approach:

Include a detailed explanation of how engineering services will be implemented. This explanation should include the staff, specific engineering services, timeline and any other issues that could affect this project.

B. Project Management:

Describe your firm's approach to managing the proposed project from audit and proposal preparation, through contract award and the guaranteed phase. Include a resume of the project manager who will be responsible for the project. Include in your proposal an implementation plan, including completion dates, describing how the Qualified Provider intends to execute the project based on a 2017 contract award.

C. Subcontractor & Equipment Selection:

Describe the process that the ESCO will utilize in obtaining their subcontractors and equipment selections and what criteria will be used to make those selections. Note whether there may be opportunities for use of local workforce and/or local subcontractors where qualifications meet project needs. Note that prior approval will be required from the City for any subcontractor(s) receiving more than \$10,000 of the work.

D. Staff Training:

Explain the ESCO's plan for providing training and support services. Describe the range of services being offered by your firm, such as maintenance, training, follow-ups, auditing, etc.

E. Performance Assurance:

Describe in detail the process the ESCO will use to ensure the optimal performance of the new systems being installed.

F. Change Orders:

Describe in detail the process the ESCO will use to handle change orders.

G. Additional Information:

Additional information about the ESCO's technical approach to the project may be included in this section of the proposal.

2.9.4 Financial Aspects – Your submittal should contain the financial components of the proposed work as identified below.

A. Pricing: Describe in detail the process that the ESCO intends to utilize to obtain the best prices for the City. Describe the process for reviewing the pricing of individual improvement items. Explain why this approach is better than the other available approaches.

B. Energy Savings: Explain how the ESCO intends to maximize energy savings and why this approach is better than the other available approaches. Provide actual energy savings results on other public projects to demonstrate this ability to perform.

PART III: EVALUATION OF PROPOSALS

3.1 EVALUATION METHOD:

All submittals deemed responsive to this request will be evaluated. The City will consider the qualifications and demonstrated experience of each respondent, and the additional criteria listed in the Evaluation Criteria table in section 3.2. Contract negotiations and award, if any, will be based upon the submittal that is determined to be the most advantageous to the City.

3.2 EVALUATION CRITERIA AND SCORING:

The City's goal is to choose the ESCO capable of providing quality service and experience that will help the City achieve the goals within a reasonable budget.

Evaluation will be based on the criteria defined below.

Criteria	Point Value
Quality of deliverables	35
Depth, scope and consistency of the City Hall Investment Grade Audit, including quality of energy savings projections based on energy conservation measures (ECMs)	20
Scope, creativity, and, thoroughness of project proposals and estimated pricing for walk-through facilities	10
Scope and creativity of project concept list	5
Qualifications and experience	30
Clarity, organization, and level of detail in proposal	5
Experience of core team with guaranteed energy savings projects. This includes in-house engineers and technicians responsible for the designing, programming and commissioning of the project	10
Quality & completeness of past project references, including those from similar performance contracts	5
Experience achieving Energy Star or other certifications in past projects	5
Ability to document fiscal and environmental impact of past projects	5
Technical approach/Capability to develop and implement the Guaranteed Energy Savings Contract	20
Energy savings approach and company's past performance related to guaranteed energy savings contracts in Indiana	5
Approach to savings measurement and verification, including past projects	10
Transparency of pricing methods, including the process that will be used to bid/price the proposed work and process to determine annual payments	5
Project management	15
Ability to effectively manage and complete the project on schedule	10
Quality of approach to operations and maintenance, including training of relevant staff	5
Total	100

PART IV: GENERAL REQUIREMENTS

4.1 VENDOR/QUALIFIED PROVIDER REGISTRATION:

Upon notification of an award, a Qualified Provider must meet the approval requirements of the City. Therefore, the selected provider shall submit a current and completed Request for Taxpayer Identification Number and Certification form (IRS Form W-9) to the Controller's Office as soon as they have been notified of an award. A substitute IRS W-9 form can also be obtained from the City of Bloomington website located here: <http://bloomington.in.gov/controller>. The completed documents must be submitted to the address listed on the forms.

4.2 PAYMENT PREFERENCE:

The City's preferred method of payment is Electronic Funds Transfer (EFT). Payments processed through an EFT save dollars by increasing efficiency and streamlining the payment process. This eliminates the cost of paper, printing, postage, paperwork, and time.

If awarded a contract, the Provider shall submit a completed EFT form to the Controller's office through one of the methods listed on the form. The form is located on the City of Bloomington website located here: <http://bloomington.in.gov/controller>.

4.3 TAX EXEMPTION:

The City of Bloomington is exempt from payment of all state and federal sales and property taxes. Tax documents are available upon request or available at <http://bloomington.in.gov/controller>.

4.4 AFFIRMATIVE ACTION PLAN (Exhibit A):

For City contracts **\$10,000.00 or greater, companies are required to submit and have approved an Affirmative Action Plan.**

The AAP must insure that all employees and applicants for employment are not discriminated against because of race, religion, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, veteran status or housing status. All the protected classes must be included in your AAP for it to be acceptable. In addition to other requirements, your plan MUST include a workforce breakdown, an internal grievance procedure, a non-retaliation statement, designation of a person by name or position who is responsible for implementation of the Plan, applicability to both applicants and employees, recruitment of minorities, equal access to training programs, and an explanation of your method of communicating the operations of your Affirmative Action Plan to employees and prospective applicants.

An example of The Affirmative Action Plan paperwork is provided in Exhibit A. The selected ESCO shall be required to submit and have approved their company's Affirmative Action Plan prior to the execution of a contract, if the amount should exceed \$10,000.00.

4.5 AFFIDAVITS:

The selected ESCO will also be required to execute affidavits for E-Verify and Non-Collusion as required by Indiana State statutes.

- **E-VERIFY AFFIDAVIT:** Pursuant to Indiana Code § 22-5-1.7-11, each Company is required to enroll in and verify the work eligibility status of all of its newly hired employees through the E-Verify program. An affidavit must be signed which affirms that the firm does not knowingly employ an unauthorized alien. *This affidavit will provided with the contract agreement.*
- **NON-COLLUSION AFFIDAVIT:** Pursuant to Indiana Code § 5-22-16-6, each Company is required to affirm it has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by Company, entered into any combination, collusion or agreement with any person relative to the price to be offered by any person nor to prevent any person from making an offer nor to induce anyone to refrain from making an offer and that this offer is made without reference to any other offer. *This affidavit will be provided with the contract agreement.*



City of Bloomington Human Rights Commission

2016

RE: Affirmative Action and Living Wage Ordinance

To: Prospective Bidders/Vendors

Affirmative Action: All bidders and vendors with the City of Bloomington for projects in excess of \$10,000.00 must submit an affirmative action plan to my office. This plan must insure that applicants are employed and that employees are treated in a manner that provides equal employment opportunity and tends to eliminate inequality based upon race, religion, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, veteran status and housing status. Please note that the last four categories are new, adopted by the Common Council in September, 2015.

Even if your company already has a plan on file with the City, you must check with me to make sure that it complies with our current and recently updated requirements. If you already have a plan, but it does not cover all of the City's current requirements, you may submit a separate supplement with your plan to fill any gaps.

You must submit your written affirmative action plan (or supplement) to me at least twenty-four hours before the bid, quote or proposal deadline. You must submit your plan to me separately from your bid or quote. The twenty-four hours will give me sufficient time to review your and the other plans. I recommend that you submit your affirmative action plan to me earlier, if possible, so that you and I will have time to work out any problems that may be in your plan. Vendor's who fail to submit acceptable plans by the deadline are subject to disqualification.

I strongly advise you to confirm with me that I have received your plan and that it meets our requirements well before the submittal deadline. We will make every effort to work with you to clear up problems. But it remains your responsibility to confirm that I received your plan and that it complies with our requirements. If you fail to confirm that I received and approved your plan, you risk losing your eligibility to submit a bid or quote. We will be glad to provide a receipt upon request. Please let us know if you want a receipt when you submit your plan.

You must insure that all the protected classes listed above are included in your plan. In addition to other requirements, your plan **MUST** include a current workforce breakdown, an internal grievance procedure, a non-retaliation statement, designation of a person by name or position who is responsible for implementing the plan, applicability to both applicants and employees, recruitment of minorities, equal access to training programs, and an explanation of your methods of communicating the operations of your affirmative action plan to your employees and prospective applicants.

Accompanying this letter you will find the following materials:

- (1) A workforce breakdown form. You **MUST** submit a workforce breakdown (sometimes called a "utilization report") with your Affirmative Action plan. This form is provided for your convenience. If you already have a current form you have completed for another jurisdiction that includes the same type of information, you may substitute a copy of that form instead of using our form. Your workforce breakdown figures must be updated every six months. Even if you already have an acceptable affirmative action plan on file with my office, you should submit a new workforce breakdown each time you bid for a City Contract, to be sure we have up-to-date figures.
- (2) An Affirmative Action Plan checklist. I will use this checklist to review your affirmative action plan. If you compare your plan with this list, you should be able to tell whether your plan fulfills the City's requirements. If you omit any of the elements on the checklist, your plan will not be approved.
- (3) A sample affirmative action plans. These may be useful if your company has never designed an affirmative action plan before. Feel free to adopt this plan as your own or to amend it to meet your needs.

Additional materials, such as the City of Bloomington's Contract Compliance Regulations, are available from my office upon request.

Living Wage: Also, please be aware that you may be required to comply with the Bloomington Living Wage Ordinance. Whether the LWO applies to your project depends upon the size and type of your project and the number of people you employ. If you have questions about the applicability of the LWO, click on the LWO flow chart at: www.bloomington.in.gov/livingwage or call me. For 2016, the living wage for covered employees is \$12.32 an hour.

If you have any questions, contact me at 812.349.3429 or email me at the following address: mckinneb@bloomington.in.gov. My office hours are Monday through Friday, 8-5.

Thank you.

Barbara E. McKinney, Human Rights Director/Contract Compliance Officer

BLOOMINGTON HUMAN RIGHTS COMMISSION

Model Affirmative Action Plan for

_____, Inc., declares its policy to provide equal opportunity in employment, training and advancement, and to administer its employment practices without regard to race, color, religion, sex, national origin, ancestry, disability, sexual orientation, gender identity, veteran status, or housing status.. Our policy of nondiscrimination will prevail throughout every aspect of our employment practices, including recruitment, hiring, training and all other terms and conditions of employment. We shall implement an affirmative action plan to make it widely known that equal employment opportunities are available on the basis of individual merit. We shall survey and analyze our employment workforce annually to determine what steps, if any, are needed to conform effectively to this equal employment policy.

Responsible Officer

Mr. or Ms. _____ (or the _____ officer) is the equal employment opportunity officer for our company and is responsible for implementing this affirmative action policy.

Publication of Policy

Our employees will be made aware of our commitment to affirmative action through the following procedures:

- posting notices on employee bulletin boards,
- including our policy statement and plan in our personnel manual,
- regularly sending out notice of our policy in paycheck envelopes,
- and training supervisors to recognize discriminatory practices.

We will make potential employees aware of our policy through the following procedures:

- including the words "Equal Opportunity Employer" in all of our advertisements and notices for job openings,
- notifying employment agencies about our commitment, and
- sending notice of our policy to unions.

Implementing Our Policy

Our affirmative action plan will be implemented by widening our recruitment sources. We shall advertise in newspapers and other media that reach people in protected classes. We shall send job notices to schools with large percentages of students in the protected classes and to local groups that serve these classes.

We shall examine our hiring practices periodically to insure that we consider only job-related

qualifications in filling our positions. We shall discard irrelevant educational requirements and unnecessary physical requirements. We shall retain only job-related questions on our employment application.

We shall keep affirmative action information on each applicant, but separate from his or her application. We shall keep records on our hiring decisions to evaluate the success of our affirmative action measures. We shall decide placement, duties, benefits, wages, training prospects, promotions, layoffs and terminations without regard to race, sex, religion, color, national origin, ancestry, disability, sexual orientation, gender identity, veteran status or housing status.

Grievance Procedure

If an employee feels he or she has been discriminated against on the basis of race, sex, religion, color, national origin, ancestry, disability, sexual orientation, gender identity, veteran status or housing status, he or she may bring the complaint to his or her immediate supervisor. If the complaint is not resolved readily at that level, he or she may submit it to _____ (personnel officer, corporate president, other) who will make a final decision on its validity. This grievance process does not preclude his or her complaining to local, state or federal civil rights agencies. We will not retaliate against an employee or applicant for voicing a grievance or for filing a complaint with the appropriate agency.

Our current workforce breakdown is shown on the attached form.

Corporate President

Date

AFFIRMATIVE ACTION PLAN CHECKLIST

NOTE: This is **not** an Affirmative Action Plan

Effective Date: _____

Contractor: Plan MUST Include:	Yes	No	Comments:
Policy statement of equal employment opportunity	<input type="checkbox"/>	<input type="checkbox"/>	
Covers: Applicants for employment	<input type="checkbox"/>	<input type="checkbox"/>	
Employees	<input type="checkbox"/>	<input type="checkbox"/>	
On basis of: Race	<input type="checkbox"/>	<input type="checkbox"/>	
Religion	<input type="checkbox"/>	<input type="checkbox"/>	
Color	<input type="checkbox"/>	<input type="checkbox"/>	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	
National Origin	<input type="checkbox"/>	<input type="checkbox"/>	
Ancestry	<input type="checkbox"/>	<input type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	
Gender Identity	<input type="checkbox"/>	<input type="checkbox"/>	
Veteran Status	<input type="checkbox"/>	<input type="checkbox"/>	
Housing Status	<input type="checkbox"/>	<input type="checkbox"/>	
Designates a person responsible for implementation of the Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Provides for communication of the policy:			
Within the Organization	<input type="checkbox"/>	<input type="checkbox"/>	
Outside the Organization (e.g., recruitment sources, unions)	<input type="checkbox"/>	<input type="checkbox"/>	
Applies to all terms and conditions of employment (e.g., hiring, placement, promotion, duties, wages, benefits, use of facilities, layoff, discipline, termination)	<input type="checkbox"/>	<input type="checkbox"/>	
Provision for: Recruitment from minority groups	<input type="checkbox"/>	<input type="checkbox"/>	
Provision for: Equal access to training programs	<input type="checkbox"/>	<input type="checkbox"/>	
Grievance Procedure	<input type="checkbox"/>	<input type="checkbox"/>	
Prohibits retaliation for filing grievances	<input type="checkbox"/>	<input type="checkbox"/>	
Workforce Breakdown (figures up to date within 6 months)	<input type="checkbox"/>	<input type="checkbox"/>	

