**Study on the Green Buildings Act**

Draft Scope of Work

For Review, Discussion, and Public Comment at the

March 15th Meeting of the Green Buildings Advisory Committee

**Background**

The Green Buildings Act ([Rhode Island General Laws (RIGL) §37-24](http://webserver.rilin.state.ri.us/Statutes/TITLE37/37-24/INDEX.HTM)) requires eligible public buildings to meet green performance standards. Specifically, all new construction projects over 5,000 gross square feet, and all renovation projects over 10,000 gross square feet, constructed by a public agency must be designed and constructed to LEED Certified or an equivalent high performance green building standard.

The [Green Buildings Advisory Committee](http://www.ribcc.ri.gov/gba/) (henceforth, ‘Committee’) is charged with supporting the Department of Administration in implementing the Green Buildings Act. The Committee makes recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement the Act. The Committee’s 2020 Annual Report, which includes such recommendations, is available for reference [here](http://www.ribcc.ri.gov/documents/gbac/GBAC_GA%20Report_2021.5.25_FINAL.pdf).

In 2021, Governor McKee signed into law the [2021 Act on Climate](http://climatechange.ri.gov/aoc/), which sets mandatory and enforceable greenhouse gas emissions reduction goals, including an interim goal of reducing emissions by 45% below 1990 levels by 2030 and eventually reaching net-zero emissions by 2050. The Administration and public entities have a role to lead by example in decarbonizing buildings, while ideally advancing other key objectives, including, but not limited to, reducing taxpayer costs and advancing non-energy benefits such as the safety of our buildings and the health, comfort, and productivity of the people who use them. The Green Buildings Act is a tool for requiring green performance standards for major public works projects. With the passing of the 2021 Act on Climate, the time is ripe for a strategic assessment of the Act.

In February 2022, the Director of the Department of Administration directed the Committee to conduct a study of the Green Buildings Act, to be delivered by the end of 2022. Specifically, the study should:

* Identify best practices for implementing green building standards in other states. Best practices may be specific to public buildings or may extend to private buildings.
* Assess awareness of the Green Buildings Act in Rhode Island.
* Estimate the costs and benefits of the Act, including but not limited to upfront costs, operational savings, environmental impacts, economic development impacts, job impacts, and occupant impacts, as well as who incurs these costs and benefits.
* Recommend ways in which we may amend the Green Buildings Act, including but not limited to application of the Act and green performance standards.

With this Request for Proposals, the Committee, on behalf of the Department of Administration, is seeking consultant services to conduct a study of the Green Buildings Act to be completed and delivered in its final version by November 15, 2022. The Committee anticipates contracting to be complete by July 2022, and to culminate in June 2023 to allow for additional opportunities for stakeholder engagement.

**Scope of Work**

The final report for this study is expected to be a polished, well-designed word-based report with graphical elements as needed to support clarity and interaction. The report must also include a graphically designed executive summary no longer than one page, and an appendix describing stakeholder engagement and public participation. Each major chapter of the report is described below in Tasks 1-5. Task 6 describes expectations for stakeholder engagement. Task 7 details project management and administration requirements.

Rhode Island specific studies and data that will be available to the selected bidder for use in completing the following tasks include:

* Green Buildings Advisory Committee [2020 Annual Report](http://www.ribcc.ri.gov/documents/gbac/GBAC_GA%20Report_2021.5.25_FINAL.pdf) and 2021 Annual Report (forthcoming) and underlying data
* Rhode Island Department of Education [Renewing the Dream](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Funding-and-Finance-Wise-Investments/SchoolBuildingAuthority/SBA-Report-02152022.pdf) report
* Rhode Island Department of Education [Schoolhouse Energy Report Card](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Funding-and-Finance-Wise-Investments/SchoolBuildingAuthority/Energy-Report-DRAFT-Final.pdf)
* State [Lead-by-Example](http://www.energy.ri.gov/policies-programs/lead-by-example/) reports and data
* Other [state reports](http://www.energy.ri.gov/reports-publications/) and [major initiatives](http://www.energy.ri.gov/policies-programs/)

**Task 1: Identify Best Practices**

The selected bidder shall conduct research to survey the landscape of green buildings standards, including application and strength; the implementation, compliance, reporting, and enforcement of those standards; mechanisms for requiring compliance throughout all project development stages; best practices for data collection; and other notable policy and legislative features, such as those related to the evolution of the strength of those standards over time. Jurisdictions of interest include states, colleges and universities, municipalities and municipal subdivisions (E.g. fire districts), schools and local educational agencies, and may potential extend to include certain types of privately owned buildings that receive public funding assistance. Buildings may be owned or leased; and may be new construction or retrofits. Best practices may differ between these types of buildings and ownership model, so they should be distinguished as such.

The selected bidder shall summarize findings and, from those findings, identify best practices. Best practices may include, but is not limited to, legislative language, implementation protocols, and education and outreach. ‘Best’ is a subjective term, but for the purposes of this work may be considered as elements of green building performance standards that effectively advance any or all of the following objectives:

* Minimize total lifetime costs of owning, maintaining, and occupying buildings
* Minimize greenhouse gas emissions of the building stock
* Optimize buildings to enhance non-energy benefits, including but not limited to occupant health, safety, and productivity
* Maximize use of sustainable materials and minimize waste
* Other objectives as they advance state policy goals

The selected bidder shall provide (i) a memo summarizing findings (e.g., relevant standards, legislation, and implementation of standards in Massachusetts) and (ii) a presentation on suggestions for best practices and considerations for further discussion.

**Task 2: Assess Awareness of the Act**

The selected bidder shall use pre-collected reporting data (available from the Committee in Excel format, data collected in the first quarter of 2022) to assess awareness of the Green Buildings Act across all eligible public entities in Rhode Island. The selected bidder shall conduct additional data collection and analysis beyond the reports and data listed above as needed to estimate awareness and make recommendations for improving awareness and compliance.

In order to support completion of the task, the selected bidder shall interview up to ten public agencies, with at least one being from each of the following categories: state, higher education, schools, and municipalities. The selected bidder shall make a recommendation for who to interview and shall work with the Project Team to draft and refine a survey instrument.

The selected bidder shall provide (i) a memo describing data and methods, (ii) a memo recommending interview methods, (iii) a draft survey instrument, and (iv) a memo describing findings.

**Task 3: Clarifying Application of the Act**

Using best practices from Task 1 and findings from Task 2, the selected bidder shall offer recommendations for how to clarify application of the Act. Clarification may include, but is not limited to, potential legislation or legislative amendments, direct outreach strategies, education, or other pathways. Application may be specific to public entities or may extend to private projects that are funded with public monies.

The selected bidder shall provide (i) a presentation on ways to clarify application of the Act.

**Task 4: Amending the Act**

Using best practices identified in Task 1, the selected bidder shall identify potential amendments to the Act. Potential amendments should modify the Act to advance the following objectives:

* Align the Green Buildings Act with the 2021 Act on Climate such that applicable buildings are anticipated to deliver optimal greenhouse gas emissions reductions in support of greenhouse gas emissions reduction mandates for 2030, 2040, and 2050.
* Equitably align who receives benefits of compliance with the Act to who incurs the costs.
* Other state policy objectives as identified.

The selected bidder shall then estimate the costs and benefits of compliance with the Act as currently in force, as well as up to three scenarios that include amendments to the Act. Costs and benefits should include, but are not limited to, upfront costs, operational savings, environmental impacts, economic development impacts, job impacts, and occupant impacts. The selected bidder shall also describe who incurs these costs and benefits within the status quo and amendment scenarios.

The selected bidder shall provide (i) a presentation on potential amendments, (ii) a memo on the methodology of assessing costs and benefits, (iii) an excel workbook containing all analysis, assumptions, equations, and results and (iv) a presentation on findings.

**Task 5: Recommendations**

Using findings from Tasks 1-4, the Selected Bidder shall make a suite of recommendations in relation to the Act, which may include, but is not limited to, potential legislation or legislative amendments, implementation, compliance, enforcement, technical assistance, financial assistance, education, outreach, the role of lead-by-example initiatives, and workforce development. Recommendations may be differentiated between building type, ownership, or other criteria. The selected bidder shall also include an estimate of the impact of adopted such recommendations on greenhouse gas emissions, represented as both MMTCO2e and percentage reduction below Rhode Island’s 1990 baseline.

The selected bidder shall provide (i) a memo on draft recommendations.

**Task 6: Stakeholder Engagement and Public Participation**

Throughout this study, the selected bidder shall engage with stakeholders and encourage public participation. The selected bidder, in collaboration with the Committee, shall identify key stakeholders with which to engage to strengthen the rigor of this study. The selected bidder, in collaboration with the Committee, shall also identify opportunities for public participation.

The selected bidder shall provide (i) a workplan specific to stakeholder engagement and public participation.

**Task 7: Project Management**

The selected bidder is expected to work collaboratively with the Committee and its Project Management Team. The Project Management Team is a sub-committee of three Committee Members representing the Office of Energy Resources, the Office of the Building Code Commissioner, and the Rhode Island Department of Education.

The selected bidder is expected to coordinate remote bi-weekly check-in meetings with the Project Management Team, including identifying meeting times, sending calendar invites, developing agendas, and taking meeting notes. The first such meeting will be a kickoff meeting following contract execution.

The selected bidder’s proposed workplan should be responsive to the following timeline:

|  |  |  |
| --- | --- | --- |
| **Timing** | **Task** | **Public Engagement** |
| July | Execute contract |  |
| July-September | Conduct study | Remote presentations at Committee meetings 7/19 and 9/20 |
| October | Draft report | Presentation, public comment and review at Committee meeting on 10/18 |
| November | Vote to adopt final report | Public comment at Committee meeting on 11/15 |

In addition to the bidder’s stakeholder engagement plan, bidders shall be prepared to present remotely at up to three Committee meetings. The selected bidder may also be asked to present at up to three additional events during November 2022 through June 2023. These additional presentations should be assumed to be remote.

In addition to the deliverables identified in Tasks 1-6, the selected bidder shall provide (i) a revised consensus workplan based on input from the Project Management Team, (ii) a draft report, (iii) a final report, (iv) a PowerPoint file with slides that summarize the final report.

**Proposal**

**A. Technical Proposal**

Narrative and Format: The proposal should address specifically each of the following elements:

1. **Staff Qualifications** – Provide staff resumes/CV and describe qualifications and experience of key staff who will be involved in this project. For each staff member, identify any potential conflicts related to the conduct of this work.
2. **Capability, Capacity, and Qualifications of the Offeror** - Please provide a detailed description of the consultant experience. Detail previous or on-going analysis similar in scope and explain how that experience may be leveraged to conduct and bring resource and/or cost efficiencies to this engagement. A list of relevant client references must be provided, to include client names, addresses, phone numbers, dates of service and type(s) of service(s) provided. Client references may be contacted by OER.
3. **Work Plan** - Please describe, in detail, the approach and timeline to complete each task within the Scope of Work. Where relevant, please describe any proposed analysis or estimation methodologies, data collection, data quality control, stakeholder engagement, and any other technical detail that may be of interest. Please also include specific reference to how the bidder intends to communicate with the State Project Team throughout the project.

**B. Cost Proposal**

Please provide a total “not to exceed” budget for this engagement. The Consultant is expected to maintain a clear, up-to-date log of all hours worked and how those hours were spent broken down by task.

The Consultant is expected to provide monthly invoices to OER detailing all hours worked by each staff member (by task), their hourly billing rate, and total costs associated with each staff member. Each bill should summarize total billable time and cost across all relevant staff. Specifically, these invoices should be delivered to OER no later than the fifth business day of the month following the month for which work is being reported and billed.

**C. ISBE Proposal**

See Appendix A for information and the MBE, WBE, and/or Disability Business Enterprise Participation Plan form(s). Bidders are required to complete, sign and submit these forms with their overall proposal in a sealed envelope. Please complete separate forms for each MBE, WBE and/or Disability Business Enterprise subcontractor/supplier to be utilized on the solicitation.

**Evaluation and Scoring**

Proposals shall be reviewed by a technical evaluation committee (“TEC”) comprised of staff from State agencies.

The TEC first shall consider technical proposals. Technical proposals must receive a minimum of 60 (85.7%) out of a maximum of 70 points to advance to the cost evaluation phase. Any technical proposals scoring less than 60 points shall not have the accompanying cost or ISBE participation proposals opened and evaluated. The proposal will be dropped from further consideration.

Technical proposals scoring 60 points or higher will have the cost proposals evaluated and assigned up to a maximum of 30 points in cost category bringing the total potential evaluation score to 100 points.

After total possible evaluation points are determined ISBE proposals shall be evaluated and assigned up to 6 bonus points for ISBE participation.

The Division of Purchases reserves the right to select the vendor(s) or firm(s) (“vendor”) that it deems to be most qualified to provide the goods and/or services as specified herein; and, conversely, reserves the right to cancel the solicitation in its entirety in its sole discretion.

Proposals shall be reviewed and scored based upon the following criteria:

* Technical proposal
  + Staff qualifications – 10 points
  + Capability, capacity, and qualifications of the offeror – 15 points
  + Work plan – 45 points
* TOTAL POSSIBLE TECHNICAL POINTS – 70 POINTS
  + Cost proposal\* – 30 points
* TOTAL POSSIBLE EVALUATION POINTS – 100 POINTS
  + ISBE participation – 6 bonus points
* TOTAL POSSIBLE – 106 POINTS

**\*Cost Proposal Evaluation:**

The vendor with the lowest cost proposal shall receive one hundred percent (100%) of the available points for cost. All other vendors shall be awarded cost points based upon the following formula:

(lowest cost proposal / vendor’s cost proposal) x available points

For example: If the vendor with the lowest cost proposal (Vendor A) bids $65,000 and Vendor B bids $100,000 for monthly costs and service fees and the total points available are thirty (30), Vendor B’s cost points are calculated as follows:

$65,000 / $100,000 x 30= 19.5

**\*\*ISBE Participation Evaluation:**

a. Calculation of ISBE Participation Rate

1. ISBE Participation Rate for Non-ISBE Vendors. The ISBE participation rate for non-ISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of non-ISBE vendor’s total contract price that will be subcontracted to ISBEs by the non-ISBE vendor’s total contract price. For example if the non-ISBE’s total contract price is $100,000.00 and it subcontracts a total of $12,000.00 to ISBEs, the non-ISBE’s ISBE participation rate would be 12%.
2. ISBE Participation Rate for ISBE Vendors. The ISBE participation rate for ISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of the ISBE vendor’s total contract price that will be subcontracted to ISBEs and the amount that will be self-performed by the ISBE vendor by the ISBE vendor’s total contract price. For example if the ISBE vendor’s total contract price is $100,000.00 and it subcontracts a total of $12,000.00 to ISBEs and will perform a total of $8,000.00 of the work itself , the ISBE vendor’s ISBE participation rate would be 20%.

b. Points for ISBE Participation Rate:

The vendor with the highest ISBE participation rate shall receive the maximum ISBE participation points. All other vendors shall receive ISBE participation points by applying the following formula:

Vendor’s ISBE participation rate ÷ Highest ISBE participation rate

X Maximum ISBE participation points

For example, assuming the weight given by the RFP to ISBE participation is 6 points, if Vendor A has the highest ISBE participation rate at 20% and Vendor B’s ISBE participation rate is 12%, Vendor A will receive the maximum 6 points and Vendor B will receive (12% ÷ 20%) x 6 which equals 3.6 points.

**General Evaluation:**

Points shall be assigned based on the vendor’s clear demonstration of the ability to provide the requested goods and/or services. Vendors may be required to submit additional written information or be asked to make an oral presentation before the TEC to clarify statements made in the proposal.