Figure 1-2
Energy Savings Performance Contracting Process

1. **Agency performs needs assessment and submits to Facility Planning and Control for approval.**

2. **Needs Assessment Approved?**
   - **No**: End – Return to Agency.
   - **Yes**: Agency informed to prepare RFP based on standard documents.

3. **Agency submits RFP to Facility Planning and Control for Approval. FPC forwards to Office of Contractual Review and Office of General Counsel for comments.**

4. **RFP Approved?**
   - **No**: Return to agency with noted corrections or modifications required.
   - **Yes**: FPC determines if independent third-party consultant needed.

5. **FPC will, if approved by the Commissioner of Administration, seek the services of an independent third-party consultant and upon approval of Legislative Auditor will secure services of consultant.**

6. **Agency informed to proceed in publishing RFP and receive Proposals.**

7. **Agency evaluates proposals and reviews for responsiveness and responsibility.**

8. **User Agency forwards the results of its review, along with each proposal that is responsive and responsible to FPC. FPC forwards to 3rd party consultant, if any.**
FPC and 3rd party consultant review proposals. Consultant send evaluations to FPC.

Evaluation Committee formed.

Evaluation Committee assembles to review and rank proposals.

Oral presentations required?

Yes

Oral presentations are conducted and attended by Evaluation Committee and ESCOs. Committee ranks proposals.

Based on evaluation of proposals and presentation, FPC forwards recommendations of Evaluation Committee to Commissioner of Administration.

ESCO selected by Commissioner?

Yes

Notice of Intent to Award is issued and protest period begins.

FPC instructs Agency to proceed with Contract Negotiation Phase with selected ESCO and assistance from State’s third-party consultant, if any.

Detailed energy study is finalized by ESCO.

No

End – Agency is notified of Commissioner’s decision.

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No
Agency submits executed contract to OCR for Commissioner’s final Approval.
OCR forwards to FPC and OGC for comments, if necessary.
Agency and ESCO pays Agency difference in actual savings vs. guaranteed savings.
Agency and Legislative Auditor monitor progress of construction and energy savings during the term of the contract.
Project complete.

Energy study acceptable?

Yes

Agency submits executed contract to OCR for Commissioner’s final Approval. OCR forwards to FPC and OGC for comments, if necessary.

ESCO revises energy study. Acceptable?

No

Yes

Agreement to terms of contract with ESCO?

No

Commissioner selects next ESCO?

No

Yes

Commissioner selects next ESCO?

Yes

Agreement to terms of contract with ESCO?

No

Yes

Agency and ESCO negotiate contract with assistance from State’s 3rd party consultant (if any) and advice of financial institution.

Yes

Agency submits executed contract to OCR for Commissioner’s final Approval. OCR forwards to FPC and OGC for comments, if necessary.

Return to agency with noted corrections or modifications required.

Contract approved?

No

Yes

OCR forwards copies of approved contract to FPC and Legislative Auditor.

Agency issues notice to proceed and work is performed.

Agency and Legislative Auditor monitor progress of construction and energy savings during the term of the contract.

Savings guarantee met?

No

ESCO pays Agency difference in actual savings vs. guaranteed savings.

Yes

End – Agency is notified of Commissioner’s decision.

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