

Supporting Energy Savings Performance Contracting in the Public Sector

DATE: July 26, 2021
SUBJECT: Request for Information (RFI)

Description

The U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy (EERE), Weatherization and Intergovernmental Programs Office (WIP) seeks information pursuant to OMB Control Number 1910-0400 from the public and nonprofit organizations that have the expertise to support energy savings performance contracting (ESPC) in the municipalities, universities, schools, and hospitals (MUSH) market. In particular, EERE hopes to receive comments from ESPC practitioners that work closely with state energy offices to design and implement ESPC programs and processes in their respective states. The desired outcome of this request is to enhance how MUSH market stakeholders can use ESPC to maximize energy use and productivity, cost savings, local economies, and workforce development.

EERE's mission is to accelerate the research, development, demonstration, and deployment of technologies and solutions to equitably transition America to net-zero greenhouse gas emissions economy-wide by no later than 2050, and ensure the clean energy economy benefits all Americans, creating good paying jobs for the American people—especially workers and communities impacted by the energy transition and those historically underserved by the energy system and overburdened by pollution. Its vision is a strong and prosperous America powered by clean, affordable, and secure energy. ESPC provides a budget-neutral approach to building retrofits and improvements that make these contracts promising vehicles for public-sector projects that reduce energy and water use, optimize energy productivity and resilience, and can lead to increased operational efficiency and improved indoor air quality. With continuous support for ESPC, state and local government organizations can advance deployment of energy efficiency, renewable energy, and energy storage technologies and infrastructure to create vibrant and healthy communities; provide a secure, reliable source of energy for public buildings; and produce well-paying local jobs. The market potential for ESPC dwarfs what has already been achieved, with up to an estimated \$66-208 billion¹ of facility investment opportunity within the MUSH market remaining for ESPC to address deferred maintenance, modernize facilities and infrastructure, achieve verified resource and operational savings, and improve building performance.

¹See p.17, Table 5 "Remaining market potential by market category for base and unfettered cases." Peter H. Larsen et al. "Updated Estimates of the Remaining Market Potential of the U.S. ESCO Industry." Lawrence Berkeley National Laboratory (2017).

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Background

EERE has an important role and long-standing track record in partnering with state and local organizations to help them tap into this potential, while ensuring strong ESPC programs that deliver maximized savings and benefits are developed and administered. From January 2013 to December 2016, EERE hosted the DOE Better Buildings [ESPC Accelerator](#), a partnership with states, local governments, and K-12 schools that catalyzed more than \$2 billion in public-sector energy efficiency investments. In this Accelerator, EERE worked with 25 state and local organizations to develop solutions to the most common barriers to implementing ESPC and produced the [ESPC Toolkit](#), a collection of resources that enable users to access the best practices and innovative approaches that states, local governments, and K-12 schools have used to successfully establish and implement ESPC.

In the years following the ESPC Accelerator, EERE has continued to produce technical assistance resources for and facilitate collaborations related to ESPC in the MUSH market. Since 2018, EERE has convened the ESPC MUSH Market Working Group to support improved and expanded ESPC best practices for the MUSH market. Conference Report 116-83 to H.R. 2960, (see [Energy and Water Development and Related Agencies Appropriations Bill](#)) directs EERE to establish a Performance-Based Contract National Resource Collaborative Initiative to provide expertise to state and local government users and expands energy savings performance contracts nationwide. Pursuant to this directive, EERE is working to establish the Performance Contracting National Resource Center (PCNRC). EERE is interested in further supporting and expanding ESPC MUSH market best practices, which could include voluntary partnerships with potential focus areas surrounding measurement and verification of energy savings, optimal energy use and productivity, workforce development, equity and environmental justice, and decarbonization.

Purpose

The purpose of this RFI is to solicit feedback from members of the public as well as nonprofit organizations that have deep expertise in ESPC in the MUSH market, with solutions for the technical, contractual, and financial barriers to achieving verified savings from ESPC. EERE is specifically interested in information on such organizations' capacity, ability, experience, and best practices for working with state energy offices and other state and local government ESPC practitioners to design and implement ESPC in their respective states; documenting MUSH-market ESPC state program needs and current projects; facilitating MUSH market peer exchange opportunities; and providing technical assistance to build state ESPC frameworks. Respondents are requested to describe documented expertise in the field across the country, experience leading or executing ESPC projects in the MUSH market (including all relevant

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technical, financial, and contractual expertise), and established network connections with ESPC practitioners in the MUSH market.

Disclaimer and Important Notes

This RFI is not a Funding Opportunity Announcement (FOA); therefore, EERE is not accepting applications at this time. EERE may issue a FOA in the future based on or related to the content and responses to this RFI; however, EERE may also elect not to issue a FOA. There is no guarantee that a FOA will be issued as a result of this RFI. Responding to this RFI does not provide any advantage or disadvantage to potential applicants if EERE chooses to issue a FOA regarding the subject matter. Final details, including the anticipated award size, quantity, and timing of EERE funded awards, will be subject to Congressional appropriations and direction.

Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; this RFI does not constitute a formal solicitation for proposals or abstracts. Responses to this notice will be treated as information only. EERE will review and consider all responses in its formulation of program strategies for the identified materials of interest that are the subject of this request. EERE will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that EERE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind EERE to any further actions related to this topic.

Proprietary Information

Because information received in response to this RFI may be used to structure future programs and FOAs and/or otherwise be made available to the public, **respondents are strongly advised to NOT include any information in their responses that might be considered business sensitive, proprietary, or otherwise confidential.** If, however, a respondent chooses to submit business sensitive, proprietary, or otherwise confidential information, it must be clearly and conspicuously marked as such in the response.

Responses containing confidential, proprietary, or privileged information must be conspicuously marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act, 5 U.S.C. 552, or otherwise. The U.S. Federal Government is not liable for the disclosure or use of unmarked information, and may use or disclose such information for any purpose.

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If your response contains confidential, proprietary, or privileged information, you must include a cover sheet marked as follows identifying the specific pages containing confidential, proprietary, or privileged information:

Notice of Restriction on Disclosure and Use of Data:

Pages [List Applicable Pages] of this response may contain confidential, proprietary, or privileged information that is exempt from public disclosure. Such information shall be used or disclosed only for the purposes described in this RFI [Enter RFI Number]. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source.

In addition, (1) the header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: “Contains Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure” and (2) every line and paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting.

Evaluation and Administration by Federal and Non-Federal Personnel

Federal employees are subject to the non-disclosure requirements of a criminal statute, the Trade Secrets Act, 18 U.S.C. 1905. The Government may seek the advice of qualified non-Federal personnel. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The respondents, by submitting their response, consent to EERE providing their response to non-Federal parties. Non-Federal parties given access to responses must be subject to an appropriate obligation of confidentiality prior to being given the access. Submissions may be reviewed by support contractors and private consultants.

Request for Information Categories and Questions

Category 1: Direct assistance to MUSH-market ESPC practitioners (e.g., state and local government agencies and public K-12 school districts, hospitals, and universities)

Successfully expanding ESPC in the MUSH market requires in-depth, direct, and wide-ranging technical assistance for MUSH-market practitioners of ESPC in as many states and territories as possible. For your organization or another organization with which you are familiar, please answer the following:

1. What is the nature and level of the organization’s direct technical assistance on designing and implementing ESPC programs and processes to state energy offices and

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other MUSH ESPC practitioners such as public K-12 schools, hospitals, and universities across the country?

- a. Please specify the nature, level, and geographic range of the organization's direct assistance, number of state energy offices assisted, and several relevant examples of when such assistance supported the successful implementation of ESPC programs or projects in the MUSH market. If possible, given the potential information privacy sensitivities, please include the names of the organizations that have received assistance.
2. What is the nature and level of the organization's direct engagement with energy service companies across the country with the purpose of expanding the use of ESPC in the MUSH market?
 - a. Please specify the nature, level, and geographic range of the organization's direct engagement to date, number of energy service companies supported, and several relevant examples when such engagement supported the successful implementation of ESPC programs or projects in the MUSH market. If possible given potential information privacy sensitivities, please include the names of the organizations that have received assistance.
 3. How would the organization make available direct technical assistance supporting ESPC programs and projects to state and local organizations across the country?
 - a. Please describe how the organization would make available new or improved technical assistance in ESPC processes and approaches directly to state and local organizations across the country? Provide examples of online resources as well as other direct technical assistance delivery methods (e.g., in-person convenings, webinars, conference calls, etc.) to share best practices and high-impact solutions with MUSH-market ESPC practitioners.

Category 2: Firsthand knowledge of state and local government ESPC projects, programs, and market

Developing solutions to many of the barriers and challenges in public-sector ESPC projects requires in-depth, firsthand experience with ESPC projects, programs, and market conditions and deep knowledge of frequently proprietary data directly from ESPC stakeholders. For your organization or another organization with which you are familiar, please answer the following:

1. In what MUSH-market ESPC projects, programs, and market conditions does the organization possess deep knowledge and expertise? Is the knowledge firsthand and/or proprietary to the organization?

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- b. Specify the areas and depth of the organization's knowledge across the country and highlight if the data is not otherwise publicly available. Provide several relevant examples of when the organization analyzed and packaged such statistics and facts to support the successful implementation or expansion of ESPC projects or programs.
2. How would the organization collect additional firsthand statistics and facts from public- and private-sector practitioners in the MUSH market? Is the organization familiar with strategies for analyzing this information and communicating it as best practices and solutions to other MUSH market stakeholders?
 - a. Provide several relevant examples when the organization collected deep and/or proprietary data and distilled and packaged best practices and solutions for MUSH-market ESPC practitioners to support the successful implementation or expansion of ESPC projects or programs.

Category 3: Deep technical expertise

Technical assistance that can support successful and expanded performance contracting in the MUSH market requires deep expertise in ESPC processes, practices, contracts, finances, and business. Sample areas of expertise for ESPC programs include enabling ESPC, launching a program, providing technical assistance, and establishing funding structures. Sample areas of expertise for ESPC projects include designing projects, reviewing contract terms, evaluating energy conservation measures, selecting an energy service company, conducting measurement and verification, and communicating results. Please answer the following:

1. In which areas does the organization possess deep expertise in the ESPC markets that state and local government entities engage in across the country?
 - a. Describe the level and extent of the organization's expertise with ESPC programs and processes, and provide several relevant examples when the organization leveraged this expertise to support the successful implementation of ESPC projects or programs in the MUSH market.
2. How would the organization distill complex, technical information related to ESPC for public- and private-sector practitioners in MUSH-market?
 - a. Provide several relevant examples of when the organization distilled complex information into best practices and solutions and delivered them to MUSH-market ESPC practitioners in support of successful implementation or expansion of ESPC projects or programs.

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Request for Information Response Guidelines

Responses to this RFI must be submitted electronically to

ESPC_Support_RFI_DOEWIP@ee.doe.gov **no later than 5:00pm (ET) on August 25, 2021.**

Responses must be provided as attachments to an email. It is recommended that attachments with file sizes exceeding 25MB be compressed (i.e., zipped) to ensure message delivery.

Responses must be provided as a Microsoft Word (.docx) attachment to the email, and no more than 10 pages in length, 12-point font, and 1-inch margins. Only electronic responses will be accepted.

Please identify your answers by responding to a specific question or topic if applicable.

Respondents may answer as many or as few questions as they wish.

EERE will not respond to individual submissions or publish publicly a compendium of responses.

A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed.

Respondents are requested to provide the following information at the start of their response to this RFI:

- Company / institution name;
- Company / institution contact;
- Contact's address, phone number, and email address.

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