



**REQUEST FOR QUALIFICATIONS  
FOR THE ELECTRIC SUPPLY REQUIREMENTS  
OF  
TEXAS CHARTER SCHOOLS ASSOCIATION'S  
ELECTRICITY AGGREGATION POOLS**

All proposals must be submitted on or before:  
**3:00 P.M., July 8, 2011**

**Please send an original and two copies of the proposal to:**

**Mr. Brian Levy  
Director of School Support Services  
Texas Charter Schools Association  
700 Lavaca, Suite 930  
Austin, Texas 78701**

**Please send one additional copy of the proposal to:**

**Annette Van Brunt  
President, Van Brunt Associates  
3609 Albans  
Houston, Texas 77005**



# REQUEST FOR QUALIFICATIONS FOR ELECTRICITY SUPPLY

## 1. Objective and Process

Texas Charter Schools Association (TCSA) is seeking statements of qualifications from qualified Retail Electric Providers (REPs) for electric supply service to meet the electricity requirements of its member districts/schools participating in the Texas Charter School Association Energy Pool(s). (“Pool Members”)

The provision of a safe, reliable and high-quality electricity supply is essential to TCSA. The member facilities depend upon a reliable and affordable electricity supply in order to provide quality services and a safe environment for all students and staff.

TCSA seeks to designate one or more qualified energy suppliers that is prepared to work with them to provide a reliable supply of electricity, associated services and a high level of customer service to open-enrollment charters across the state that have school campuses in deregulated markets

The purpose of this RFQ is to solicit information that will enable TCSA to determine which Respondents are best qualified to provide a firm, uninterruptible supply of electricity to its members and to select a panel of qualified energy suppliers who will offer the best value and level of service to its Pool Members or groups of Members (collectively “Pool Members”). For clarification purposes, this solicitation is not intended to be procurement under the Professional Services Procurement Act, but instead a variation of the Request for Proposals process set out in Chapter 44 of the Texas Education Code. A multi-phase selection procedure will be employed.

Phase One of the selection process will include an examination of the qualifications of the Respondents based on the qualifications criteria set forth below. Cost-related or price-related factors will not be considered in connection with this Phase One selection and should not be submitted by Respondent in its Statement of Qualifications. From these submissions, all or some of the Respondents will be selected for negotiation of a form of agreed contract with standard terms available to Pool Members for a period of at least 24 months.

In Phase Two of the process, Selected Respondents will enter into a Stand-By Requirements Contract with TCSA, approving the form of a standard TCSA Electricity Pool Agreement to be used with Pool Members and will be placed on a pre-qualified panel of TCSA Retail Electric Providers (“REP Panel”) who will be eligible to submit proposals to Pool Members based upon a Pool Member’s Request for Transactional Pricing (“RFTP”) and upon selection by the Pool Member, enter into the standard TCSA Electricity Pool Agreement for the transactional price negotiated at the time of the contract. Note: A request for indicative pricing may be made prior to issuance of a Pool Members’ RFTP in order to assist the Pool Member with decision making on product type and contract term.

TCSA reserves the right to accept any Proposal, reject any or all Proposals, re-solicit other Proposals, and to issue a new RFQ in the event that all Proposals are rejected, or that TCSA deems otherwise appropriate. Such a determination will be based solely on the judgment of TCSA that such action is deemed the most advantageous for TCSA and its Pool Members. TCSA undertakes no obligation to inform any Respondent of the factors.

It is contemplated that the process of selecting the “REP Panel” will be concluded as soon as possible, but no later than July 31, 2011.

### Tentative Schedule

Release of RFQ	June 20, 2011
Proposals Due	July 8, 2011
Contract Negotiations	July 9-July 21, 2011
REP Panel Selected	July 31, 2011

TCSA reserves the right to modify this schedule if in its sole discretion such modifications are necessary.

## **2. Background**

TCSA is a statewide Association representing approximately 390 charter schools and educating more than 100,000 students in every part of our great state. In total, an estimated 120,000 Texas students attend open-enrollment charter schools with an additional 56,000 students currently on waiting lists. The Association advocates in Austin and Washington D.C. for member schools, improves their academic and financial performance through the implementation of the TCSA Quality Framework, and provides member services for school operators, board members, and staff. TCSA also hosts an annual statewide conference, one of the largest gatherings of charter schools in the nation.

The mission of the TCSA is to accelerate student achievement in Texas by improving and empowering a diverse set of effective and quality-driven charter schools. More information about the TCSA is available on our website at [www.txcharterschools.org](http://www.txcharterschools.org)

TCSA requires a firm, uninterruptible and affordable supply of electricity for its Pool Member(s).

## **3. General Provisions**

The intent of this process is to pre-qualify Retail Electric Providers to include in subsequent Requests for Pricing for Electricity Supply. It is intended to streamline the contracting process for all parties, TCSA, the REPs and the Members needing electricity supply. One requirement of the RFQ is that the Respondent be able to agree to a negotiated contract for a minimum term of 24 months. This would then allow TCSA to nimbly respond to its Members contracting needs as well as eliminate the labor intensive step of renegotiating contract terms for each member wishing to contract through TCSA’s service offering. **Forms of the proposed contracts are attached to this RFQ as Exhibit E. Note that the contract forms include provisions for financial consideration to TCSA’s energy consultant (Van Brunt & Associates) and to TCSA itself as a portion of each school’s energy usage in consideration for the efforts undertaken by VBA and TCSA to create, implement, and market this opportunity to potential pool members All objections to the form of either of these contracts should be included in the Respondent’s Statement of Qualifications.**

Once a panel of Qualified REPs has been qualified and selected TCSA will then be able to issue a Request For Transactional Pricing to selected REP Panel members for provision of electric service to specific Pool Members or groups of Members (collectively “Pool Member”) based upon their actual product needs and load requirements. After selection by the Pool Member of a specific REP from the pre-qualified and selected REP Panel, each Pool Member can efficiently and seamlessly enter into the REP’s contract previously negotiated during the initial phase of this solicitation, by simply attaching the agreed upon pricing information.

### 3.1 Power Supply

**A.** The Provider is expected to cover the Pool Member’s firm, total requirements electric supply needs. The successful REP will have total responsibility for meeting any and all load following requirements. Furthermore, the REP must cover all line losses up to each of the Pool Member’s meters and provide all necessary ERCOT ancillary services. All of the aforementioned responsibilities/services must be included in the proposed contract.

**B.** It is also expected that all scheduling and coordination activities up to the meter will be the responsibility of the REP. All planning and forecasting will be the responsibility of the REP. In the event the REP does not properly schedule all of the Members’ electric requirements with ERCOT, the REP shall be responsible for the full replacement cost of power to serve the Member’s load.

### 3.2 Proposal Submission Date

Proposals must be delivered to the address listed in Section 3.4 no later than 3:00 p.m., July 8, 2011. Any proposal received after this date and time will not be considered. TCSA reserves the right to issue additional instructions or requests for additional information, which may extend this due date, should it be determined by TCSA as being in its best interest. Proposals submitted prior to the above time and date may be modified provided such modifications are sealed and received at the designated location, prior to the time and date set for submission of proposals. Qualification Statements received after the deadline will NOT be accepted and will be returned unopened to the Respondent.

### 3.3 Format of Proposal

Statements of Qualification must be submitted in sealed opaque envelopes plainly marked: **“RFQ for Electric Supply Requirements of TCSA Electricity Aggregation Pools”** and shall bear the name and address of the Respondent.

Respondents are expected to examine this RFQ carefully, understand the terms and conditions for providing the services listed herein and respond completely. **FAILURE TO COMPLETE AND PROVIDE ANY OF THE ABOVE ITEMS MAY RESULT IN THE RESPONDENT’S QUALIFICATIONS STATEMENT BEING DEEMED NON-RESPONSIVE AND THEREFORE DISQUALIFIED FROM CONSIDERATION.** Providers must meet the minimum requirements set forth in Section 4.1 below. All proposals must contain all the required information in order to allow TCSA to properly evaluate the submission. Any changes to this RFQ will be announced via an addendum.

3.4 Number of Copies of Qualifications Statements and Delivery.

**To achieve a uniform review process and obtain the maximum degree of comparability, it is required that proposals be organized in the manner specified. Four (4) sets of the Qualifications Statement are required: one (1) original set labeled “ORIGINAL” and containing original signatures, preferably in blue ink. The original submission shall contain the ORIGINAL SIGNATURE PAGE AND DECLARATION OF COMPLIANCE attached hereto as EXHIBIT D. The remaining three (3) sets are to be copies of the original and are to be labeled as a copy.** The original and two copies of the Statement of Qualification must be delivered to the following address:

**Mr. Brian Levy  
Director of School Support Services  
Texas Charter Schools Association  
700 Lavaca, Suite 930  
Austin, Texas 78701**

**Please send one additional copy of the Statement of Qualification to:**

**Annette Van Brunt  
President, Van Brunt & Associates, Inc.  
3609 Albans  
Houston, Texas 77005**

3.5 Inquiries/Contact Information

A. All questions regarding this RFQ should be made in writing to Van Brunt & Associates, Inc. (VBA).

B. Emailed or Faxed Inquiries are acceptable. Email: [avanbrunt@vbenergy.com](mailto:avanbrunt@vbenergy.com) or to fax number 954-212-0457.

**4. Proposal Requirements**

4.1 Minimum Qualification Requirements. Please provide the following information evidencing that Respondent meets or exceeds the requirements below:

A. Evidence that Respondent is Certified REP by the Public Utility Commission of Texas

B. Evidence that Respondent Currently serving at least 500 Commercial ESI IDs in ERCOT and serves a minimum of 100 MW on peak;

C. At least five Client References in ERCOT, with at least two of those being public entities and at least one of those two being a Texas School District

D. Respondent carries Investment Grade Debt rating or other acceptable financial measure to demonstrate financial stability.

E. Ability to provide a standard contract (once negotiated) and product specific addendums that would be valid for a minimum of 24 months. Note: this contract would only contain contract terms and not price.

F. Evidence that respondent is a Registered Retail Electric Provider by the Public Utility Commission of Texas or has legislative authority to sell Electricity in Texas. Certification number, if applicable or other evidence should be provided in your response.

G. Statement that the Respondent has read and understands the TCSA Preferred Vendor Policy attached to the RFQ as Exhibit No. F and that Respondent agrees to abide by the terms of the Policy.

#### 4.2 Statement of Qualifications

A. A short description of the REP's corporation (or other) entity that will be supplying electric power. Include a list of Texas offices and the contact information for the REP's primary representative.

B. A description of the REP's ownership structure and a list of any affiliate companies doing business in Texas.

C. A copy of REP's most recent audited financial statements, and current debt rating for the entity that will be supplying the power (the REP) or for the entity that provides credit assurance to the REP. If the REP is relying on a parent's credit for qualification, evidence of willingness to provide a performance bond, a letter of credit or a parental guarantee must be included.

D. A general summary of existing electric capacity under contract within ERCOT (location, term and amount under contract). In addition, Respondents should provide a description of their hedging practices.

E. Information on the number of meters currently being served by REP. The number does not have to be exact and can be rounded to the nearest 100 meters.

F. A statement agreeing to the TCSA Electricity Contract – Terms and Conditions contained in RFP. If REP would like to propose amendments to this document please provide them in an editable redlined electronic format.

G. REP must provide assurances of timely meter switches. The contract must contain a provision that ensures that if the REP does not switch any meters on time, the REP is responsible for the cost difference between the price paid to REP that served the ESI ID on a transition rate and the contract price. In no event will a delayed switch, extend the end date of the contract for the late changed meter(s).

H. Please provide a mock up of your firm's proposed invoice under your billing system.

- REP must provide one bill per month per ESI ID

- Invoices can only be for one billing cycle. For example, no combination of May and June meter reads on one invoice even if for same ESI ID. Additionally, energy costs and TDSP costs should be billed on the same invoice.
- Invoices must show line items for TDSP charges

Please confirm your company's ability to provide this information on its invoices to meet this requirement.

I. Reference list of current electric customers in Texas. This list should contain no less than five (5) clients which may be contacted as a reference, and should include at least two (2) public agencies one of which should be a public school, whether traditional school district or open enrollment charter school.. In this regard, please provide names, contact information and name of agency representative who your company interfaced with while providing services.

J. Description of your customer service and management programs and processes, which would be available to the Members.

K. Details on how REP will ensure the generation of timely and accurate electricity bills. This is very important to TCSA.

L. Respondent must be a Registered Retail Electric Provider by the Public Utility Commission of Texas or have legislative authority to sell Electricity in Texas. Please provide your Certification number, if applicable, in your response.

#### 4.3 Evaluation Criteria

A. Financial Stability of Respondent. The Respondent must provide sufficient evidence that it is financially and operationally qualified and capable of providing the services outlined in the Proposal during the term of the contract; as supported by responses to Section 4.2 A, B, & C.

B. Level of experience serving electricity clients within ERCOT; as supported by responses to Section 4.2 E, I.

C. Reliability and Availability of Power and Energy. In general, the power and energy provided to the Pool Member(s) should be available at all times, even during adverse conditions, subject only to interruption due to forces beyond the reasonable control of the Pool Member(s) or the Provider. Preference will be given to those Proposals providing assurance of such reliability. Methods of providing such assurance include, but are not limited to: (1) corporate guaranties, (2) the responsibility of the Provider to secure replacement and/or emergency service in the event that the proposed power supply resource should be unavailable to serve the Pool Member(s)' loads, and (3) the responsibility of the Provider to reimburse the Pool Member for any purchase of emergency and/or replacement energy should Provider be unable to arrange required service to the Pool Member(s), and (4) non-performance penalties;

D. Contract Terms , as supported by response in section 4.2 F.

E. Invoicing. Bill layout, electronic access, accuracy, timeliness ; as supported by response in section 4.2 H, K.

F. Guarantee of timely meter switches, as supported by response to Section 4.2 G.

G. Capabilities in managing the risks associated with energy supply procurement; as supported by response to Section 4.2 D.

H. Approach and capabilities of Provider in the area of Customer Service as supported by response to Section 4.2 J.

These Evaluation Criteria are provided to the Respondents as a general guideline regarding what is important to TCSA and not as an exhaustive list of criteria. TCSA likely intends to use the scoring rubric attached as Exhibit D to this RFQ, but reserves the right to consider any other factors that may be relevant to its power and energy needs.

## **5. Respondent's Acceptance of Evaluation Methodology.**

Submission of a proposal indicates Respondent's acceptance of the evaluation technique and Respondent's recognition that some subjective judgments must be made by TCSA during the evaluation of qualifications.

## **6. Costs Incurred In Responding.**

All costs directly or indirectly related to the preparation of a Proposal in response to this RFQ, and any oral presentation required to supplement and/or clarify a Proposal which may be required by TCSA, shall be the sole responsibility of and borne by Respondent incurring such costs. TCSA, its Aggregator/Consultant, or the Members will not reimburse any Respondent for any cost incurred in the preparation or submission of a Proposal and/or in negotiating an agreement resulting from a Proposal.

## **7. Contract Incorporation**

Respondents should be aware that the contents of a selected Proposal may become part of any subsequent contractual documents. TCSA reserves the right to include in any contract document such terms and conditions it deems necessary for the proper protection of the rights and interests of TCSA and its Members.

## **8. Supplemental Information**

TCSA reserves the right to request additional information from individual Respondents, or to request all Respondents to submit supplemental materials in fulfillment of the content requirements of this RFQ, or to meet additional information needs of TCSA. TCSA also reserves the right to unilaterally waive any technical or format requirements contained in the RFQ.

**RFQ Attachment A.**

**FELONY CONVICTION NOTIFICATION**

State of Texas Legislative Senate Bill No.1, Section 44.034, Notification of Criminal History, Subsection (a) states “a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.”

Subsection (b) states “a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.” While these provisions are not applicable to every open enrollment charter school in the State of Texas, TCSA nevertheless deems it important for all Responders to complete and remit this notification form.

This notice is not required of a Publicly-held Corporation.

I, the undersigned agent for the firm named below, certify that the information concerning notification of felony convictions has been reviewed by me and the following information furnished is true to the best of my knowledge.

Vendor’s Name \_\_\_\_\_

Authorized Company Official’s Name (Printed) \_\_\_\_\_

a. My firm is a publicly held corporation; therefore, this reporting requirement is not applicable: Signature of Company Official \_\_\_\_\_

b. My firm is not owned nor operated by anyone who has been convicted of a felony. Signature of Company Official \_\_\_\_\_

c. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s) \_\_\_\_\_

Details of Conviction(s) \_\_\_\_\_

Signature of Company Official \_\_\_\_\_

**RFQ Attachment B.**

**ACKNOWLEDGMENT FORM - NON-COLLUSION STATEMENT**

The undersigned affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other proposer, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this proposal.

Vendor:

\_\_\_\_\_

Address:

\_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Respondent (Signature): \_\_\_\_\_

Respondent (Print Name) \_\_\_\_\_

Position with Company: \_\_\_\_\_

\_\_\_\_\_  
Signature of Company Official Authorizing Proposal

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Official Position

**RFQ Attachment C.**

**SIGNATURE PAGE AND DECLARATION OF COMPLIANCE**

Check (✓) the box that indicates business structure of Respondent

Individual/Sole Proprietorship  Partnership or Joint Venture  Corporation  Other Entity (State Type)

The undersigned certifies that (s)he is \_\_\_\_\_ (title) of the Respondent entity named below; that (s)he is authorized to sign this Proposal Form (if a Corporation then by resolution with Certified Copy of resolution attached) for and on behalf of the entity, if any, named below, and that (s)he is authorized to execute same for and on behalf of and bind said entity to the terms and conditions provided for in the Proposal as required by this RFQ, and has the requisite authority to execute an Agreement on behalf of Respondent, if awarded, and that the 11-digit Comptroller’s Taxpayer Number for the entity, if any, is:

\_\_\_\_\_  
11-digit Comptroller’s Taxpayer Number

\_\_\_\_\_  
Employer Identification Number

\_\_\_\_\_  
Respondent Organization Name

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

(If Respondent is a Joint Venture, an authorized signature from a representative of each party is required)

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

By signing this Signature Page and Declaration of Compliance, I do hereby declare that I have read the Request for Proposal on which our Proposal is submitted with full knowledge of the requirements, and do hereby agree to furnish all services in full accordance with the requirements outlined in the Request for Proposal.

By signing and executing this proposal, I further certify on behalf of my organization and represent to TCSA that Respondent has not offered, conferred or agreed to confer any pecuniary benefit, as defined by TEXAS PENAL CODE ANN.§ 218, or any other thing of value, as consideration for the receipt of information or any special treatment or advantage relating to this proposal; the Respondent also certifies and represents that Respondent has not offered, conferred or agreed to confer a pecuniary benefit or other things of value as consideration for the recipient’s decision, opinion, recommendation, vote or other exercise of discretion concerning this proposal; the Respondent certifies and represents that Respondent has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the TCSA concerning this proposal on the basis of any consideration not authorized by law; the Respondent also certifies and represents that Respondent has not received any information not available to other Respondent so as to give the undersigned a preferential advantage with respect to this proposal; the Respondent further certifies and represents that Respondent has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Respondent will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the TCSA in return for the person having exercised the person=s official discretion, power or duty with respect to this proposal; the Respondent certifies and represents that it has not nor and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the TCSA in connection with information regarding this proposal, the submission of this proposal, the award of this proposal or the performance, delivery or sale pursuant to this proposal.