REQUEST FOR QUALIFICATIONS (RFQ)
Industrial Sector Technical Review Consulting Services

Issue Date: March 18, 2021

1. Introduction and Energy Trust Overview

Energy Trust of Oregon, Inc. (Energy Trust), an Oregon nonprofit, 501(c)(3) corporation, is seeking qualifications from consultants capable of assisting with industrial energy engineering review and processing of technical documentation related to energy efficiency improvements of industrial equipment and operations, as further described below in this RFQ.

Energy Trust is an independent nonprofit organization selected and overseen by the Oregon Public Utility Commission (OPUC) to help Oregon utility customers save energy and generate renewable power. Energy Trust services, cash incentives and energy solutions have helped participating customers of Portland General Electric, Pacific Power, NW Natural, Cascade Natural Gas and Avista save $8.2 billion on utility bills over time. Energy Trust’s work helps keep energy costs as low as possible, creates jobs and builds a sustainable energy future. More information about Energy Trust’s background, funding sources, strategic and action plans, policies and programs are available on our website at www.energytrust.org/about.

2. RFQ Background

Energy Trust is seeking an independent contractor to provide technical review consulting services to Energy Trust’s Production Efficiency program (Program), which provides services and incentives to industrial and agricultural customers pursuing energy saving opportunities. The consultant would assist Energy Trust with its review and processing of technical energy studies (including ASHRAE Level 3 energy audits) and Excel-based calculations analyzing potential energy efficiency projects that are submitted to Energy Trust for review via Production Efficiency’s Custom, Energy Performance Management and Standard tracks and Energy Trust’s Business Lighting program, as further described below. All such program participant data is confidential information of Energy Trust.

The Custom track provides technical assistance and incentive funding to assist projects with the implementation of both capital and operations and maintenance (O&M) measures. The Custom track approach targets all industries that are provided energy efficiency services and incentives designed to drive deep and persistent process and operational efficiencies. Energy Trust currently utilizes multiple Custom track Program Delivery Contractors (PDCs) to perform Program outreach and delivery and to prepare and deliver technical analysis studies that analyze potential custom energy saving opportunities at specific participant sites.

The Energy Performance Management track, also known as SEM, provides coaching services and technical assistance to help industrial facilities of all types and sizes implement a holistic approach to energy management. The Custom track PDCs are responsible for providing these services. Through SEM, customers participate in year-long Program engagements designed to help them reduce energy use immediately and establish a strong
foundation for future continuous energy improvement at their sites. There are currently two SEM offerings: First Year SEM and Continuous SEM. First Year SEM, launching in the fall of each year, is typically delivered in a cohort format comprised of different sites in various locations. Continuous SEM, launching primarily in the winter of each year, is currently delivered to individual sites that have completed a First Year SEM engagement and is available for sites that want to continue to expand their SEM practice in their facility. Energy Trust has its own proprietary curriculum as well as program delivery and M&V requirements for the SEM services. Early in the engagement, Energy Trust reviews and approves energy intensity models developed by the PDCs. At the end of the engagement, savings are calculated and claimed utilizing the energy intensity model and a final savings report.

The **Standard track** is focused on identifying, developing and delivering a suite of non-lighting prescriptive rebates and calculated incentives with wide-reaching applicability across targeted industrial and agricultural market sectors. Qualified measures and incentives include non-lighting measures that are based on equipment size (e.g., per horsepower, cfm, units, etc.) with relatively simple inputs. For calculated incentives, the trade ally or the Standard PDC calculates the incentive using one of several Energy Trust-approved Excel-based calculator tools. The development of a project in the calculator tool requires key system variable inputs (e.g., equipment size, operating hours, operating conditions, loading and others) and customer site characteristics to better define the baseline and new conditions of the equipment and energy usage.

As of January 1, 2021, Energy Trust consolidated its Production Efficiency, Existing Buildings and Existing Multifamily lighting program management and delivery services under one **Business Lighting PDC**. This program does not include new commercial construction lighting, residential lighting or residential direct install services. Business Lighting offers both prescriptive and custom incentives for lighting projects. The program is driven primarily by a network of trade allies, referrals from utility representatives and less frequently through direct PDC outreach. For all lighting projects, the trade ally or the Business Lighting PDC calculates the incentive using a program approved Excel-based calculator tool. The development of a project in the calculator tool requires key system variable inputs (lighting types, counts, specifications, operating hours and others) and includes both custom and prescriptive measures.

### 3. Description of Technical Review Consulting Services

The types of technical review consulting services that the selected contractor would be expected to provide include:

A. Reviewing submitted Custom track technical analysis studies according to established Energy Trust criteria, procedures and program rules. The consultant would review the study for accuracy of overall content, determine the baseline system is accurate and energy efficiency measures are reasonable, and check savings, project costs, cost effectiveness and incentive values for correctness. This review would include the application of sound professional judgment to energy efficiency engineering calculations by the consultant. The consultant would additionally be expected to work with the PDC to address questions or concerns in individual reviews. Upon review
completion, the consultant would issue an approval to the PDC, copying Energy Trust staff.

B. Supporting SEM in two capacities: first, the consultant will participate in the program’s required SEM energy intensity model review selection process to ensure the model adheres to the program’s M&V guidelines. SEM coaches then share the models with participants and use the models to quantify savings at the end of an engagement. This process typically takes place four months into an engagement cycle (currently February and May). Second, the consultant will perform the final review of both the model and close-out reports (First Year SEM Completion Reports and Continuous SEM Annual Savings Reports) that take place at the end of an SEM engagement. This stage of the review is for the verification of savings and incentive values, ensuring adherence and compliance to program requirements and industry best practices.

C. Reviewing submitted Standard track incentive applications for proposed projects and reviewing completed projects according to established Program criteria, procedures and program rules. Standard track calculated projects use Excel-based calculator tools to analyze potential energy savings and are simpler than Custom track technical analysis studies. The calculator tools have been approved for use by Energy Trust, but individual project details need to be reviewed to confirm viability of proposed energy-efficiency measures. The consultant’s review would include confirming that calculated savings, project costs, cost effectiveness and incentive details are consistent with Energy Trust’s provided program guidelines and requirements. The consultant would work with the PDC to address questions or concerns in individual reviews. Upon review completion, the consultant would issue an approval to the PDC, copying Energy Trust staff. Energy Trust would expect that most Standard track reviews could be completed by personnel with junior level energy-efficiency engineering analysis qualifications.

D. Reviewing submitted Business Lighting incentive applications for proposed projects and reviewing completed projects according to established Program criteria, procedures and requirements. These lighting projects currently use an Excel-based calculator tool to analyze potential energy savings by measure. The current calculator tool has been approved for use in 2021 by Energy Trust’s planning department, but individual project details need to be reviewed to confirm viability of proposed energy efficiency measures. The consultant’s review would include confirming calculated savings, project costs, cost effectiveness and incentive details are consistent with Energy Trust’s provided program guidelines and requirements. The consultant would work with the PDC to address questions or concerns in individual reviews. Upon review completion, the consultant would issue an approval to the PDC, copying Energy Trust staff. Energy Trust would expect that most lighting reviews could be completed by personnel with junior level energy efficiency engineering analysis qualifications.

E. Providing in writing, at least monthly, a list that summarizes the status of all assigned technical analysis study reviews, Standard project reviews and Business Lighting project reviews that have been submitted to consultant for review and processing. Energy Trust would typically expect that incentive application project reviews for
Business Lighting and Standard track be completed within two business days of receipt and that technical reviews and project completion reviews would be completed within three to five business days of receipt. Occasionally high priority requests come in that require review within one day.

F. Maintaining professional and regular communication with Energy Trust staff and PDCs that are delivering Custom track, Standard track and Business Lighting services to participants as part of normal technical support consulting duties. These communications typically include telephone conversations, email exchanges and face-to-face meetings when possible. Additionally, Energy Trust is developing a document library for file transfers; once launched, the consultant would be expected to access files from that site in accordance with Energy Trust’s data access and security requirements. All such communications must copy Energy Trust’s technical management team, unless otherwise noted by Energy Trust. PDCs are bound by Energy Trust’s confidentiality requirements, and the consultant would also be required to comply with confidentiality and nondisclosure requirements. Any and all consultant communications with a PDC regarding participating companies, including all project documentation, would be subject to Energy Trust’s confidentiality requirements.

G. Collaborating with Energy Trust staff to ensure that Energy Trust program objectives are met. Energy Trust would expect that the consultant would collaborate closely and regularly with Energy Trust staff. The service anticipated may at times require the consultant’s attendance at select program meetings with Energy Trust and/or the PDC(s) to ensure successful delivery of services.

H. Implementing and maintaining all appropriate technical, physical and organizational security and confidentiality measures in accordance with industry best practices as necessary to protect against unauthorized or unlawful access to or processing of Energy Trust data and accidental loss, alteration, disclosure, destruction, misuse or damage of Energy Trust data. Energy Trust data must be stored securely in the United States.

I. Providing and maintaining an efficient, secure, reliable high-speed, high-performance internet connection and compatible computer(s) so that consultant can access information and communicate effectively with Energy Trust to perform the technical services. The consultant will also be responsible for virus protection, security and appropriate firewall precautions.

As referenced in Section F. above, Energy Trust is currently developing a file transfer system that it anticipates would be used to send projects for review to the technical review consultant. Certain submittals may also be transmitted via email subject to security procedures/protocols.

The specific time and place that the consultant chooses to provide the services are in consultant’s sole discretion and control. The consultant would be responsible for providing its own equipment, supplies and materials as needed at its own expense. Consulting services must be performed in a professional manner consistent with industry standards and in a timely manner in accordance with provided timeframes.
4. Budget

It is anticipated that, based upon current project projections, the approximate annual budget for the consulting services described in this RFQ would be in the range of $130,000 - $160,000 annually over a three-year contract term. Actual consulting requests may vary and will depend upon Program activity and assigned reviews. Energy Trust reserves the right to revise budget assumptions at any time. To calculate the approximate annual budget range listed in this RFQ, Energy Trust used the following assumptions and projections:

- Custom track studies: approximately 100 studies per year at an average review time of 3-4 hours at a maximum rate of $155/hour.
- SEM close-out report reviews: approximately 20 in 2021 and 40 per year average in 2022 and beyond at an average review time of 4-6 hours and at a maximum rate of $155/hour. Model reviews take 0.5-1 hours per site and are separate from the close-out report reviews referenced above.
- Standard track reviews: approximately 200 projects per year at an average review time of 30 minutes per project at a maximum rate of $125/hour.
- Business Lighting reviews: approximately 1,500 projects per year at an average review time of 20 minutes per project at a maximum rate of $115/hour.

5. Qualifications

Energy Trust is interested in respondent’s team experience in successfully implementing comparable energy efficiency program technical review consulting services, as follows:

- Five years demonstrated project management experience
- Industrial energy efficiency experience
- Excellent oral and written communication skills
- Experience using MS Office programs and Adobe Acrobat full featured software programs
- Three years demonstrated energy efficiency engineering experience with at least 10 of the following 25 system/technology types:
  - Air Handling
  - Blower
  - Boiler
  - Chilled Water
  - CHP
  - Compressed Air
  - Drives
  - Dust Collection
  - Fan
  - Furnace/Oven
  - Heat Recovery
  - HVAC
  - Hydraulics
  - Insulation
  - Irrigation (Agricultural)
o Kiln
o Commercial/Industrial Lighting
o Horticultural (grow) lighting
o Motor
o Pumping
o Refrigeration
o Steam
o Transformer
o Vacuum
o Water/Wastewater

- Experience reviewing energy intensity models specifically for industrial facilities. This includes any specific experience utilizing Energy Trust’s Energy Intensity Modeling Guidelines1 or other similar program guidelines and industry resources/standards applicable to SEM.
- Experience creating or reviewing energy intensity models for SEM engagements at industrial sites, including models that were used as the basis for claiming energy savings.

Energy Trust understands that specific experience by personnel will vary. Respondents will clearly identify qualifications, experience and proposed rates for each of its proposed personnel that would be responsible for performing each type of review, by track, as described in the Budget section above. For example, Energy Trust would expect that Standard track reviews and Business Lighting reviews could typically be completed by qualified personnel billing at a lower rate than personnel performing more specialized Custom track reviews and SEM model reviews; see the Budget section above.

6. RFQ Response Requirements

To be considered complete, responses to this RFQ must include all of the following information in the format listed with each section clearly labeled:

A. Executive Summary (2 pages)

In no more than two pages, identify key information about the respondent’s organization. The executive summary should clearly and succinctly demonstrate respondent’s understanding of the RFQ’s objectives and requirements and summarize why respondent would be the best candidate to perform and complete the services described in this RFQ.

B. Consultant Experience, Qualifications and References

Describe your firm’s qualifications, clearly addressing each of the following:

1. Describe the consultant firm’s primary business, length of time in business, location of office(s) and contact information. Disclose any applicable State of Oregon and/or other

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1 To request a copy of Energy Trust’s specific SEM Energy Intensity Modeling Guidelines, if necessary to inform your response, respondent can send an email request to production@energytrust.org. These are not publicly available currently and receipt shall be subject to confidentiality obligations.
state or federal approved license or professional certification and/or any type of third-party license or professional certification firm holds related to the proposed work.

2. List location and relevant experience, training and credentials (including any relevant licenses or certifications) of key personnel who would be assigned to perform the services outlined in this RFQ; include dates or date ranges for assigned personnel availability. Provide an organizational chart detailing roles and staff within the organizational structure. Clearly specify respondent’s proposed personnel positions who would be assigned to perform each type of review, by track, as described in this RFQ (Custom track, SEM, Standard track, and Business Lighting).

3. Include completed Technical Analysis Study Capability Matrix (template provided).

4. Include resumes of key personnel.

5. Describe the nature and scope of the firm’s experience and qualifications, addressing the qualifications outlined in this RFQ.

6. Provide contact information for three references knowledgeable of respondent’s work performing technical review consulting services similar to that described in this RFQ, preferably in the Pacific Northwest.

C. Business Information

In one page or less, include the following information for each firm and organization in respondent’s team:

- Firm or organization name and address; name and address of parent company (if applicable)
- D-U-N-S® Number from Dun & Bradstreet, if available
- All legal or administrative proceedings pending and those concluded for the firm within the last five years that relate to any procurement or performance of any public or private contracts
- Whether the firm or predecessors, if any, or any principal of the firm has been insolvent or declared bankruptcy within the past five years

Energy Trust reserves the right to request additional financial information from any RFQ respondent, such as copies of financial statements or credit or bank references.

D. Diversity, Equity, and Inclusion (DEI) Qualifications and Experience

Energy Trust seeks to contract with organizations that share its commitment to building a diverse, equitable and inclusive workplace and business environment. Please address the following:

1. Indicate if respondent’s firm is certified with Business Oregon’s Certification Office for Business Inclusion and Diversity (COBID) as one or more of the following: Emerging Small Business, Minority Business Enterprise, Women Business Enterprise, Service Disabled Veteran, Disadvantaged Business Enterprise.

2. Provide information regarding other state or federal certifications, awards or recognition for respondent’s organizational policies and practices relating to DEI.
3. Is respondent’s firm required to submit equal opportunity employment (EEO) reports? (For companies of 100 staff members or more, the Equal Employment Opportunity Commission requires regular filings of form EEO-1 to report on company demographics.)
   a. If so, provide a copy of respondent’s most recent EEO-1 report.
   b. If not, please provide a summary of staff from respondent’s firm who would likely be performing work on tasks and projects resulting from this RFQ, using a table format and employment data categories aligning with EEO-1 reporting – see this sample form, specifically, the table in section D.

4. Provide specific examples of activities, projects or plans worked on or developed during the past 36 months that demonstrate how respondent promoted DEI within respondent’s company in the areas of (1) recruitment, hiring, retention and promotion, training and professional development, (2) training and professional development and (3) respondent’s company operations and strategy.

5. Does respondent mentor woman-, minority-, and service-disabled veteran-owned subcontractors?
   a. If so, provide a summary of how respondent mentors woman-, minority-, and service-disabled veteran-owned subcontractors.
   b. If not, please explain why.

6. Does respondent have an existing supplier diversity program?
   a. If so, describe efforts respondent has made to increase business with woman-, minority-, and service disabled veteran-owned businesses (i.e., does respondent’s firm have a policy statement, participate in outreach activities, promote diverse firm subcontracting, publicize contract opportunities, provide certification assistance, etc.?)
   b. If not, please explain why.

E. Pricing Proposal

Provide a pricing proposal: rates and pricing for all proposed work; include hourly billing rates for key staff members. Energy Trust is interested in time and materials pricing for key staff members.

Complete the provided Pricing Matrix template with fully loaded hourly rates by employee type, categorized by proposed review type and track (Custom track, SEM, Standard track, and Business Lighting), and traceable back to the organizational chart; an example table is provided below (template provided).

<table>
<thead>
<tr>
<th>Custom Track Review</th>
<th>Staff Name</th>
<th>Hourly Rate ($)</th>
<th>Hours/Year</th>
<th>Total/Year ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Manager</td>
<td>Name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy Engineer III</td>
<td>Name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy Analyst</td>
<td>Name</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
F. Insurance

Respondents must include a description of the insurance coverage that would be provided by respondent for performing the type of work described in this RFQ, and shall include:

- Whether such coverage is on a “comprehensive” or “commercial” form
- Whether such coverage is on a “claims made” or “occurrence” basis
- All endorsements excluding coverage of any nature, if any
- All limits, including aggregate limits and the current remaining coverage amounts under those limits
- Effective date

Energy Trust requires its technical review consultants to maintain, at a minimum, workers compensation insurance, commercial general liability insurance coverage (including contractual liability and products & completed operations coverage), automobile liability insurance, cyber liability, and errors and omissions/professional liability insurance.

G. Confidentiality/Security

Describe the protections and security protocols, procedures and systems, both physical and electronic, that respondent utilizes to protect sensitive confidential information.

Identify and describe protections and security protocols, procedures and systems that would be utilized by respondent to protect Energy Trust confidential information from disclosure in the event respondent were selected as a technical review consultant. Describe respondent’s:

- Training protocols/processes for respondent personnel on sensitive data handling
- Data breach incident response procedures
- Standard data retention and data destruction protocols
- Security protections governing client data input into respondent systems
- Approach to monitoring of information security in respondent’s environment
- Applicable industry certifications for IT security, including but not limited to SOC 2 and ISO 27001/27002 certification
- Date and high-level results of most recent independent information security assessment

Also identify and describe controls and safeguards (such as firewalls) that would be used internally by respondent to avoid any sharing of sensitive, confidential or business proprietary information obtained through its work with Energy Trust with any non-technical review consultant personnel within respondent’s own organization.

H. Required Disclosures

- **Conflict of Interest Disclosure**: Respondents must disclose any direct or indirect, actual or potential conflicts of interest respondent or any respondent team member may have with Energy Trust. If no conflicts are identified, provide an explicit statement to that effect. Determination of whether a conflict of interest exists is left to the sole discretion...
of Energy Trust. A “direct or indirect, actual or potential conflict” is defined as any situation in which an individual or member of their family or close business or personal acquaintance is employed by Energy Trust or the Oregon Public Utility Commission, or may be reasonably construed to have a direct or indirect personal or financial interest in any business affairs of Energy Trust, whether because of a proposed contract or transaction to which Energy Trust may be a party or may be interested or is under consideration, or whether such conflict is purely conceptual, because of similarity of business interests or affairs.

Respondent's disclosure must specifically address any existing contracts, including any participation in Energy Trust’s trade ally network, that respondent or any respondent team member currently has to perform any Energy Trust program services.

- **Additional Business Information Disclosure:** The technical review consultant provides independent technical expertise to assist Energy Trust staff reviewing proposed project energy savings analysis submitted by its PDCs and Business Lighting trade allies—an important Program quality assurance/control procedure. Energy Trust desires to operate its programs in a manner that avoids confusion, lack of clarity or misperceptions in the marketplace regarding its Program contractor’s roles and responsibilities.

If respondent currently performs energy efficiency technical energy engineering project design, installation or technical review consultation work, describe the nature and scope of the work and how you would avoid a conflict of interest if selected to contract with Energy Trust as a technical review consultant. If no such conflict exists, provide an explicit statement to that effect. The determination of whether a conflict of interest exists is left to Energy Trust at its sole discretion.

### 7. Instructions and Deadlines for Submitted Questions and RFQ Responses

**A. RFQ Schedule**

<table>
<thead>
<tr>
<th>Posting of Request for Qualifications</th>
<th>March 18, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline to submit written questions/requests for clarification</td>
<td>April 1, 2021</td>
</tr>
<tr>
<td>Posting of responses to submitted questions/request for clarifications on website</td>
<td>April 8, 2021</td>
</tr>
<tr>
<td><strong>Deadline for submission by respondents of qualifications</strong></td>
<td>April 22, 2021</td>
</tr>
<tr>
<td>Energy Trust selection notifications</td>
<td>Week of June 1, 2021</td>
</tr>
<tr>
<td>Anticipated contracting</td>
<td>June 2021</td>
</tr>
</tbody>
</table>
B. Response Format

Responses to the RFQ must be submitted in accordance with the format outlined below. Proposals should be responsive to the RFQ criteria and should not be excessively long.

- Section A: Executive Summary (2 pages)
- Section B: Experience, Qualifications, and References (up to 10 pages, excluding resumes)
  - Include Technical Capability Matrix
- Section C: Business Information (1 page)
- Section D: DEI Qualifications and Experience (up to 8 pages)
- Section E: Pricing Proposal
  - Include Pricing Matrix
- Section F: Insurance (1 page)
- Section G: Confidentiality/Security (2 pages)
- Section H: Required Disclosures (1 page)

C. Questions/Requests for Clarifications

Verbal discussions with individuals cannot be accommodated. Any questions and/or requests for clarification or additional information regarding this RFQ must be submitted in writing, via email, to production@energytrust.org by date in RFQ schedule above.

Subject line of the emailed question/request must clearly state: RFQ Request for Additional Information. Requests for additional information received via mail or fax or after the date listed above will not be accommodated. Questions/requests for clarifications received prior to the stated deadline will be answered and posted on Energy Trust’s website by date in RFQ schedule above.

D. RFQ Response Submittal Deadline

RFQ responses must be sent electronically to production@energytrust.org, and received not later than 5:00 p.m., Pacific Time on Thursday, April 22, 2021. Submittals must clearly identify Time Sensitive: RFQ Response - Industrial Sector Technical Review Consulting Services in the subject line of the email.

Energy Trust expects to make a selection and to notify all respondents per the RFQ schedule above.

8. Evaluation and Selection Process

Energy Trust will review responses received for the requirements listed above and will evaluate each in accordance with the scoring criteria identified below.

- Qualifications and strength of team – weighted at 45%
- Pricing – weighted at 30%
- DEI Qualifications – weighted at 25%

By submitting a response to this RFQ, respondent represents that it is authorized to submit a response and explicitly agrees and accepts the following provisions of this RFQ and all other terms and conditions set forth in this RFQ:

A. Right to Accept or Reject

This RFQ is not an agreement to purchase goods or services. Energy Trust is not bound to enter into a contract with any qualified respondent. Energy Trust reserves the right to modify the terms of this RFQ at any time in its sole discretion. This includes the right to cancel or revise this RFQ at any time. Further Energy Trust reserves the right to waive any nonconformity in submissions received, to accept or reject any or all of the items in the submission, and award any ultimate contract in whole or in part as it is deemed in Energy Trust’s best interest. No verbal agreement or conversation made or had at any time with any officer, agent, or employee of Energy Trust, nor any oral representation by such party shall add to, detract from, affect or modify the terms of the RFQ, unless specifically included in a written addendum issued by Energy Trust.

B. Ownership of Responses

All materials submitted in response to this RFQ shall become the property of Energy Trust and shall not be returned to the respondent.

C. Confidentiality

Respondent shall clearly identify those portions for their responses that they do not want revealed to third parties and label such portions as “Confidential Information.” Except as required under Energy Trust policy, law or for regulatory purposes Energy Trust will maintain confidentiality of such information.

D. Respondent Expenses

Respondent is solely responsible for its own expenses in preparing a response and for any subsequent negotiations. Energy Trust will not be liable to any respondent for any claims, whether for costs or damages incurred by the respondent in preparing the response, loss of anticipated profit in connection with any final contract or any other matter whatsoever.

E. Waiver of Claims

Respondent waives any right it may have to bring any claim, whether in damages or equity, against Energy Trust, Energy Trust Board of Directors or any of Energy Trust’s agents, employees or contractors, with respect to any matter arising out of any process associated with this RFQ.
F. Resulting Contract

The selected respondent(s) would be required to execute a written contract with Energy Trust as an independent contractor to perform the technical review consulting work. No award will be considered a commitment, and no obligations or legal relations shall exist between Energy Trust and any selected respondent until a final and binding written contract has been executed by and between Energy Trust and such selected respondent. Key terms in any resulting contract would include the following: appropriate license and certification requirements, timely and accurate invoicing requirements, requirements that written contracts with subcontractors performing portions of the program on behalf of the technical review consultant include provisions requiring such subcontractors to adhere to requirements incumbent upon technical review consultant in its contract with Energy Trust, intellectual property provisions, conflict of interest disclosure requirements, confidential information nondisclosure requirements, indemnification for third party claims and limitation of liability provisions, and insurance requirements. Time is of the essence with regard to this program, and prolonged contract negotiations will not be undertaken. In general, Energy Trust strongly prefers contracts that are consistent with Energy Trust’s standard terms and conditions; negotiations for such contracts can generally be completed quickly. In some cases, a few terms and conditions may need to be substituted or waived, in accordance with contract negotiations. Any party involved in these contract discussions can terminate negotiations at any time and for any reason. If it appears that contract negotiations are not proceeding in a timely manner, Energy Trust may opt to terminate the discussions and select another respondent.