



REQUEST FOR PROPOSALS (RFP)

11-22-001

Multi-Year Natural Gas Services Agreement

RFP Issued: Wednesday, November 16, 2022

Proposals Due: Friday, November 18, 2022, 9:00 a.m. Central

Submit Responses To: Purchasing@Waubonsee.edu

Questions/Clarifications: Direct all questions to Theresa Larson, Purchasing Manager. The College respectfully requests that respondents refrain from speaking with anyone at the college regarding this RFP. Direct questions via email to Purchasing@Waubonsee.edu

Firms intending to submit a response to this RFP should read this document in its entirety when planning to submit a proposal.

To Be Returned with RFP

- AUTHORIZATION FORM
- CERTIFICATIONS
- CONFLICT OF INTEREST DISCLOSURE AND NON-COLLUSION FORM
- STATE OF ILLINOIS BUSINESS ENTERPRISE INFORMATION FORM
- REFERENCES
- COST WORKSHEET
- SAMPLE CONTRACT
- SAMPLE INVOICE

Prepared by: T. Larson, Purchasing Manager

Sugar Grove

Rt. 47 at Waubonsee Drive
Sugar Grove, IL 60554-9454
(630) 466-7900

Aurora Downtown

18 S. River St.
Aurora, IL 60506-4131
(630) 801-7900

Aurora Fox Valley

2060 Ogden Ave.
Aurora, IL 60504-7222
(630) 585-7900

Plano

100 Waubonsee Drive
Plano, IL 60545-2276
(630) 552-7900

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REQUEST FOR PROPOSAL

Waubonsee Community College is requesting your proposal for a Nicor natural gas utility contract spanning two (2), three (3), and four (4) year terms. The proposal will recognize the following requirements that must be reflected in the contract which will be provided by Waubonsee Community College (WCC) in a Rider to said executed contract.

Proposals for **Multi-Year Natural Gas Services Agreement, RFP Number 11-22-001**, will be received by Waubonsee Community College, District 516, by email to Purchasing@Waubonsee.edu by **9:00 a.m. Central, Friday, November 18, 2022**. Proposals must be able to be executed upon decision by **12:00 p.m., Friday, November 18, 2022**.

These requirements are:

- 1) Natural Gas Supply offers must be described in the single therm value.
- 2) Vendor must provide executable numbers and the associated executable contracts when submitting their price offers for review. WCC will not execute without first refreshing market offerings, but all pricing must be real and ready for immediate execution if awarded the business.
- 3) Volume of purchased natural gas must be clearly listed in the executable contract. Each associated month within a 12-month calendar year must have clear and defined contract volumes. Contract volumes may be based on vendor's evaluation and best interest of WCC.
- 4) Proposed natural gas offers must be represented in actual metered usage and not nominations for billing. Offers in billed nominations will not be accepted.
- 5) The cost value provided must include both individually stated NYMEX and Physical Basis figures as well the combined "in-whole" value for all-inclusive fixed options. Cost items that are intentionally or unintentionally removed in the proposed offer, or via the language within the suppliers purchase agreement will be dismissed from evaluation.
- 6) Provide Vendor's recommended Swing Tolerance in the best interest of WCC. If swing tolerance is 0, 10, or 20% please clearly state how WCC will be charged for excess volumes (Monthly Index Rates, GDDA, WACOG). When usage deviates below the offered swing tolerance please state Vendor's per-unit sell-back margin.
- 7) Clearly explain Vendor's protections during Operational Flow Order (OFO)/Critical Days. In the event excess gas is used during an OFO/Critical day, clearly state your settlement process (e.g., all excess gas above maximum daily contract quantity during OFO's will be charged at the GDDA average for the month).
- 8) Alternate Proposal: Locked-in value + variable proportion based on best interest of WCC. Please provide variable offers in NYMEX plus contracted adder and NGI Bi-Weekly Summary plus contracted adder.

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Any response received after the date and time stated above will be rejected. Waubonsee Community College shall not be responsible for responses that are not received by the stated deadline. It is solely the Respondent's responsibility to ensure that adequate time is allowed for timely, accurate delivery and that the Proposal is received as required.

No response shall be withdrawn for a period of sixty (60) days after the advertised close date without the consent of the college.

Respondents may download the RFP in addition to any future addenda from the college's Purchasing website at the following URL address: <https://www.waubonsee.edu/local-businesses-employers-and-vendors/bidrfprfi-opportunities>.

Under no circumstances shall failure to obtain clarifications and/or addenda relieve a Respondent from being bound by any additional terms and conditions in the clarifications and/or addenda, or from considering additional information contained therein in preparing a Proposal. Furthermore, failure to obtain any clarification and/or addendum shall not be valid grounds for a protest against award(s) made under this RFP.

****If you are a Brokerage, please complete and provide a cost worksheet for each of your top three recommended natural gas suppliers.***

SCHEDULE OF EVENTS

EVENT	DATE
Release RFP	November 16, 2022
Last Day to Submit Questions	Thursday, November 17, 2022
RFP Submittal Deadline	Friday, November 18, 2022 at 9:00 a.m.
Approval	November 18, 2022

COLLEGE OVERVIEW

Waubonsee Community College (WCC), located forty-five miles west of Chicago, Illinois, has served more than 300,000 students since its inception. As one of 48 public community colleges in the Illinois Community College System, WCC is governed by a board of trustees composed of seven community members elected from the district at large and a student trustee selected by the student body. WCC serves 22 municipalities, 12 public high school districts and nine private high schools in a five-county, 600-square-mile district. In order to proactively address student and community needs, WCC has cultivated a learning-centered culture that values, and an infrastructure that advances, continuous quality improvement.

Campus Locations

Main Campus

Waubonsee Community College Sugar Grove Campus, 4S783 State Route 47, Sugar Grove, Illinois 60554

Extension Campuses

Waubonsee Community College Plano Campus, 100 Waubonsee Drive, Plano, Illinois 60545

Waubonsee Community College Aurora Downtown Campus, 18 South River St. Aurora, Illinois, 60506

Waubonsee Community College Fox Valley Campus, 2060 Ogden Ave, Aurora, Illinois 60504

GENERAL REQUIREMENTS

Information

1. RFP documents are available for download from the college's purchasing webpage at <https://www.waubonsee.edu/local-businesses-employers-and-vendors/bidrfprfi-opportunities>.
2. **RFP is not binding on WCC.** This RFP is not a binding offer by WCC and acceptance of the terms of this RFP by any Respondent shall not create a binding contract with WCC. WCC reserves the right to negotiate the terms and conditions of any agreement that may result from this Request for Proposal process, including the terms set forth herein and in any proposal. Any future contract that may be awarded must comply with college procurement requirements.
3. **Proposals Shall Constitute An Offer.** A proposal submitted in response to this RFP shall constitute an offer of the Respondent. The signature of a person who is legally authorized to execute contractual obligations on behalf of the Respondent shall indicate acknowledgment of this condition. A submission in response to this RFP acknowledges acceptance by the Respondent of all terms and conditions as set forth herein, unless the response specifically indicates otherwise. A Respondent shall identify clearly and thoroughly any variations between its proposal and the RFP in the cover letter. Failure to do so shall be deemed a waiver of any rights to subsequently modify the terms of any contract that may result from this RFP, except as outlined or specified in the RFP.
4. The college reserves the right to reject or accept any or all responses, to extend the due date, to waive technicalities in the documents or repost prior to award of the Contract.
5. Respondents may not contact any college employee directly to discuss this RFP. All correspondence or questions concerning the RFP should be addressed to purchasing@waubonsee.edu.
6. All questions will be responded to by addendum and posted to the college's webpage. Do not expect an immediate answer.
7. Proposals may be withdrawn by written request from Respondent prior to the date and time established for the opening.
8. All late proposals will be rejected.
9. All proposals must be signed by a duly authorized representative of the firm; all unsigned proposals will be rejected.

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10. Awarded Respondent will be notified after award of orders.
11. All proposal prices must be good for a period of sixty (60) days from the date of opening.
12. Proposals shall be prepared simply and economically, providing a straightforward description of the respondent's capabilities to satisfy the requirements of this RFP. Emphasis should be on completeness and clarity of content, including all attachments and work samples.
13. There is no express or implied obligation for the college to reimburse firms for any expenses incurred in preparing proposals in response to this request.
14. The college may issue a purchase order upon award by the college's Board of Trustees or after a fully negotiated and executed contract is signed.
15. Invoices are paid monthly for work completed or as negotiated in the executed contract.
16. The college's payment terms are net 30 days.

17. Business Enterprise Program (BEP):

Business Enterprise Program Participation and Utilization Plan

Waubonsee Community College will make every effort to use and/or contract with small, minority-owned, and/or women-owned businesses in the procurement process. This solicitation contains a goal to include businesses owned and controlled by minorities, females, and persons with disabilities in the college's procurement and contracting processes in accordance with the State of Illinois' Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575). Because these goals vary by business ownership status and category of procurement, we urge interested businesses to visit the State of Illinois Commission on Equity and Inclusion (CEI), Business Enterprise Program (BEP) web site to obtain additional details. To qualify, prime vendors or subcontractors must be certified as BEP vendors prior to contract award. Go to <https://cei.illinois.gov/business-enterprise-program/get-certified.html> for complete requirements for BEP certification. For applicable projects, vendors may be asked to submit a utilization plan and letter of intent that meets or exceeds the identified goal. If a vendor cannot meet the goal, documentation and explanation of good faith efforts to meet the specified goal may be required within the utilization plan.

18. WCC belongs to the following consortiums and Group Purchasing Organizations: E&I (Educational and Institutional Cooperative Purchasing); Sourcewell; OMNIA; Midwest Higher Education Compact Consortium, and the Illinois Public Higher Education Cooperative. If you have pricing agreements with any of these organizations, pricing should minimally reflect these discounts. The college expects to be provided with the best available pricing.

Evaluation Process

1. The college reserves the right to:
 - a. Accept or reject any or all proposals
 - b. Select the proposal most responsive to the college's needs
 - c. Award the contract to the firm who will best serve the interests of the college at the college's sole discretion
 - d. Require a firm to submit any evidence of its qualifications as the college may deem necessary and to consider any evidence available such as financial, technical and other

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- capabilities, including performance experience with past and present users
 - e. Request additional information or clarifications and to allow corrections of errors and omissions
 - f. Waive minor irregularities or variations to specifications in the process
 - g. Conduct any investigation of the qualifications of any firm that it deems appropriate
2. The college will conduct contract negotiations with the firm whose proposal is deemed most responsive to the college's needs. Until the college acts formally to approve a contract, and until such contract is signed by both parties, the college is legally obligated in no respect. By this Request for Proposal, the college has not committed itself to undertake the work set forth.

Confidentiality & Proposal Ownership

1. RFP Ownership: All proposals to the RFP will become the property of Waubensee Community College and will not be returned.
2. Public Records Act: all materials received or created by the college are considered **public records** and subject to disclosure to third parties in accordance with the Freedom of Information Act (FOIA). These records include but are not limited to bid or proposal submittals, agreement documents, contract work product, or other information submitted by a vendor to the college.
3. If the Respondent requests that the college withhold their trade secrets, commercial information or financial information from disclosure to a third party in response to a FOIA request, the Respondent must include in its submittal:
 - a. A written notification specifically identifying such information
 - b. A statement that disclosure of such information will cause competitive harm to the Respondent
4. Any content not so marked by the Respondent at the time of submittal will be presumed to be open to public inspection.

SCOPE OF WORK

PROPOSAL REQUIREMENTS AND FORMAT

Format

1. Firms shall provide a straight-forward, concise description of your firm's capability to satisfy the requirements of this RFP and perform the services described in this RFP. Prepare your responses to this RFP in the format and sequence specified below. Respond specifically to each item in the order as provided. Failure to comply may result in the college rejecting your proposal as non-responsive.

Authorization

1. Submittal response must include a signed Authorization Form and all documents noted on the cover page.

Firm Information

1. Provide a brief description of your firm, including but not limited to the following:
 - a. Company name with address and telephone. Name of the principal(s) of the firm.
 - b. Name, telephone number, and email address of a representative of the firm authorized to discuss the proposal.**
 - c. Addresses of all offices of the firm. Identify the office which will fulfill this agreement.
 - d. Number of employees of the firm.
 - e. Number of years in business under current name and any past corporate names or affiliations.
 - f. Statement of whether there are any ongoing, pending, or potential legal actions against the firm.
2. Describe the organization, date founded and ownership of your firm and regulatory bodies your firm reports to. Has the firm experienced a significant change in organizational structure, ownership or management during the past three years and, if so, please describe.

Requirements:

- 1) Natural Gas Supply offers must be described in the single therm value.
- 2) Vendor must provide executable numbers and the associated executable contracts when submitting their price offers for review. Waubensee will not execute without first refreshing market offerings, but all pricing must be real and ready for immediate execution if awarded the business.
- 3) Volume of purchased natural gas must be clearly listed in the executable contract. Each associated month within a 12-month calendar year must have clear and defined contract volumes. Contract volumes may be based on vendor's evaluation and best interest of WCC.
- 4) Proposed natural gas offers must be represented in actual metered usage and not nominations for billing. Offers in billed nominations will not be accepted.
- 5) The cost value provided must include both individually stated NYMEX and Physical Basis figures as well the combined "in-whole" value for all-inclusive fixed options. Cost items that are intentionally or unintentionally removed in the proposed offer, or via the language within the suppliers purchase agreement will be dismissed from evaluation.
- 6) Provide Vendor's recommended Swing Tolerance in the best interest of WCC. If swing tolerance is 0, 10, or 20% please clearly state how WCC will be charged for excess volumes (Monthly Index Rates, GDDA, WACOG). When usage deviates below the offered swing tolerance please state Vendor's per-unit sell-back margin.

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- 7) Clearly explain Vendor's protections during Operational Flow Order (OFO)/Critical Days. In the event excess gas is used during an OFO/Critical day, clearly state your settlement process (e.g., all excess gas above maximum daily contract quantity during OFO's will be charged at the GDDA average for the month).
- 8) Alternate Proposals: Locked-in value + variable proportion based on best interest of Waubensee. Please provide variable offers in NYMEX plus contracted adder and NGI Bi-Weekly Summary plus contracted adder.

Fees & Services

1. Cost Worksheet – Appendix A: The cost worksheet is made available under separate cover.
2. If you are a Brokerage, please complete and provide a cost worksheet for each of your top three recommended natural gas suppliers.

Additional Documentation

1. Provide a sample copy of your firm's contract for these services including all terms and conditions.
2. Discuss any topics not covered in this RFP that you would like to bring to the college's attention.

RFP AUTHORIZATION FORM

All Respondents are required to complete and sign this form.

I HEREBY AUTHORIZE THIS PROPOSAL, ACKNOWLEDGING THAT I UNDERSTAND AND AGREE TO THE PROVISIONS OF THIS RFP. I WARRANT THAT ALL INFORMATION PROVIDED IN THE SUBMITTED PROPOSAL IS TRUE AND ACCURATE. I FURTHER WARRANT THAT FAILURE TO HAVE READ ALL THE PROVISIONS OF THIS SOLICITATION SHALL NOT BE CAUSE TO ALTER ANY RESULTING CONTRACT OR REQUEST ADDITIONAL COMPENSATION.

Name of Company

Address

City

State

Zip Code

Telephone Number

Fax Number

Authorized Signatory

Date

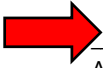
Print Name

Title

Email Address

Acknowledgement of Addenda (if any)

I acknowledge having received addenda # _____.



CERTIFICATIONS

All Respondents are required to complete and sign this form. Completed form must be returned with RFP no later than the advertised deadline. Failure to return this completed form may result in disqualification.

Respondents are cautioned to carefully read these certifications prior to signing below. Signing this page shall constitute a warranty by the undersigned that all of the statements, certifications and information set forth within these certifications are true, complete and correct as of the date signed. The undersigned is notified that if the college learns that any of the following certifications were falsely made, any contract entered into with the undersigned shall be subject to termination.

1. Prevailing Wage Act. To the extent required by law, Contractor shall not pay less than the prevailing wage as established pursuant to an Act Regulating the Wages of Laborers, Mechanics, and Other Workman employed under Contract for Public Workers 820 ILCS 130/1 et seq. Our company certifies that it is eligible for bidding on public contracts and has complied with section 11a of the Prevailing Wage Act, 820 ILCS 130.01-12.
2. Human Rights Act. To the extent required by law, Contractor shall abide by the Illinois Human Rights Act, 775 ILCS 10/0.01 et seq.
3. Drug Free Workplace. To the extent required by law, Contractor shall abide with the requirements of the Drug Free Workplace Act 30 ILCS 580.1 et seq.
4. Sexual Harassment Policy. Contractor represents by the signing of this agreement that it has a written sexual harassment policy that is in accordance with 775 ILCS 5/2-105 (A) (4).
5. Non-debarment. By executing this agreement Contractor certifies that it has not been debarred from public contracts in the State of Illinois for violating either 33E-3 or 33E-4 of the Public Contracts Act, 720 ILCS 5/33E-1 et seq.
6. Fair Employment Practice: Company is in compliance with all State and Federal laws regarding Fair Employment Practice as well as all rules and regulations.
7. Our company has an Equal Employment Opportunity and Affirmative Action Program which complies with Executive Order 11246, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and the Rehabilitation Act of 1973.
8. Our company certifies that it is eligible for bidding on public contracts and is not in violation of either paragraph 33E-3 or 33-E-4 of Public Act 86-150, 720ICLS 5 with regards to bid rigging/bid rotating.
9. When required by law, the bidder and all bidder's subcontractors must participate in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training as required by Illinois Public Act 093-0642.

Authorized Signatory: _____ **Date:** _____

CONFLICT OF INTEREST DISCLOSURE AND NON-COLLUSION FORM

All Respondents are required to complete and sign this form. Completed form must be returned with Proposal no later than the advertised deadline Failure to return this completed form may result in disqualification.

Conflict of Interest Disclosure

Waubonsee Community College is requiring that any and all relationships with the college, its administrators, trustees, committee member, or any other employee of the college be disclosed in writing as a part of any proposal submitted. Contact in regards to this Proposal with any employee of Waubonsee Community College during the pre-award period, except as noted in the solicitation, is strictly forbidden and is considered sufficient grounds for dismissal from the RFP process.

Define the relationship with any Waubonsee Community College administrator, trustee, committee members, or their immediate family member, with which your company or any of its owners, officers, trustees, employees does business with, or for which there is an opportunity to influence a related college decision.

Respondent certifies that there is no known conflict of interest with any WCC administrator, trustee, committee member or employee of the college.

Non-Collusion Statement

The undersigned affirms that he/she is duly authorized to execute this contract and that this company, corporation, firm, partnership or individual has not prepared this Proposal in collusion with any other Company, and that the contents of this Proposal as to prices, terms or conditions of said RFP 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.

The undersigned further affirms that this Proposal was prepared independently for this project and that it contains no fees or amounts other than for legitimate execution of this work as specified and that it includes no understandings or agreements in restraint of trade.

Firm Name: _____

By: _____
(Authorized Signatory)

_____ Title

STATE OF ILLINOIS BUSINESS ENTERPRISE FOR MINORITIES, FEMALES, AND PERSONS WITH DISABILITIES ACT INFORMATION

Vendor shall provide the following information on the status of its business so that the College can comply with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, 30 ILCS 575/1, et seq.

Identify Business Certification Status (___ MBE ___ WBE ___ DBE ___ VOB)

- African American
- Alaskan Native/Native American
- Asian American
- Disabled
- Female
- Hispanic American
- Veteran
- Not Applicable

Small Business

- HUBZone small business
- Service-disabled veteran-owned small business
- Small Business
- Small disadvantaged business
- Veteran-owned small business
- Women-owned small business
- Not Applicable

Certifying Organization

- State of Illinois Business Enterprise Program
- CMBDC (Chicago Minority Business Development Council)
- IDOT (Illinois Department of Transportation)
- WBDC (Women's Business Development Center)
- Other (Please Specify)
- Not Applicable

For more information please visit:

<http://www.illinois.gov/cms/business/sell2/bep/Pages/Default.aspx>

REFERENCES

Contact Name Phone

Company / Organization Name Email

Address

City State ZIP Code

Contact Name Phone

Company / Organization Name Email

Address

City State ZIP Code

Contact Name Phone

Company / Organization Name Email

Address

City State ZIP Code

END OF DOCUMENT