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May 21, 2010

Richard Kidd  
Program Manager  
Federal Energy Management Program  
US Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

Dear Richard:

We are writing today as a collective group of Energy Service Companies who are on the Department of Energy's Super ESPC Contract to request a meeting with you to understand FEMPs position on the recent cancellation of the Oak Ridge National Laboratory (ORNL) ESPC project. Many of the members of the Federal Performance Contracting Coalition were recently notified by the Contracting Officer at ORNL that the Lab would not be going forward with an Energy Savings Performance Contract.

The ORNL staff worked for approximately 9 months to develop a competitive solicitation for an ESPC project at their Spatial Neutron Site. In March, approximately 10 Energy Service Companies participated in site meetings, including a walk-through of the site. The next step in the selection process was that interested ESCOs were to submit Preliminary Assessments for a potential project. The due date for the submission of the PA was extended twice. Then one week before the revised due date, the Contracting Officer cancelled the solicitation altogether stating the reason that ESPC was not appropriate for ORNL at this time.

This is very concerning to our members. Altogether, ESCOs have invested upwards of \$600,000 pursuing this opportunity, not to mention the time and effort expended by the laboratory itself in developing the solicitation. We understand that in pursuing these opportunities, ESCOs are competing and we risk capital to do so; however, in this case, the solicitation was pulled with a vague explanation and therefore no opportunity to compete.

We are bringing this to your attention to find out how this cancellation is being viewed by your office at FEMP. We are very concerned that this may set a very disturbing precedence. To that end, we are requesting a meeting to discuss points, such as, did the FEMP office take any steps to try to dissuade this action, is there advocacy that your office undertakes to ensure that project development decisions have substantial support and consideration, what involvement did the DOE's FEMP contracting office in Golden play, and what factors changed that deemed the project inappropriate?

Thank you for your attention

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Schafer". The signature is fluid and cursive, with a long horizontal line extending from the end.

Jennifer Schafer  
Federal Performance Contracting Coalition