

RFP-13-401
Technical Assistance For Eligible Solar Equipment Lists
Pre-Bid Conference Questions and Answers

Question #1:

Regarding conflict of interest: Is a prime contractor, whose parent company manufactures a small portion of the eligible performance monitoring equipment on the list, precluded from bidding for this work? Is it possible to avoid a potential conflict of interest by establishing a firewall? In particular, the firewall would consist of redirecting work related to the company's equipment exclusively through a subcontractor firm who can deal directly with Energy Commission staff to complete an independent and unfettered review, assessment and certification processing? We would agree to contract language specifying the subcontractor would have the ability to conduct independent and unfettered work with respect to review of our company's equipment.

Response:

Page 3 of the solicitation specifies: "*Contractors and subcontractors cannot have a conflict of interest with the planned work.*" The above-described activity would be a violation of California's conflict of interest laws, as applicable to this solicitation. A firewall would not avoid, or remedy a violation.

Question #2:

Are subcontractors required to complete Attachments 2 and 4--the Darfur Contracting Act form, and the Contractor Certification clauses-- or are these attachments only required to be completed by the prime bidder?

Response:

Only the bidder completes Attachments 2 and 4.

Question #3:

The RFP states that bidders should provide a current resume for all team members listed. Does that include non-technical staff, such as administrative staff?

Response:

Yes. In Section III, on page 15 of 26, of the solicitation, the third requirement under subsection C reads "*Provide a current resume for all team members listed, including job classification and description, relevant experience, education, academic degrees and professional licenses.*" In the second requirement of the solicitation, on the same page, the definition of "team members" specifies "*all Bidder staff and subcontractors,*" therefore a resume from everyone, including non-technical staff should be provided.

Question #4:

Can you clarify how the 3% DVBE requirements are calculated based on rates?

Response:

The DVBE incentive is based on each Bidder's level of participation as stated in Attachment 3.1 of the solicitation. This will be applied to the average loaded hourly rate of each Bidder whose proposal meets the requirements of Stage One and Two.

Question #5:

Who is currently providing these services for the CEC? Why is the CEC bidding this work out?

Response:

This work was previously done under a contract with KEMA resulting from an RFP in 2007. The most recent contract expired in April, 2013. This solicitation is to procure a new contract with an external entity to provide the services.

Question #6:

Can you please provide an estimated breakdown of percentage of time spent on each task relative to total contract? For example:

- a. Task 1: 5% of total hours
- b. Task 2: 75% of total hours
- c. Task 3: 10% of total hours
- d. Task 4: 10% of total hours

Response:

- a. Task 1-Agreement Management: 5% of total hours
- b. Task 2-Technical Tasks: 75% to 85% of total hours
- c. Task 3-Review of New Technology Requests: 5 to 10% of total hours
- d. Task 4-Technical Support for Policy Considerations: 5 to 10% of total hours

Question #7:

Does the CEC believe there is a Conflict of Interest issue with companies who are developing, promoting or administering solar R&D programs and technologies? Does that prevent those companies from bidding on this RFP?

Response:

Per the terms of the RFP, Exhibit E to the Sample Standard Agreement, and Public Contract Code Section 10365.5:

No person, firm, or subsidiary thereof who has been awarded a consulting services Agreement may submit a bid for, nor be awarded an Agreement for, the provision of services, **procurement of goods or supplies, or any other related action which is required, suggested, or otherwise deemed appropriate in the end product of the consulting services Agreement.** This does not apply to any person, firm, or subsidiary thereof who is awarded a subcontract of a consulting services Agreement which amounts to no more than 10 percent of the total monetary value of the consulting services Agreement.

Whether or not a company would be prevented from bidding on this RFP would depend on the facts of the situation. See also response to Question 1; as indicated, if the company's development of Solar technology currently includes the equipment or components listed, or requested to be added, on the Energy Commission's list of eligible solar electric components, the company would be barred from bidding in this RFP under the conflict of interest laws. Similarly, a company that receives incentives under the New Solar Home Partnership program may be barred from bidding in this RFP under the conflict of interest laws.

Question #8:

The Agreement Task (Task 1) mentions databases, but the technical tasks (Tasks 2 - 3) do not. Is there an assumption that the contractor would maintain an internal database of equipment, PMRS providers and PDPs reviews and approvals?

Response:

There is no requirement in Task 1 that the contractor maintain a database of equipment. However, the Energy Commission expects the contractor to maintain an electronic record of all documents submitted by manufacturers. The contractor will provide those records to the Energy Commission Agreement Manager upon request (see Task 2).