

Request for Proposals

TECHNICAL ASSISTANCE FOR ELIGIBLE SOLAR EQUIPMENT LISTS



RFP-13-401

www.energy.ca.gov/contracts/

State of California

California Energy Commission

July 3, 2013

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I. Introduction

The agreement awarded through this Request for Proposal will help the California Energy Commission (Energy Commission) implement requirements under Senate Bill 1 (SB 1)¹. SB 1 was enacted in 2006 with the goals of installing 3,000 megawatts of solar energy systems, establishing a self-sufficient solar industry in 10 years so solar energy systems are a viable mainstream option for homes and commercial buildings, and putting solar energy systems on 50 percent of new homes within 13 years. The overall goal of SB 1 is to help build a self-sustaining solar electricity market combined with improved energy efficiency in the state's residential and nonresidential buildings. SB 1 directs the Energy Commission to establish eligibility criteria, conditions for incentives, and rating standards for equipment and components of solar energy systems² receiving ratepayer-funded incentives.

To fulfill requirements under SB1, the Energy Commission adopted the *Guidelines for California's Solar Electric Incentive Programs (Senate Bill 1) (SB1 Guidelines)*, which specify the minimum eligibility criteria, conditions of incentives, and rating standards for equipment and components for solar energy systems to qualify for ratepayer-funded incentives under programs overseen by the Energy Commission, the California Public Utilities Commission (CPUC), and local publicly owned electric utilities (POUs). In addition, the Energy Commission maintains lists of solar photovoltaic modules, inverters, system performance meters, and performance monitoring and reporting services. These lists are used to help determine what system equipment and components should be considered eligible to receive incentives under programs overseen by the Energy Commission, the CPUC, and POU's.

The agreement resulting from this Request for Proposal will facilitate the Energy Commission's ability to successfully implement its solar energy incentive program, the New Solar Homes Partnership, and will assist the Energy Commission in fulfilling its SB1 mandate to establish and maintain eligibility criteria for California's ratepayer-funded solar electric incentive programs.

PURPOSE OF RFP

The purpose of this Request for Proposal (RFP) is to solicit proposals that will lead to the selection of a Contractor to provide technical support to the Energy Commission to review requests to add new equipment to the Energy Commission's lists of eligible solar equipment.

¹ SB 1 (Murray, Chapter 132, Statutes of 2006, § 4), as codified in Public Resources Code Sections 25780 – 25784. SB 1 is an extensive, multifaceted legislation that covers many other matters besides the eligibility criteria, conditions for incentives, and rating standards addressed in the SB1 Guidelines

² Public Resources Code Section 25781(e) defines solar energy systems subject to these guidelines as follows: "Solar energy system" means a solar energy device that has the primary purpose of providing for the collection and distribution of solar energy for the generation of electricity, that produces at least 1 kilowatt (kW), and not more than 5 megawatts (MW), alternating current rated peak electricity, and that meets or exceeds the eligibility criteria established under Section 25782.

KEY ACTIVITIES AND DATES

Key activities including dates and times for this RFP are presented below. An addendum will be released if the dates change for the asterisked (*) activities.

ACTIVITY	ACTION DATE
RFP Release	July 3, 2013
Deadline for Written Questions *	July 18,2013
Pre-Bid Conference *	July 18, 2013
Distribute Questions/Answers and Addenda (if any) to RFP	July 25, 2013
Deadline to Submit Proposals by 3:00 p.m. *	August 22, 2013
Clarification Interviews (If necessary)	August, 2013
Notice of Proposed Award	September 9, 2013
Commission Business Meeting	October 9, 2013
Contract Start Date	October 31, 2013
Contract Termination Date	September, 2016

AVAILABLE FUNDING AND HOW AWARD IS DETERMINED

There is up to \$450,000 available for the contract resulting from this RFP. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder providing the lowest cumulative average hourly rate. The agreement will be written for the full \$450,000 and work will be performed until the funds are exhausted or the term of the agreement ends.

Of this amount, \$150,000 is immediately available. The remaining balance of \$300,000 from fiscal years (FY) 2014-2015 and 2015-2016 may be available contingent upon approval of the Energy Commission's 2014-2015 and 2015-2016 Budgets. Funding shall be subject to the appropriation and availability for that purpose in the 2014-2015 and 2015-2016 Governor's Budgets. In the event funds are not available, the Commission shall have no further liability with regard to the agreement.

The Energy Commission reserves the right to reduce the contract amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Commission contracts. In this event, the Contractor and the Energy Commission shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

ELIGIBLE BIDDERS

This is an open solicitation for private entities, non-profit organizations, the University of California, California State University Foundations, the U. S. Department of Energy National Laboratories, and other public sector entities. Each agreement resulting from this solicitation will include terms and conditions which set forth the recipient's rights and responsibilities. Private sector entities must agree to use the attached standard terms and conditions. The University of California or U.S. Department of Energy National Laboratories must use either the attached standard terms or the pre-negotiated terms and conditions under (www.energy.ca.gov/contracts/index.html). The Energy Commission will not award contracts to non-compliant entities. The Energy Commission reserves the right to modify the terms and conditions prior to executing grant agreements.

Because the principle objective of this solicitation is to assist the Energy Commission with reviewing submissions from industry representatives requesting to add new equipment to, or update equipment on, the Energy Commission's lists of eligible equipment, the Energy Commission must establish and maintain a clear separation of duties between the work

performed by contractors and subcontractors under the contract that may result from this RFP and work a contractor or subcontractor may perform as a contractor or subcontractor for an industry representative. Contractors and subcontractors cannot have a conflict of interest with the planned work. Private contractors and subcontractors with current or planned contracts with industry representatives should carefully read the Conflict of Interest section of the attached Sample Standard Agreement, Exhibit E.

PRE-BID CONFERENCE

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4381 or refer to the Energy Commission's website at www.energy.ca.gov to confirm the date and time.

Thursday, July 18, 2013, 10:00 a.m – 12:00 p.m.
California Energy Commission
2nd Floor Conference Room Fishbowl
1516 9th Street
Sacramento, CA 95814
Telephone: (916) 654-4381

PARTICIPATION THROUGH WEB EX

For participation through WebEx, the Energy Commission's on-line meeting service, follow the instruction below.

COMPUTER LOGON

1. Please GO to <https://energy.webex.com> and enter the unique meeting number 928 296 544
2. When prompted, enter your information and the following meeting password [meeting@10](#).
NOTE: Access to WebEx meetings is now available from your mobile device. To learn more and access your app, please visit <http://www.webex.com/overview/mobile-meetings.html>

TELECONFERENCE

After logging in on the computer, an AUDIO CONFERENCE BOX will offer you the choice of phone connections:

1. TO HAVE WEBEX CALL YOU BACK: Type your area code and phone number and click "Call Me"
2. TO CALL INTO THE TELECONFERENCE: Use the drop-down box to select "I will call in" and follow the on-screen directions Follow the directions for calling in - when prompted on the phone, enter the meeting number 928 296 544 AND your unique Attendee ID number (to associate your call with your on-screen name).
3. INTERNATIONAL CALLERS: Click on the "Global call-in number" link in part (2) above
4. TO LISTEN OVER THE COMPUTER: If you have the needed equipment and your computer is configured, click on "Use Computer Headset" and then "Call Using Computer" to use VoIP (Internet phone)
5. TELEPHONE ONLY (NO COMPUTER ACCESS): Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number: 928 296 544. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>

TECHNICAL SUPPORT

For help with problems or questions trying to join or attend the meeting, please call WebEx Technical Support at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

System Requirements: To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html> and refer to the WBS 27 section.

Meeting Preparation: The playback of UCF (Universal Communications Format) rich media files requires appropriate players. To view this type of rich media files in the meeting, please check whether you have the players installed on your computer by going to <https://energy.webex.com/energy/systemdiagnosis.php>.

QUESTIONS

During the RFP process, questions of clarification about this RFP must be directed to the Agreements Officer listed in the following section. You may ask questions at the Pre-Bid Conference, and you may submit written questions via mail, electronic mail, and by FAX. However, all technical questions must be received by 5:00 pm on the day of the Pre-Bid Conference.

Approximately two weeks after the Pre-Bid Conference, question and answer sets will be mailed to all parties who requested a copy of this RFP from the Commission Contracts Office and to all who attended the Pre-Bid conference and provided their contact information on the sign-in sheet. The questions and answers will also be posted on the Commission's website at: <http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with a Commission employee concerning this RFP is not binding on the State and shall in no way alter a specification, term, or condition of the RFP. Therefore, all communication should be directed in writing to the Energy Commission's Agreement Officer assigned to the RFP.

CONTACT INFORMATION

Phil Dyer, Energy Commission Agreement Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654- 4651
FAX: (916) 654-4423
E-mail: Phil.Dyer@energy.ca.gov

RESPONSES TO THIS RFP

Responses to this solicitation shall be in the form of a Technical and Cost Proposal according to the format described in this RFP. The Technical Proposal shall document the Bidder's approach, experience, qualifications, and project organization to perform the tasks described in the Scope of Work, and the Cost Proposal shall detail the Bidder's budget to perform such tasks.

REFERENCE DOCUMENTS

The Contractor shall review the documents and websites referenced below. When reviewing the Energy Commission's lists of eligible solar equipment, the Contractor shall review the procedure for adding equipment and the following Energy Commission lists: solar photovoltaic modules, inverters, system performance meters, other solar energy generating technologies, and performance monitoring and reporting service providers.

1. *Guidelines for California Solar Electric Incentive Programs (Senate Bill 1), Fifth Edition*
<http://energy.ca.gov/2012publications/CEC-300-2012-008/CEC-300-2012-008-ED5-CMF.pdf>
2. Energy Commission's lists of eligible solar equipment
http://gosolarcalifornia.org/links/equipment_links.php
3. Senate Bill 1, Murray, Chapter 132, Statutes of 2006
http://energy.ca.gov/sb1/meetings/sb_1_bill_20060821_chaptered.pdf

II. Scope of Work and Deliverables

ABOUT THIS SECTION

This section describes the contract scope of work, deliverables and due dates under the direction of the CAM.

BACKGROUND

SB 1 was enacted in 2006 with the goals of installing solar energy systems with a generation capacity equivalent of 3,000 megawatts (MW), establishing a self-sufficient solar industry in 10 years so that solar energy systems are a viable mainstream option for homes and commercial buildings, and, within 13 years, putting solar energy systems on 50 percent of new homes. The overall goal is to help build a self-sustaining solar electricity market combined with improved energy efficiency in the state's residential and nonresidential buildings.

Pursuant to SB 1, and in order to implement the New Solar Homes Partnership (NSHP), the Energy Commission maintains lists of solar photovoltaic modules, inverters, system performance meters, and performance monitoring and reporting services. These lists are used to help determine what equipment should be considered eligible to receive incentives through the NSHP and solar energy incentive programs overseen by the CPUC and POUs.

FORMAT/REPORTING REQUIREMENTS

Deliverables/Reports

When creating reports, the Contractor shall use and follow, unless otherwise instructed in writing by the Commission Contract Manager (CAM), the latest version of the Consultant Reports Style Manual published on the Energy Commission's web site:

http://www.energy.ca.gov/contracts/consultant_reports/index.html

Each final deliverable shall be delivered as one original, reproducible, 8 ½" by 11", camera-ready master in black ink. Illustrations and graphs shall be sized to fit an 8 ½" by 11" page and readable if printed in black and white.

Electronic File Format

The Contractor shall deliver an electronic copy (CD ROM or memory stick or as otherwise specified by the CAM) of the full text in a compatible version of Microsoft Word (.doc).

The following describes the accepted formats of electronic data and documents provided to the Energy Commission as contract deliverables and establishes the computer platforms, operating systems and software versions that will be required to review and approve all software deliverables.

- Data sets shall be in Microsoft (MS) Access or MS Excel file format.
- PC-based text documents shall be in MS Word file format.
- Documents intended for public distribution shall be in PDF file format, with the native file format provided as well.
- Project management documents shall be in MS Project file format.

Software Application Development

If this scope of work includes any software application development, including but not limited to databases, websites, models, or modeling tools, contractor shall utilize the following standard Application Architecture components in compatible versions:

- Microsoft ASP.NET framework (version 3.5 and up) Recommend 4.0

- Microsoft Internet Information Services (IIS), (version 6 and up) Recommend 7.5
- Visual Studio.NET (version 2008 and up) Recommend 2010
- C# Programming Language with Presentation (UI), Business Object and Data Layers
- SQL (Structured Query Language)
- Microsoft SQL Server 2008, Stored Procedures Recommend 2008 R2
- Microsoft SQL Reporting Services Recommend 2008 R2
- XML (external interfaces)

Any exceptions to the Software Application Development requirements above must be approved in writing by the Energy Commission Information Technology Services Branch.

TASK LIST

Task #	Task Name
1	Agreement Management
2	Equipment Review
3	Review of New Technology Requests
4	Technical Support for Policy Considerations

ACRONYMS/GLOSSARY

Specific acronyms and terms used throughout this scope of work are defined as follows:

Acronym	Definition
CAM	Commission Agreement Manager
CAO	Commission Agreement Officer
Energy Commission	California Energy Commission
SB 1	Senate Bill 1 (Murray, Chapter 132, Statues of 2006)
NSHP	New Solar Homes Partnership
CSI	California Solar Initiative
PV	Photovoltaic
OSEGT	Other Solar Electric Generating Technology
PMRS	Performance Monitoring and Reporting Services
NRTL	Nationally Recognized Testing Laboratory
BIPV	Building Integrated Photovoltaic
PTC	PVUSA Test Conditions
PBI	Performance Based Incentive

GOALS OF THE AGREEMENT

The goals of this agreement are to facilitate the Energy Commission's ability to successfully implement the NSHP, and to assist the Energy Commission in fulfilling its SB 1 mandate to establish and maintain eligibility criteria for California's solar electric incentive programs.

The Contractor selected for this agreement will assist the Energy Commission in maintaining its lists of eligible equipment for the following technologies: solar photovoltaic modules, inverters, system performance meters, other solar energy generating technologies, and performance monitoring and reporting service providers.

TASK1 - AGREEMENT MANAGEMENT

TASK 1.1 KICK-OFF MEETING

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

The Contractor shall:

- Attend a “kick-off” meeting with the CAM, the Commission Agreement Officer (CAO), and a representative of the Accounting Office. The meeting will be held via Web-Ex or teleconference. The Contractor shall include their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the CAM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
- If necessary, prepare an updated Schedule of Deliverables based on the decisions made in the kick-off meeting.

The CAM shall:

- Arrange the meeting including scheduling the date and time.
- Provide an agenda to all potential meeting participants prior to the kick-off meeting.

Deliverables:

- An Updated Schedule of Deliverables (if applicable)

TASK 1.2 INVOICES

The goal of this task is to timely produce, process, and submit invoices

The Contractor shall:

- Prepare invoices for all reimbursable expenses incurred performing work under this Agreement in compliance with the Exhibit B of the Terms and Conditions of the Agreement. Invoices shall be submitted with the same frequency as progress reports (Task 1.4). Invoices must be submitted to the Energy Commission’s Accounting Office.

Deliverables:

- Invoices

TASK 1.3 MANAGE SUBCONTRACTORS

The goal of this task is to ensure quality products are produced by subcontractors, to enforce the subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, to recommend solutions to resolve the problem.

The Contractor shall:

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, they shall 1) comply with the Terms and Conditions of the Agreement, and 2) notify the CAM who will follow the Energy Commission’s process for adding or replacing subcontractors.

TASK 1.4 PROGRESS REPORTS

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement.

The Contractor shall:

- Prepare progress reports which summarize all Agreement activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due within 15 calendar days after the end of the reporting period. The CAM will provide the format for the progress reports.

Deliverables:

- Monthly Progress Reports

TASK 1.5 FINAL REPORT

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work completed under this Agreement. The Final Report shall be prepared in language easily understood by the public or layperson with a limited technical background.

The Final Report must be completed before the termination date of the Agreement in accordance with the Schedule of Deliverables.

The Final Report shall be a public document. If the Contractor has obtained confidential status from the Energy Commission and will be preparing both a public and a confidential version of the Final Report, the Contractor shall perform the following subtasks for both the public and confidential versions of the Final Report.

The Contractor shall:

- Prepare the draft Final Report for this Agreement.
- Submit the draft Final Report for review and comment. The CAM will provide written comments to the Contractor. The Contractor shall review the comments and discuss any issues with the recommended changes with the CAM.
- Prepare and submit the Final Report, incorporating CAM comments.

Deliverables:

- Draft Final Report
- Final Report

TASK 1.6 FINAL MEETING

The goal of this task is to discuss closeout of this Agreement and review the project.

The Contractor shall:

- Meet with Energy Commission staff prior to the term end date of this Agreement. The meeting will be held via Web-Ex or teleconference. This meeting will be attended by the Contractor Project Manager and the CAM. The CAM will determine any additional appropriate meeting participants. The administrative and technical aspects of Agreement closeout will be discussed at the meeting.
- Present findings, conclusions, and recommended next steps (if any) for the Agreement, based on the information included in the Final Report.
- Prepare a written document of meeting agreements and unresolved activities.

- Prepare a schedule for completing the closeout activities for this Agreement, based on determinations made within the meeting.

Deliverables:

- Written documentation of meeting agreements
- Schedule for completing closeout activities

TECHNICAL TASKS

TASK 2 - EQUIPMENT REVIEW

The goal of this task is to provide ongoing support for maintaining the Energy Commission's lists of eligible solar equipment. In order to be added onto the lists, equipment must meet the eligibility criteria as defined in the *Guidelines for California's Solar Electric Incentive Programs (SB1)*. Only systems using equipment on the Energy Commission's lists may receive incentives from California's solar electric incentive programs (including the CSI and NSHP).

The Energy Commission posts the updated lists of eligible equipment to the Go Solar California website on a monthly basis for use by manufacturers, retailers, and customers.

The Contractor shall:

- Respond to inquiries from industry representatives related to the current lists of eligible equipment, including requests to add new equipment or update equipment that is already on the lists.
- Review submissions from industry representatives requesting to add new equipment or update equipment that is already on the lists. Determine whether submissions are complete and comply with SB1 eligibility requirements as identified in the current version of the SB1 Guidelines available at: <http://www.energy.ca.gov/sb1/meetings/index.html>.
- Modify equipment review processes according to any updates to the SB1 eligibility requirements.
- Obtain additional information from industry representatives regarding requests to add new equipment to the lists of eligible equipment.
- Respond to technical inquiries about the equipment requirements from the public and from Energy Commission staff, on a case by case basis.
- Work with the Energy Commission Agreement Manager to resolve any case-specific concerns with eligibility requirements.
- Submit updated eligible equipment lists (using Energy Commission supplied templates) for solar PV modules, inverters, system performance meters, OSEGT, and PMRS providers to the Energy Commission Agreement Manager by the 25th day of each month, and additionally as needed upon request. Submit electronic file (e.g. compressed .zip file) to Energy Commission Agreement Manager that contains documents submitted by industry representatives for all equipment added to lists (on a case by case basis, upon request by the Energy Commission Agreement Manager)

Deliverables:

- Revised eligible equipment lists for solar PV modules, inverters, system performance meters, OSEGT, and performance monitoring and reporting service providers
- Electronic file (e.g. compressed .zip file) containing documents submitted by industry representatives for all equipment added to lists (on a case by case basis, upon request by the Energy Commission Agreement Manager)

TASK 3 - REVIEW OF NEW TECHNOLOGY REQUESTS

The goal of this task is to conduct technical evaluations and provide recommendations to Energy Commission staff regarding the feasibility of including new technologies on the eligible equipment lists. Work under this task is only necessary upon request by the Energy Commission Agreement Manager.

The Contractor shall:

- Review industry representatives' requests to add products to the eligible equipment list that are not standard non-concentrating photovoltaic modules, system performance meters, inverters, or performance monitoring and reporting service providers.
- Determine if the information presented by the industry representative addresses all items necessary to meet the current requirements in the SB1 Guidelines for Other Solar Electric Generating Technologies (see page 11 of SB1 Guidelines).
- Advise the Energy Commission Agreement Manager on whether or not a detailed evaluation is necessary (only if the equipment complies with the requirements in the SB1 Guidelines).
- Evaluate the technical merits of the request, working with the requesting party to obtain any missing information, and submit an electronic summary of the research results and recommendations to the Energy Commission Agreement Manager.

Deliverables:

- Summary of research results and recommendations for new technology requests.

TASK 4 - TECHNICAL SUPPORT FOR POLICY CONSIDERATIONS

The goal of this task is to provide recommendations on the technical eligibility criteria requirements of the *Guidelines for Solar Electric Incentive Programs (Senate Bill 1)* to reflect changes in technology and market outlook. Work under this task is only necessary upon request by the Energy Commission Agreement Manager.

The Contractor shall:

- Review draft language and/or propose changes to be included in the SB 1 Guidelines
- Review current lists of eligible equipment and provide recommendations for removing equipment from the lists (as necessary and upon request by the Energy Commission Agreement Manager)

Deliverables:

- Summary of recommendations or proposed draft language to be included in the SB1 Guidelines.
- Summary of recommendations for removing equipment from the lists of eligible equipment.

SCHEDULE OF DELIVERABLES AND DUE DATES

Task Number	Deliverable	Due Date
1.1	An Updated Schedule of Deliverables	At Kick-Off Meeting
1.2	Invoices	With progress report
1.4	Monthly Progress Reports	Monthly
1.5	<ul style="list-style-type: none"> Draft Final Report Final Report 	<p>July 2016</p> <p>August 2016</p>
1.6	<ul style="list-style-type: none"> Written documentation of meeting agreements Schedule for completing closeout activities 	<p>July 2016</p> <p>July 2016</p>
2	<ul style="list-style-type: none"> Revised eligible equipment lists for solar PV modules, inverters, system performance meters, OSEGT, and performance monitoring and reporting service providers Electronic file (e.g. compressed .zip file) containing documents submitted by industry representatives for all equipment added to lists (on a case by case basis, upon request by the Energy Commission Agreement Manager) 	<p>Monthly, the 25th day of each month</p> <p>On a case by case basis, upon request by the Energy Commission Agreement Manager</p>
3	<ul style="list-style-type: none"> Summary of research results and recommendations for new technology requests 	On a case by case basis, upon request by the Energy Commission Agreement Manager
4	<ul style="list-style-type: none"> Summary of recommendations or proposed draft language to be included in the SB1 Guidelines Summary of recommendations for removing equipment from the lists of eligible equipment 	<p>On a case by case basis, upon request by the Energy Commission Agreement Manager</p> <p>As necessary and upon request by the Energy Commission Agreement Manager</p>

III. Proposal Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit a proposal. The format is prescribed to assist the Bidder in meeting State bidding requirements and to enable the Commission to evaluate each proposal uniformly and fairly. Bidders must follow all Proposal format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR A PROPOSAL

All proposals submitted under this RFP must be typed or printed using a standard 11-point font, single-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred. Binders are discouraged.

NUMBER OF COPIES

Bidders must submit the original and 4 copies of Volumes 1 and 2

Bidders must also submit electronic files of all volumes of the proposal on [CD-ROM or USB memory stick](#) along with the paper submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word 2007 (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 7, must be in Excel format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of each volume must be labeled "Request for Proposal (RFP-13-401)," and include the title of the proposal and the appropriate volume number:

Volume 1 – Section 1, Administrative Section

Volume 1 – Section 2, Technical Sections

Volume 2 – Cost Proposal (Sealed Separately from Volume 1)

Include the following label information and deliver your proposal, in a sealed package:

Person's Name, Phone #	
Bidder's Name	
Street Address	
City, State, Zip Code	
FAX #	
	RFP-13-401
	Contracts Office, MS-18
	California Energy Commission
	1516 Ninth Street, 1st Floor
	Sacramento, California 95814

PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a proposal by:

- U. S. Mail
- Personally
- Courier service

Proposals must be delivered **no later than 3:00 p.m.**, to the Commission Contracts Office during normal business hours and prior to the date and time specified in this RFP. In accordance with Public Contract Code 10344, proposals received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR PROPOSAL AS FOLLOWS

VOLUME 1, Section 1, Administrative Response

Cover Letter

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Completed Disabled Veteran Business Enterprise form Std 843	Attachment 3.3
Bidder Declaration form GSPD-05-105	Attachment 3.4
Contractor Certification Clauses	Attachment 4
TACPA/EZA/LAMBRA Forms	If applicable

VOLUME 1, Section 2, Technical Response

Approach to Tasks in Scope of Work

Organizational Structure

Relevant Experience and Qualifications

Labor Hours by Personnel and Task

Client References Attachment 5

Previous Work Products (Optional)

Budget Forms Attachment 7

A. Approach to tasks in Scope of Work

Describe the Bidder's approach to providing services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.

B. Organizational Structure

1. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team.
2. Provide a short description of each firm and key members on the team. Describe the relationship between the Contractor and subcontractors on your team.
3. Identify the location of the Bidder's and Subcontractor's headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
4. Describe the organization, composition, and functions to be performed by staff members of the Bidder and any subcontractors and how the staff pertains to this contract.

C. Relevant Experience and Qualifications

1. Document the project team's qualifications and ability to analyze technical specifications and test data for the technologies identified in the Scope of Work. Describe recently completed work as it relates to the evaluation of the technologies identified in this Scope of Work.
2. Identify and list all Bidder staff and subcontractors (all team members) who will be committed to the tasks and describe their roles.
3. Provide a current resume for all team members listed, including job classification and description, relevant experience, education, academic degrees and professional licenses.
4. Identify the percentage of time each team member will be available throughout the contract.
5. Describe the project team's ability to respond in an effective and timely manner to both technical and non-technical inquiries, such as inquiries from technology manufacturers and/or testing laboratories.
6. Describe the project team's ability to meet regular, critical deadlines (such as submission of deliverables on a monthly basis).
7. Describe the project team's ability to accommodate increased workload demand, as necessary, and submit deliverables on schedule with given deadlines.
8. Describe the project team's prior experience in evaluating market development and potential of solar electric generating systems and any other renewable energy technologies.
9. Describe the project team's familiarity with equipment design, performance and reliability of solar electric generating systems and any other renewable energy technologies.
10. Describe the project team's familiarity with current test methods, standards, and certification processes for solar electric generating systems and any other renewable energy technologies.

D. Labor Hours by Personnel and Task and Cost Justification

In relation to the Cumulative Average Loaded Hourly Rates, the bidder shall explain and justify all proposed personnel identified in the Proposal for all technical areas and functions to be performed by the Prime and each of the Subcontractors and provide the level of effort (hours) for each task to be performed by each individual.

E. Client References

Each bidder shall complete Client Reference Forms. Two client references are required for the Contractor and two for each subcontractor.

F. Previous Work Products

Each bidder shall provide at least one example of a similar work product for the services to be provided. If subcontractors will be providing technical support in a task area, each subcontractor shall also submit one example work product that demonstrates experience in potential work assignments described in this RFP.

It is not necessary to provide more than one copy of each work product example. Web links are acceptable.

VOLUME 2 – Cost Bid (Sealed Separately from Volume 1)

Budget Forms

Task Summary	Attachment 7, Attachment B-1
Category Summary	Attachment 7, Attachment B-2
Prime Labor Rates	Attachment 7, Attachment B-3
Labor Rates for each Subcontractor	Attachment 7, Attachment B-3a-z
Prime Non-Labor Rates	Attachment 7, Attachment B-4
Non-Labor Rates for each Subcontractor	Attachment 7, Attachment B-4a-z
Direct Operating Expenses	Attachment 7, Attachment B-5
Average Loaded Hourly Rate Calculation	Attachment 7, Attachment B-6

The Bidder must submit information on **all** of the attached budget forms, B-1 through B-6, and this will be deemed the equivalent of a formal Cost Proposal.

Detailed instructions for completing these forms are included at the beginning of Attachment 7.

The agreement will be written for the full \$450,000 and work will be performed until the funds are exhausted or the term of the agreement ends.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the Contractor for this RFP. The salaries, rates, and other costs entered on these forms become a part of the final Agreement. The entire term of the Agreement and projected rate increases must be considered when preparing the budget. The rates bid are considered maximums and shall not change during the term of the Agreement. The Contractor shall only be reimbursed for their **actual** rates up to these maximum rates. The hourly labor rates provided in all B-3s shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).

All budget forms are required because they will be used for the Agreement prepared with the winning Bidder.

NOTE: The information provided in these forms will **not** be kept confidential.

Attachment B-6: Loaded Hourly Rate Calculation

This attachment will be used for the purposes of calculating the average hourly rate to determine the Lowest Bid. The loaded hourly rate is defined as direct labor, fringe benefits, non-labor rates (overhead, general and administrative, etc., as applicable), and profit (if applicable).

1. Use one form for the Bidder (Prime Contractor) and one for each subcontractor. Insert your company or organization name at the top of the form.
2. For each staff person from this company or organization that will be directly billed to this Agreement:
 - Provide the job classifications or title.
 - Insert the unloaded hourly rates in the direct labor column. You must use the rates provided on Forms B-3 and B-4 for your company or organization when calculating the loaded hourly rates. Follow the instructions on the form, Attachment B-6, Loaded Hourly Rate Calculation, in budget workbook.

IV. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals.

PROPOSAL EVALUATION

A Bidder's proposal will be evaluated and scored based on their response to the information requested in this RFP. The entire evaluation process from receipt of proposals to posting of the Notice of Proposed Award is confidential.

To evaluate all Proposals, the Energy Commission will organize an Evaluation Committee. The Evaluation Committee may consist of Energy Commission staff or staff of other California state entities.

The Proposals will be evaluated in three stages:

Stage One: Administrative and Completeness Screening

The Contracts Office will review Proposals for compliance with administrative requirements and completeness. Proposals that fail Stage One shall be disqualified and eliminated from further evaluation.

Stage Two: Technical Evaluation of Proposals

Proposals passing Stage One will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria in this solicitation.

During the evaluation and selection process, the Evaluation Committee may schedule a clarification interview with a Bidder that will either be held by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the Proposal. However, these interviews may not be used to change or add to the contents of the original Proposal.

The total score for each Proposal will be the average of the combined scores of all Evaluation Committee members.

After scoring is completed, Proposals not attaining a score of 70 percent of the total possible points will be eliminated from further competition and not move on to Stage Three.

Stage Three: Cost Proposal

Those Proposals that attain the minimum passing score of 70 percent in Stage Two will have their Cost Proposal opened. All applicable incentives/preferences will be applied. The contract shall be awarded to the responsible Bidder meeting the requirements outlined in Stage One and Two, who provides the lowest average loaded hourly rate after application of incentives/preferences.

The average loaded hourly rate will be calculated by:

1. Multiplying the number of hours for each classification by the loaded hourly rate for that classification to arrive at the loaded cost;
2. Sum all of the loaded costs;
3. Sum the total number of hours for the project; and
4. Divide the total loaded costs by the total number of hours.

For example (using the following arbitrary hourly rates and fictional cost bids):

Bidder 1

Prime Contractor

Project Manager: 300hrs@ \$100/hr

Engineer II: 100hrs@ \$100/hr

Engineer III: 50 hrs@ \$110/hr

Subcontractor A

Engineer I: 100hrs@ \$90/hr

Engineer IV: 100hrs@ \$120/hr

1. $300 \times \$100 = \$30,000$, $100 \times \$100 = \$10,000$, $50 \times \$110 = \$5,500$, $100 \times \$90 = \$9,000$, $100 \times \$120 = \$12,000$
2. $\$30,000 + \$10,000 + \$5,500 + \$9,000 + \$12,000 = \$66,500$
3. $300 + 100 + 50 + 100 + 100 = 650$
4. $\$66,500 / 650 = \mathbf{\$102.31}$ Average Loaded Hourly Rate

Bidder 2

Prime Contractor

Project Manager: 300hrs@ \$110/hr

Engineer II: 100hrs@ \$90/hr

Engineer III: 50 hrs@ \$95/hr

Subcontractor A

Engineer I: 100hrs@ \$85/hr

Engineer IV: 100hrs@ \$100/hr

1. $300 \times \$110 = \$33,000$, $100 \times \$90 = \$9,000$, $50 \times \$95 = \$4,750$, $100 \times \$85 = \$8,500$, $100 \times \$100 = \$10,000$
2. $\$33,000 + \$9,000 + \$4,750 + \$8,500 + \$10,000 = \$65,250$
3. $300 + 100 + 50 + 100 + 100 = 650$
4. $\$65,250 / 650 = \mathbf{\$100.38}$ Average Loaded Hourly Rate

Bidder 3

Prime Contractor

Project Manager: 300hrs@ \$120/hr

Engineer II: 100hrs@ \$95/hr

Engineer III: 50 hrs@ \$105/hr

Subcontractor A

Engineer I: 100hrs@ \$85/hr

Engineer IV: 100hrs@ \$115/hr

1. $300 \times \$120 = \$36,000$, $100 \times \$95 = \$9,500$, $50 \times \$105 = \$5,250$, $100 \times \$85 = \$8,500$, $100 \times \$115 = \$11,500$
2. $\$36,000 + \$9,500 + \$5,250 + \$8,500 + \$11,500 = \$70,750$
3. $300 + 100 + 50 + 100 + 100 = 650$
4. $\$70,750 / 650 = \mathbf{\$108.85}$ Average Loaded Hourly Rate

In the examples above, Bidder 2 would be the Lowest Bidder.

SCORING SCALE

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described in the Evaluation Criteria Worksheet.

% of Possible Points	Interpretation	Explanation for Percentage Points
0%	Not Responsive	Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
25%	Minimally Responsive	Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
50%	Inadequate	Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution.
70%	Adequate	Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.
80%	Good	Response fully addresses the requirements being scored with a good degree of confidence in the Bidder's response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable.
90%	Excellent	Response fully addresses the requirements being scored with a high degree of confidence in the Bidder's response or proposed solution. Bidder offers one or more enhancing features, methods or approaches exceeding basic expectations.
100%	Exceptional	All requirements are addressed with the highest degree of confidence in the Bidder's response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution.

INCENTIVE/PREFERENCE POINTS

A Bidder may qualify for non-technical incentive/preference points described below. Each qualifying Bidder passing the minimum technical evaluation will receive the applicable incentive/preference points.

Disabled Veteran Business Enterprise Incentive

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et.seq. The information in Attachment 3.1 explains how the incentive is applied and how much of an incentive will be given.

Small / Microbusiness

Bidders who qualify as a State of California certified small/microbusiness will receive a cost preference of five percent (5%) of the lowest cost or price offered by the lowest responsible Bidder who is not a certified small/microbusiness, by deducting this five percent from the small/microbusiness Bidder's cost, for the purpose of comparing costs for all Bidders. Bidders qualifying for this preference must submit a copy of their Small Business Certification and document their status on Attachment 1, Contractor Status Form.

Non-Small Business

The preference to a non-small business bidder that commits to small business or microbusiness subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the lowest, responsive, responsible Bidder's price. A non-small business which qualifies for this preference may not take an award away from a certified small business. Bidders qualifying for this preference must document the small business status of all subcontractors on Attachment 3.4 and submit all applicable Small Business Certifications.

Target Area Contract Preference Act/ Enterprise Zone Act/ Local Agency Military Base Recovery Act

The following preferences will be granted for this solicitation. Bidders wishing to take advantage of these preferences will need to review the websites stated below and submit the appropriate response with their Bid.

Target Area Contract Preference Act (TACPA)

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/tacpage.pdf> to determine if they qualify for this preference.

Enterprise Zone Act (EZA)

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/ezapage.pdf> to determine if they qualify for this incentive.

Local Agency Military Base Recovery Act (LAMBRA)

The Local Agency Military Base Recovery Act (Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/lambrapage.pdf> to determine if they qualify for this preference.

The TACPA, EZA, and LAMBRA preferences only apply to California based firms that demonstrate and certify under penalty of perjury that at least 50% of the total labor hours for manufactured goods or 90% of the total labor hours for services will be performed in distressed areas. The maximum preference that can be given for any bid may not exceed 9% up to \$50,000.00.

Bidders wishing to take advantage of these preferences are required to submit the following applications/forms available on the above websites with their Bid:

- TACPA (Std. 830) and/or EZA (Std. 831) and or LAMBRA (Std. 832)
- Bidder's Summary of Contract Activities and Labor Hours (DGS/PD 526)

If you have further questions or need additional information on this matter, please contact TACPA/EZA/LAMBRA Preference Program Group at (916) 375-4609.

NOTICE OF PROPOSED AWARD

The Commission will post a Notice of Proposed Award (NOPA) at the Commission's headquarters in Sacramento, on the Commission's Web Site, and will mail the NOPA to all parties that submitted a proposal.

Evaluation Criteria	Possible Points
<p>Approach to tasks in Scope of Work</p> <p>Describe the Bidder's techniques, approaches, and methods to be used in providing the services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.</p>	25
<p>Organizational Structure</p> <ol style="list-style-type: none"> 1. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team. 2. Provide a short description of each firm and key members on the team. Describe the relationship between the Contractor and subcontractors on your team. 3. Identify the location of the Bidder's and Subcontractor's headquarters and satellite office(s) and proposed methods of minimizing costs to the State. 4. Describe the organization, composition, and functions to be performed by staff members of the Bidder and any subcontractors and how the staff pertains to this contract. 	10
<p>Relevant Experience and Qualifications</p> <ol style="list-style-type: none"> 1. Document the project team's qualifications and ability to analyze technical specifications and test data for the technologies identified in the Scope of Work. Describe recently completed work as it relates to the evaluation of the technologies identified in this Scope of Work. 2. Identify and list all Bidder staff and subcontractors (all team members) who will be committed to the tasks and describe their roles. 3. Provide a current resume for all team members listed, including job classification and description, relevant experience, education, academic degrees and professional licenses. 4. Identify the percentage of time each team member will be available throughout the contract. 5. Describe the project team's ability to respond in an effective and timely manner to both technical and non-technical inquiries, such as inquiries from technology manufacturers and/or testing laboratories. 6. Describe the project team's ability to meet regular, critical deadlines (such as submission of deliverables on a monthly basis). 7. Describe the project team's ability to accommodate increased workload demand, as necessary, and submit deliverables on schedule with given 	50

Evaluation Criteria	Possible Points
<p>deadlines.</p> <p>8. Describe the project team's prior experience in evaluating market development and potential of solar electric generating systems and any other renewable energy technologies.</p> <p>9. Describe the project team's familiarity with equipment design, performance and reliability of solar electric generating systems and any other renewable energy technologies.</p> <p>10. Describe the project team's familiarity with current test methods, standards, and certification processes for solar electric generating systems and any other renewable energy technologies.</p>	
<p>Labor Hours by Personnel and Task and Cost Justification</p> <p>In relation to the Cumulative Average Loaded Hourly Rates, the bidder shall explain and justify all proposed personnel identified in the Proposal for all technical areas and functions to be performed by the Prime and each of the Subcontractors and provide the level of effort (hours) for each task to be performed by each individual.</p>	10
<p>Client References</p> <p>Each bidder shall complete Client Reference Forms. Two client references are required for the Contractor and two for each subcontractor.</p>	5
Total Possible Points	100
Minimum Passing Score (70%)	70

V. Administration

RFP DEFINED

The competitive method used for this procurement of services is a Request for Proposal (RFP). A Proposal submitted in response to this RFP will be scored and ranked based on the Evaluation Criteria. Every Proposal must establish in writing the Bidder's ability to perform the RFP tasks.

DEFINITION OF KEY WORDS

Important definitions for this RFP are presented below:

Word/Term	Definition
State	State of California
DGS	Department of General Services
Energy Commission	California Energy Commission
RFP	Request for Proposal, this entire document
Proposal	Formal written response to this document from contractor
Bidder	Respondent to this RFP
CAM	Commission Agreement Manager
DVBE	Disabled Veteran Business Enterprises

COST OF DEVELOPING PROPOSAL

The Bidder is responsible for the cost of developing a proposal, and this cost cannot be charged to the State.

SOFTWARE APPLICATION DEVELOPMENT

If this scope of work includes any software application development, including but not limited to databases, websites, models, or modeling tools, contractor shall utilize the following standard Application Architecture components in compatible versions:

- Microsoft ASP.NET framework (version 3.5 and up) Recommend 4.0
- Microsoft Internet Information Services (IIS), (version 6 and up) Recommend 7.5
- Visual Studio.NET (version 2008 and up) Recommend 2010
- C# Programming Language with Presentation (UI), Business Object and Data Layers
- SQL (Structured Query Language)
- Microsoft SQL Server 2008, Stored Procedures Recommend 2008 R2
- Microsoft SQL Reporting Services Recommend 2008 R2
- XML (external interfaces)

Any exceptions to the Electronic File Format requirements above must be approved in writing by the Energy Commission Information Technology Services Branch.

PRINTING SERVICES

Per Management Memo 07-06, State Agencies must procure printing services through the Office of State Publishing (OSP). Bidders shall not include printing services in their proposals.

CONFIDENTIAL INFORMATION

The Commission will not accept or retain any Proposals that contain confidential information, or contain any portion marked confidential.

DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, all solicitations must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency. (See # 1 on Attachment 2)

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 2)

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

Participation Requirement: This RFP is subject to a participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 *et seq.*

And,

Incentive: The DVBE Incentive Program gives a contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

RFP CANCELLATION AND AMENDMENTS

If it is in the State’s best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this RFP;
- Amend this RFP as needed; or
- Reject any or all Proposals received in response to this RFP.

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission’s Web Site www.energy.ca.gov/contracts and Department of General Services’ Web Site http://www.bidsync.com/DPX?ac=powersearch&srchoid_override=307818.

ERRORS

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the RFP, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF PROPOSAL

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be "timed" to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: "This proposal and the cost estimate are valid for 60 days."

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in a Bidder's proposal. The Energy Commission's waiver shall in no way modify the proposal or excuse the successful Bidder from full compliance.

DISPOSITION OF BIDDER'S DOCUMENTS

On the Notice of Proposed Award posting date all proposals and related material submitted in response to this RFP become a part of the property of the State and public record. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

BIDDERS' ADMONISHMENT

This RFP contains the instructions governing the requirements for a firm quotation to be submitted by interested Bidders, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Bidder responsibilities. Bidders must take the responsibility to carefully read the entire RFP, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the RFP are followed and appropriately addressed, and carefully reread the entire RFP before submitting a proposal.

GROUND TO REJECT A PROPOSAL

A Proposal shall be rejected if:

- It is received after the exact time and date set for receipt of Proposal's pursuant to Public Contract Code, Section 10344.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- It is lacking a properly executed Certification Clauses.
- It is lacking a properly executed Darfur Contracting Act Form.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.

- The Proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
- It contains confidential information, or it contains any portion marked confidential.
- The Bidder does not agree to the terms and conditions as attached to the solicitation either by not signing the Contractor Status Form or by stating anywhere in the bid that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

A Proposal may be rejected if:

- It is not prepared in the mandatory format described.
- It is unsigned.
- The firm or individual has submitted multiple proposals for each task.
- It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.
- The bidder has previously completed a PIER agreement, received the PIER Royalty Review letter, which the Commission annually sends out to remind past recipients of their obligations to pay royalties, and has not responded to the letter or is otherwise not in compliance with repaying royalties.
- The budget forms are not filled out completely.

PROTEST PROCEDURES

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

Protests are limited to the grounds contained in the California Public Contract Code Section 10345.

During the five **working** days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.

Within five **calendar** days after filing the protest, the protesting Bidder must file with the DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.

If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer consideration.

AGREEMENT REQUIREMENTS

The content of this RFP shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this RFP.

No Contract Until Signed & Approved

No agreement between the Commission and the successful Bidder is in effect until the contract is signed by the Contractor, approved at a Commission Business Meeting, and approved by the Department of General Services, if required.

Contract Amendment

The contract executed as a result of this RFP will be able to be amended by mutual consent of the Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.