

RFP 600-12-604

FOR TECHNICAL ASSISTANCE

For the

Alternative Renewable Fuel and Vehicle Technology (ARFVT) Program

Questions and Answers

January 31, 2013

RFP Questions

- 1. Clarifying question regarding Attachment 6, parts D & C: what kinds of restrictions/limits are there on proposals?**

Attachment 6 is an example agreement only and does not have any restrictions on proposals. However, it does provide the terms and conditions that will be in the awarded agreement.

- 2. Regarding evaluation criteria, it is not clear where the approach is located. Page 8, specific classification? CEC may request specific staff?**

The approach is in no. 2-(1)-Contract Management Ability. "The Bidder has an effective strategy to perform the tasks in the Scope of Work, including management of the contract resulting from this RFP (i.e., a multi-year contract with multiple personnel)."

- 3. Attachment-07-Budget-Forms RFP-12-604.xls Att B-2 requires that the prime contractor list profit as an indirect cost factor in row 17, and states on row 19, that the prime may not add a profit mark-up on sub-contractor labor. Att B-4a sub similarly requires that sub-contractors list their profit rate in row 17, but row 19 states that subcontractor profit is not allowed on sub-contractor invoices. Can you please clarify whether subcontractorss are allowed to include their own profit, similar to prime contractors, in proposed bids under RFP-600-12-604?**

Prime contractors may charge profit for their own expenses, but are not allowed to charge profit on their subcontractors. Subcontractors may charge profit on their own expenses, but may not charge profit on their subcontractor's expenses. (2nd tier subs).

- 4. Must our DVBE subcontractor be a California corporate entity in order to meet the DVBE requirements? We work with several DVBE subcontractors that are registered DVBE's but not California entities.**

The DVBE must be a California certified DVBE. You can check their California DVBE status from the following link:

<http://www.bidsync.com/DPXBisCASB>

5. **The budget forms in Attachment 7 require indirect rates. On page 18 of the RFP, it states that the information provided in these forms will not be kept confidential. Since our raw rate and indirect rate information are considered confidential, should it be necessary to publicly share this information, we, respectfully request notification before the information is disclosed.**

You may submit caps of the indirect rates, which are not considered the actual rates, but the ceiling of what you can charge. All proposal documents become publicly available at the posting of the NOPA without any notice. Do not submit information that you want to keep confidential.

6. **Our company incurs G&A costs associated with Other Direct Costs (ODCs) and Travel. Please clarify if G&A markup is allowable on ODCs and Travel under this Contract.**

Yes, the Energy Commission does not prohibit what goes into the base cost of G&A and Overhead.

7. **The formulas in the budget forms of Attachment 7 for calculating indirect costs are inconsistent with how our company calculates indirect costs. Currently, the cells are protected so that the formulas can't be overridden. We propose one of two options:**

- 1) **Unprotect the cells and write in our own formulas to accurately calculate the indirect costs associated with the raw labor, or**
- 2) **Leave the formulas within the worksheets intact and insert our combined indirect multiplier in one of the cells so that the indirect costs are accurately calculated.**

The only formulas in the budget forms of Attachment 7 are located in Att B-3 (Loaded Rate Calculation). Those formulas are set up for DL alone, but they are open for bidders to revise. This is outlined in the instructions on that form.

8. **Most of our relevant previous work products for advanced biofuels are under confidentiality agreement. Would work products that are not directly associated with biofuels be acceptable?**

Yes, work products not directly associated with biofuels are acceptable. As a reminder, the RFP prohibits bidders from submitting confidential information.

Conflict of Interest Questions

9. **I have sent a public comment letter on the Investment Plan recommending adding a small amount of funding under AB118 for a tire efficiency program. I do not know at this time whether the plan will be revised to fund any projects in this area. Are there any guidelines or procedures that would address any potential perceived conflict of**

interest if we partner with other potential bidder(s) for this RFP to offer technical expertise for project types such as plug in electric vehicles and hydrogen infrastructure while clearly stating that we would not participate in any technical evaluation of a project related to tire efficiency?

Public comments to the Investment Plan regarding tire efficiency funding do not prevent you from bidding on this solicitation.

10. Is it a conflict of interest for the Contractor to have reviewed or be concurrently reviewing a proposed project or technology on behalf of the U.S. Department of Energy?

No.

11. We would like to request further clarification regarding conflicts of interest. It is our understanding that any contractor and their subcontractors have to answer a comprehensive QUESTIONNAIRE FOR IDENTIFYING CONFLICTS OF INTEREST (CEC-105). It is the Energy Commission's protocol for identifying conflicts of interest, real or perceived, to require staff and consultants involved in the development or management of contracts, grants, and loans to complete this questionnaire. The Conflict of Interest clause from Attachment 6, EXHIBIT E, Provision 5. CONFLICT OF INTEREST D. Follow-on Agreements spells out the following:

No person, firm, or subsidiary thereof who has been awarded a consulting services Agreement, or an Agreement which includes a consulting component, may be awarded an Agreement for the provision of services, delivery of goods or supplies, or any other related action which is required, suggested, or otherwise deemed appropriate as an end product of the consulting services Agreement. Therefore, any consultant that contracts with a state agency to develop a feasibility study or provide formal recommendations for the acquisition of EDP products or services is precluded from contracting for any work recommended in the feasibility study or the formal recommendation.

Can we interpret the last sentence as "Contractor shall not submit to the Energy Commission any proposal seeking funding for a project under the Alternative and Renewable Fuel and Vehicle Technology Program, nor shall it advise on or in any way assist in the preparation of such a proposal"?

No. The point of the language is that a contractor cannot use the work for the Energy Commission under this contract to set up further work for itself. If, for example, work for the Commission under this contract involves assisting the Commission to create or administer a solicitation, then the Contractor/subcontractors cannot submit a funding proposal under the solicitation, serve as a subcontractor to a bidder to the solicitation, or serve as a consultant/adviser to entities submitting a funding proposal under the solicitation. However, if the Commission develops and administers a solicitation, even one under the Alternative and Renewable Fuel and Vehicle Technology Program, without any work from the

contractor and without the contractor gaining any non-public knowledge about the solicitation through its work under its contract with the Commission, then the Contractor can participate in the solicitation.