

Questions and Answers
Bright Schools- Clean Energy Jobs Act- Technical Assistance Program
RFQ-13-401

August 4, 2014

Questions regarding the current Bright Schools Contract and how it affects RFQ-13-401

- 1. *Will the contract resulting from the RFQ replace the existing Bright Schools technical assistance contract?***

The existing contract terms are for \$2,000,000 with an end date of June 30, 2016. Based on the applications we receive for technical assistance, we expect there will be some overlap between the two contracts. The new contract will likely be effective before the existing contract runs out of time or money. This means that there may be a period of time when there are two technical assistance contracts.

- 2. *How will the contract resulting from the RFQ augment the existing Bright Schools technical assistance contract?***

The contract resulting from this RFQ will not augment the existing contract (in other words, the new contract does not add funds to the existing contract). The contract resulting from this RFQ will be a new \$4.0 million contract starting in approximately November 2014 and ending approximately November 2017. The existing contract will remain unchanged. (Note page 6 of the RFQ indicates the possibility of augmenting the new contract by up to \$2.0 million if fiscal year 15/16 funds become available.)

- 3. *The current Bright Schools contract with kW Engineering and their team runs until 06/30/2016. It was mentioned during the pre-bid meeting that this new contract is a continuation of the current contract and that one of the reasons for issuing this new RFQ was due to the huge volume of Bright Schools audit requests as a result of the Proposition 39 Initiative. Is it possible that kW Engineering and its team could be selected again for the current RFQ and win the contract, managing both the existing and new contracts concurrently?***

Yes, kW Engineering and the current team are not barred from submitting an SOQ under this new solicitation.

- 4. *If a request for services comes in while both contracts are in service, how will the Energy Commission decide which contract to assign the work?***

The primary purpose of the contract resulting from this RFQ is for the Bright Schools Program—the Contractor will assist local educational agencies and community college districts for Prop 39-funded projects. The Energy Commission may also occasionally request the Contractor to assist with the Energy Partnership Program—the Contractor will assist other entities, such as cities,

counties and special districts. The Energy Commission will assign work to both contracts based on each Contractor team's availability in order to provide the necessary services as quickly as possible. The remaining funds in each contract will also be a consideration.

5. *Is the current kW Engineering contract subject to the same \$20,000 per work authorization cap?*

The kW Engineering contract caps each work authorization at \$20,000. Addendum 2 to this solicitation removes the \$20,000 cap per work authorization and allows the option of multiple LEAs and/or CCDs within a work authorization. The \$20,000 cap applies to the eligible applicant, not the work authorization budget.

6. *How many work authorizations have been approved and executed by kW Engineering under their current contract to date?*

Approximately 60 work authorizations.

Questions regarding submitting a bid as a Prime Contractor vs. as a Subcontractor

7. *Can a firm submit a response to the RFQ as a Prime Contractor, and also be listed as a Subcontractor on another team?*

Yes.

8. *May Subcontractors participate on teams for more than one Prime Contractor's proposal?*

Yes. Subcontractors can be on more than one team (in other words, they can appear as a Subcontractor on more than one SOQ).

9. *Can a Subcontractor submit its own SOQ?*

A firm can submit an SOQ in the role of the Prime Contractor, and that same firm can also be listed as a Subcontractor on another SOQ.

Questions regarding how to respond to the Examples of Previous Work Products and Hypothetical Questions Sections

10. *Section G. Response to Hypothetical Questions, "The Prime Contractor and each Subcontractor shall provide a full response to each Hypothetical Question...." Since it is expected that the selected team (Prime and Subs) will collaborate and provide consistent solutions and conclusions, can the team respond to each hypothetical question with one answer that is the result of a collective, team approach? Otherwise, if the Prime and Subs respond separately, there may be different answers or all the same answers. Please clarify what results the Energy Commission wants to achieve in having each firm answer the questions separately.*

Addendum 2 to the RFQ changes the requirement that the Prime Contractor and each Subcontractor must prepare an individual response to the hypothetical questions. Therefore, the RFQ now provides that the Prime Contractor will provide the response for each hypothetical question. The Prime Contractor may draw upon Subcontractor input and expertise in preparing the answer, and there will be one collaborative answer for each question

11. *Is an example of previous work product required of the Prime Contractor and each Subcontractor?*

Yes. Each team member (Prime Contractor and each Subcontractor) must submit one example of a previous work product for each technical task the team member will be providing services for under this contract.

12. *The Energy Commission staff desires uniform work products from the proposal team. Is it advisable to coordinate within the project team to submit work products using a uniform style guide and project report template, with the understanding that existing work products may have to be reformatted to conform to these standards?*

There is no requirement that examples of previous work products be formatted using a uniform style guide or project report template. Examples of previous work product should represent actual work products previously prepared by the companies.

13. *The request for examples of previous work products asks for three separate ASHRAE level 2 studies: Comprehensive studies, targeted studies, and studies of clean on-site generation. The feasibility analysis for on-site generation, however, can be a component of the comprehensive study, and is specifically not a level 3 study, which includes more comprehensive analytics and simulation. The same goes for the targeted studies; the amount of additional scope between level 2 comprehensive study versus a targeted study or study of clean onsite generation may be negligible. In other words, the components of a single level 2 comprehensive study may be satisfactory enough from a technical standpoint to satisfy all three requirements. Please clarify.*

Addendum 2 to the RFQ clarifies the types of previous work product examples required for submittal. Examples of previous work products help demonstrate the depth, complexity, quality of work a firm will provide under this contract. For example, if a firm proposes to provide services under Task 2, the evaluation team will want to see a separate example of an ASHRAE Level 1 Preliminary Assessment, an ASHRAE Level 2 Comprehensive Energy Audit, and a Targeted Study in order to gauge the depth, complexity and quality of each type of work product the firm will provide under this contract.

Questions regarding Points Awarded under Evaluation Criteria for Number of Subcontractors

- 14. *If multiple experienced firms create a joint venture (which is legally a single entity), will the joint venture be counted as a single firm or Subcontractor or Contractor for purposes of the evaluation criteria?***

Addendum 2 to the RFQ removes the point scale for the number of Subcontractors proposed for the team. Joint ventures will be considered a single entity.

- 15. *With regards to the Evaluation Criteria and the Project Team Organization, there are points awarded based on the Number of Subcontractors on the team: 1-3 = 50 points, 4-5 = 30 points, 6 or more = 10 points. Does the DVBE firm count as a Subcontractor in this scoring system?***

Addendum 2 to the RFQ removes the point scale for the number of Subcontractors proposed for the team. The DVBE firm will, however, still be considered a Subcontractor if proposed as such in the SOQ.

- 16. *Are there a minimum/maximum number of Subcontractors, staff, or licensed PEs that the Energy Commission requires?***

The minimum qualifications in Section III include the specific requirements for the number of licensed professional engineers. See Section III, technical response, volume 2, letter A. In addition, Addendum 2 to the RFQ removes the point scale for the number of Subcontractors proposed for the team. The Energy Commission desires a team of personnel that possess the qualifications to perform all aspects of the Scope of Work and demonstrate in the SOQ the capacity to handle the amount of anticipated work assignments in an expeditious manner.

Questions on Work Authorizations

Note: Addendum 2 revised Scope of Work removes a \$20,000 cap to each work authorization. A \$20,000 cap applies to the budget for each LEA and CCD in a work authorization. Work authorizations may include one or multiple LEAs and/or CCDs.

- 17. *What percentages of the work authorizations will include Task 4 as well as Tasks 2 & 3?***

We cannot predict the amount and types of applications that may come in during the term of this contract. However, with previous technical assistance contracts, the majority of applications have been for energy audits of existing buildings. A much smaller portion of the applications have been for renewable energy projects or professional engineering support (less than 10% each). For this contract, we anticipate that the majority of work authorizations will be for energy audits of existing buildings (Task 2) and smaller percentage for either Task 3 or 4.

- 18. *In Tasks 2 and 3, is energy analytics acceptable for assessing energy efficiency projects?***

No.

19. In Task 3, would energy storage be included under renewable generation?

Energy storage is a type of project that qualifies for analysis under this contract.

20. Will any work authorizations include only Task 4?

Yes, it is possible to assign a work authorization for only Task 4. Similarly, it is possible to assign a work authorization that involves only Tasks 2 or 3; or any combination thereof.

21. What is the definition of a “special project” within Task 4?

“Special projects” are services that generally fall outside the scope of an energy audit, but that help assist a program applicant to achieve the goals of the program. Examples of special projects include those listed under Task 4 in the Scope of Work.

22. Are the services provided under Task 4 covered under the \$20,000 per work authorization cap or do these services have a separate cap fee?

Per Addendum 2’s revision to the Scope of Work, a work authorization is not capped at \$20,000 in this solicitation. The \$20,000 cap is per eligible applicant irrespective of which task services are provided under.

23. Is the \$20,000 cap per work authorization per school district or school site?

The \$20,000 cap is per eligible applicant. Eligible applicants are individual local educational agencies (LEAs) and community college districts (CCDs). Under Prop 39, an LEA is a school district, county office of education, charter school, or state special school. The Energy Commission works with applicants who request technical assistance to focus energy audit work on the most beneficial projects.

24. During the WebEx did I hear correctly that the \$20,000 work authorization cap applies to each LEA and CCD? If so, is it expected that a work authorization might include a limited selection of facilities/buildings within a CCD or LEA, or must the authorization include all facilities/buildings within the \$20,000 cap?

Per Addendum 2’s revision to the Scope of Work, a work authorization is not capped at \$20,000 in this solicitation. The work authorized within a LEA or CCD may be limited to a selection of facilities/buildings. With larger or more complex facilities, \$20,000 may not be sufficient to fully analyze every square foot of space or energy using system within a particular LEA or CCD.

25. Is DVBE percentage determined by number of anticipated work authorizations, labor hours, or budget allocation?

The “Corresponding % of bid price” column under Section 2 of the Bidder Declaration Form (Attachment 4) will be used to determine DVBE percentage. The percentages listed here must reflect the percentage of work that each Subcontractor is projected to complete. Please note that upon contract completion, the DVBE percentage will be verified by calculating the amount of contract dollars that went to the DVBE compared to the total contract amount. Additionally, please note that Addendum 2 adds a Section to the RFQ asking bidders to “Provide a short description of the specific element(s) of work to be provided by the DVBE certified firm(s).”

Other Administrative Questions

26. In addition to Attachment 7, which other Attachments are the Subcontractors required to complete?

All Subcontractors are only required to complete Attachment 7. However, if the Subcontractor is a DVBE then it must also complete Attachment 3.

27. You mentioned that no confidential information, or work marked confidential, may be included in the examples of work products. While the information may not be confidential, I can foresee the need to redact certain information (e.g. client's names) from the work products, as I will assume they will become a matter of public record and certain clients may approve of energy information being released, but not with their name attached. Are redacted work products satisfactory?

Yes, redacted work products are satisfactory. The SOQ must not contain confidential information or contain any portion marked confidential. Therefore, if you wish certain information (such as client names) to remain undisclosed, this information must be “blacked out”/redacted prior to submission of the SOQ.

28. It's not clear to us if Attachment-01 needs to be submitted by only the Prime Contractor; or also all the Subcontractors. Same question for Attachment-02, -05, and -08.

The Prime Contractor (not Subcontractors) complete attachments 1, 2, 5, and 8.

29. Can we provide an executive summary at the beginning of Volume 2?

Yes.

30. For Volume 2, can our response to the bulleted items in Sections B-E be in the form of numbers or letters instead of bullets?

Yes, as long as all the information is provided.

31. On page 27 of the RFQ, the third bullet item under Grounds to Reject an SOQ, explains that an SOQ will be rejected if the firm has submitted multiple SOQs. What is an example of a firm disqualified for submitting multiple SOQ?

A firm will be disqualified if it submits two SOQs as the Prime Contractor. Please note that, as stated in the answer to question 7, a firm is allowed to submit a response to the RFQ as the Prime Contractor and also appear as a Subcontractor on a different SOQ.

Miscellaneous

32. Please explain what is meant by “no fee retainer”?

The Contractor will be held on retainer and work will be assigned via individual work authorizations.

33. Will the Prime Contractor be allowed to markup the Subcontractors rates?

No, the Prime Contractor may not markup the Subcontractor rates. See Attachment 6, Standard Agreement Example, Exhibit B, paragraph 1.C. Please note that the Prime Contractor’s labor costs related to management of the agreement are reimbursable.

34. Would a Canadian Professional Engineering license meet the licensed PE requirement? Note: the RFQ states that a California registered PE

- a. Sign-off on energy audits (P. 16), and**
- b. Be onsite and sign-off for clean energy data collection (P.17)**

No, the license must be issued by either the State of California or another state in the US.

35. Can PE’s be licensed in a state other than California?

Yes. Addendum 2 changes the requirement in task 2 of the work scope for the engineer to be a “California registered PE”. The addendum 2 clarifies that the engineer must be a “U.S. registered PE”.

36. Are water conservation measures to be considered during the audits?

For this contract, the energy audit identifies the major energy-using systems of the building or facility. If water conservation measures include an energy-saving component, then the audit will include an analysis of water conservation measures. For example, an irrigation measure that reduces pumping energy use but also saves water, or the installation of low-flow shower heads, would qualify for analyses.

37. Can the winning Prime Contractor and Subcontractor team for the Bright Schools Program also contract directly with the LEA to provide construction services based on projects identified as a result of the Bright Schools Program?

Once an Energy Commission-funded energy audit is completed for an LEA or CCD, it is the decision of the LEA or CCD as to whether an Energy Commission Contractor would be eligible for subsequent work related to the recommendations in the energy audit. The LEA or CCD would follow its own bidding and conflict-of-interest rules to select a firm to provide construction services.

38. In the RFQ it states that the primary focus of the Bright Schools Program is to provide technical assistance to LEAs and CCDs seeking to install energy efficiency measures and clean onsite self-generation projects within existing facilities. The RFQ also mentions that technical assistance may be requested for certain other entities such as cities, counties, public health care facilities, and special districts. Could the CEC elaborate on the certain other public entities that may receive technical assistance through the program and provide an example?

The Energy Commission's Energy Conservation Assistance Act (ECAA) program allows for technical assistance to the following entities:

- Schools
- Colleges/universities
- Cities
- Counties
- Special districts (e.g. fire prevention district)
- Hospitals
- Public Care institutions

Currently, most funding for the ECAA programs, technical assistance and loans, are allocated for services to LEAs and CCDs. Limited funds may be available for the other entities listed above. These services are also currently limited to \$20,000 per applicant.

39. Is it CEC's intent to have the Prime Contractor be responsible for Quality Control/Quality Assurance on all of Subcontractor's work in all cases, even when CEC chooses to assign the work directly to a sub?

As stated in the Scope of Work, Work Authorizations paragraph, the Prime Contractor makes work assignments to team members, based on expertise and project workload, with Energy Commission concurrence on final selection of the team member for each work authorization. Thus, there is not a situation where the Energy Commission assigns work directly to a Subcontractor. Subcontractors are responsible for the quality of their work. However, as identified in Task 1.5 of the Scope of Work, the Prime Contractor is responsible to ensure the quality of products and to recommend solutions to resolve problems in the event a Subcontractor fails to perform satisfactory services. Also, see Attachment 6, Standard Agreement example, Exhibit D, paragraph 2, for more information on quality of Subcontractor work.

40. The RFQ states that there will be "no reimbursement for travel time to/from project sites or to/from meetings"? It is our understanding that services are offered statewide. Since rates and pricing are not part of the evaluation criteria, can bidders assume that negotiated rates will include overhead to cover travel time?

The RFQ page 6 states: "The Energy Commission will not reimburse the Firm's travel time to/from project sites or to/from meetings." This means that when a work authorization budget is developed, the Energy Commission will not include time to reimburse Contractor's labor hours spent traveling. During cost negotiations with the selected firm, the Energy Commission will ask the Prime Contractor to submit loaded rates for the Prime Contractor and all Subcontractors.

The Prime Contractor and Subcontractor's loaded rates must incorporate the indirect costs normally included in their loaded rates as part of their standard Accounting practices.

41. *Is it the expectation that DVBE meet ALL scope requirements to a point that CEC can independently assign a work authorization to such a firm?*

A Firm can use a DVBE Subcontractor for a variety of services that add a commercially useful service to the contract. If the Firm proposes using a DVBE Subcontractor in a technical/engineering function, then the DVBE subcontractor performing tasks 2-4 must employ at least one licensed PE and is expected to independently perform the technical task(s) as proposed in the SOQ. If a DVBE firm is submitting an SOQ as a Prime Contractor, then the DVBE firm must employ at least one licensed mechanical or electrical PE. See the minimum qualifications in Section III for the specific information about requirements for the Prime Contractor and Subcontractors.

42. *Can the DVBE firm be outside of California?*

The veteran must reside in California. The Department of General Services Office of Small Business & Disabled Veteran Business Enterprise Services website details the requirements for certification of a DVBE firm:

<http://www.dgs.ca.gov/pd/Programs/OSDS/DVBEEligibilityBenefits.aspx>

Also see Section V for more information on the DVBE program.

43. *Can an ESCO fill the role as prime or sub for this contract? If the answer is yes, can the prime or sub bid and potentially fulfill the subsequent construction for the project or projects supported?*

Yes, an ESCO may fill the role of a Prime Contractor or a Subcontractor for this contract, as long as it meets the minimum qualifications in Section III. Once an Energy Commission-funded energy audit is completed for an LEA or CCD, it is the decision of the LEA or CCD as to whether an Energy Commission Contractor would be eligible for subsequent work related to the recommendations in the energy audit. The LEA or CCD would follow its own bidding and conflict-of-interest rules to select a firm to provide construction services.

44. *Will the list of Pre-Bid Conference attendees be posted?*

The list of attendees was posted on 7/24/2014.

45. A subcontractor firm has a Canadian-licensed professional engineer, but plans to use the US-licensed PE from one of the other Subcontractors on the team for work authorizations. Does this arrangement meet the minimum qualification A.2?: "Each Subcontractor in the team who will be performing Task 2, 3 and/or 4 must have one or more U.S. licensed professional engineers. This means each sub must There is no limitation on the maximum number of licensed professional engineers a Subcontractor may have."

No, this arrangement would not meet the minimum qualification. A subcontractor firm performing task 2, 3 and/or 4 must have one or more U.S. licensed professional engineers. This means the subcontractor firm must employ (as an employee or partner) at least one U.S.-licensed professional engineer.