**Questions, Answers, and Clarifications**

**Increasing Compliance with the Building Energy Efficiency Standards**

**IFB-17-403**

Standards Compliance Office, Efficiency Division

California Energy Commission

<http://www.energy.ca.gov/contracts/IFB-17-403/>

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| **Eligibility/Minimum Qualification** |
| Q1 | When ConSol bought CHEERS, a certification organization, one of the conditions we agreed to was that ConSol would not do any rating work (ConSol and CHEERS are legally distinct companies), as this could potentially be conflict of interest. My question is whether, were ConSol to be successful in bidding for this solicitation, this would prevent CHEERS from carrying out rating work that would result from an increase in compliance with the Energy Standards that arose as a result of the contract. |
| A1 | ConSol would not be able to submit a bid as the owner of CHEERS, which is a Home Energy Rating System (HERS) provider. The Energy Commission will issue an addendum to the Invitation for Bids (IFB) to clarify that certain entities, including HERS Providers, Raters, and Acceptance Test Certification Providers (ATTCP), ATTCP Employers, or Acceptance Test Technicians cannot bid. Entities or persons actively participating in the HERS or ATTCP programs may constitute a conflict of interest and the Energy Commission needs to ensure that the compliance plan is written from a neutral perspective.  |
| Q2 | Can people with HERS credentials who have not performed any HERS testing or reporting during the current code cycle qualify to be team members? |
| A2 | Yes. The update in Addendum 1 applies to persons who are certified to work and are actively working in these capacities (that is, persons who are currently certified to work and are testing and reporting as a HERS rater, acceptance test technician, are employed by a HERS Rating Company or ATTCP Employer, or are employed by a HERS Provider or ATTCP). |
| Q3 | We presume that Addendum 1 applies to persons who currently hold any of these positions or titles? Would this prohibition also apply to persons who held one or more of these positions in the past, but no longer hold these positions? |
| A3 | Yes, the update in Addendum 1 applies to persons who are certified to work and are currently actively working in these capacities (i.e. persons who are currently certified to work and are testing and reporting as a rater or technician, are employed by a HERS Rating Company or ATTCP Employer, or are employed by a HERS Provider or ATTCP). The minimum qualifications do not apply to persons who are not currently active in these positions.  |
| Q4 | We presume that this prohibition [from Addendum 1] applies to the primary consulting team listed on the project bid. Would this prohibition apply to persons with whom the consulting team would want to interview, or speak with, or use as advisors during the investigation? Would this prohibition apply to persons whom the consulting team would want to pay as sub-consultants on the project, but who were not part of the primary consulting team? |
| A4 | The minimum qualifications prohibition applies to contractors and their subcontractors, working on this contract. It does not preclude the contractor from interviewing or speaking with individuals working in the HERS or ATTCP programs.  |
| Q5 | Can one of the primary consulting team be a person who works for a company that is currently in the process of applying for certification from the CEC as a Third-Party-Quality-Control-Program? |
| A5 | No. A person who works for a Third Party Quality Control Program (TPQCP) would not be able to be on the Bidder team. The minimum qualifications also extend to participants, providers, and anyone who works for the TPQCP provider. The Energy Commission will issue an addendum to the IFB to clarify that a person who works for a TPQCP cannot be on the Bidder team. Entities or persons actively participating in the HERS or ATTCP programs may constitute a conflict of interest and the Energy Commission needs to ensure that the compliance plan is written from a neutral perspective. |
| Q6 | Can an employee of a company that developed an on-line permitting software application that the state may, at some point, consider buying participate as a part of the primary consulting team? |
| A6 | The Energy Commission needs to ensure that the compliance plan is written from a neutral perspective. If a member of the primary consulting team was unable to make unbiased recommendations, then this would constitute a conflict of interest. |
| Q7 | Is the intent that the excluded categories are not paid members of the team, but could still be involved as a stakeholder/interview subject? Could the excluded perspectives still be noted to clarify if they are in alignment with or counter to other perspectives represented in the compliance plan? |
| A7 | Yes, the excluded categories may still be involved as a stakeholder and may participate in the workshop and be included in the interviews. Perspectives from all stakeholders should be noted to clarify alignment with other perspectives, but more importantly to identify barriers and ultimately develop solutions and recommendations applicable to all stakeholders. |
| Q8 | Can collective Board of Directors and/or Organization Membership experience be used to help satisfy qualifications? |
| A8 | Board members and organization members’ experience may be use to meet the minimum qualifications. The applicants will need to disclose the role they will play per the instructions in the IFB. |
| Q9 | One of the minimum qualifications is, “6) Team has at least one person with post graduate degree in economics and 10+ years of experience conducting economic analyses on data collection and development, implementation, and maintenance of new data systems and business processes, and estimating the costs and cost avoidance to key actors and stakeholders.” Could you help us to better understand what exactly this means? Does “data systems” refer to HVAC equipment number registration and tracking? |
| A9 | The term “data systems” may, but does not specifically refer to HVAC equipment tracking. The term is used in a more general sense, and refers to software applications used to collect, organize, and analyze data. |

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| **IFB** |
| Q10 | Under description of Task 1.1 the text says the kick-off meeting “will be held either via WebEx, teleconference.” The text does not mention an in-person meeting. Is that desirable or does the CEC prefer not doing the meeting in person? |
| A10 | An in-person kick-off meeting is not required. Should the contractor prefer to have an in-person kick-off meeting, the travel costs for that meeting will not be reimbursable. |
| Q11 | Task #2 reads, “Conduct at least 20 stakeholder interviews via phone, WebEx, other online meeting application…” However, it is not clear if these must be 20 separate individual interviews, or whether they could be combined interviews with groups of interviewees. Can you please clarify what the intent is? |
| A11 | The intent of this activity is to gather a wide range of perspectives on the barriers faced by each stakeholder in the central air-conditioning and heat pump industries, specifically in residential and small commercial buildings. Ultimately, the information gathered through the stakeholder interviews will be used to develop the recommendations in the Compliance Plan. Interviews can be conducted as a group, but the consultant must demonstrate how it considered the impacts of the plan on stakeholders, as mandated by Senate Bill 1414. |
| Q12 | Regarding Task 2b (page 12), How does the minimum of 20 stakeholder interviews relate to the cited interview list minimums? As the interview list minimums total a significantly greater number than the minimum number of required interviews, is the intent to use the full interview list as a starting point, but mirror percentage makeup of the minimum stakeholder interview categories for actual interviews conducted? |
| A12 | The intended total number of interviewees is at least 61. The interview list will be made up of 2 manufacturers, 2 distributors, 20 contractors (10 owners and 10 installers), 15 building departments, 10 building owners, 10 homeowners, the CSLB, and the Energy Commission. This is not an exhaustive list, and the contractor may suggest additional stakeholders. |
| Q13 | Will the CEC invite participants to the workshop described under Task 2? Will the contractor have any responsibility for inviting participants? |
| A13 | The Energy Commission will be responsible for inviting participants to the workshop described under Task 2. Although it is not required, the contractor may forward the invitation and any workshops materials approved by the CAM. |
| Q14 | Task 2 stakeholders mentioned do not include HERS contractors; should they be invited to the workshop and should they be interviewed?  |
| A14 | HERS raters, providers, and others implementing the HERS program should be invited to the workshop and should be interviewed. The list of interviewees is not an exhaustive list, and the contractor may suggest additional stakeholders. |
| Q15 | Task 2 indicated the contractors will conduct at least 20 stakeholder interviews and then lists more than 60 stakeholders. Does the CEC want all listed stakeholders to be interviewed or 20 will be sufficient? If fewer than 60 can meet the requirement, does the CEC have priorities for whom should be interviewed?  |
| A15 | The intended total number of interviewees is at least 61. The interview list will be made up of 2 manufacturers, 2 distributors, 20 contractors (10 owners and 10 installers), 15 building departments, 10 building owners, 10 homeowners, the CSLB, and the Energy Commission. This is not an exhaustive list, and the contractor may suggest additional stakeholders. |
| Q16 | How does the CEC plan for the consultant team to incorporate feedback from practitioners such as HERS raters and Acceptance Testing technicians into this work on improving compliance? How will these market actors be compensated?  |
| A16 | Feedback from stakeholders is strictly voluntary. There is no compensation through this project for stakeholders who participate in the workshop, interviews, and any other collaboration in the development of the Compliance Plan. |
| Q17 | Task 4.f. does not mention including the findings from Task 4.e. in the draft analysis report; should the findings from Task 4.e. be included? |
| A17 | Finding from Task 4.e should also be included in the Analysis of Recommendations Report as described under Task 4.f. |
| Q18 | Task 4 asks the contractor to "identify recommendations, determine associated costs to implement recommendations, and assess the cost and impact...". To ensure that you receive comparable bids, can you state the number of recommendations you expect the contractor to analyze? If you cannot state numbers, can you suggest whether you are looking for a small number of detailed recommendations or a larger number of less-detailed recommendations? |
| A18 | The recommendations should be based on the consultant’s research and surveys conducted in relation to this project. The number of recommendations will be based on that research. The Energy Commission is seeking recommendations that are implementable and would like the consultant to determine the costs associated with those recommendations. |
| Q19 | Task 5 asks the contractor to "develop strategies" to overcome barriers and target outreach etc. To ensure that you receive comparable bids, can you state the number of strategies you expect the contractor to develop? If you cannot state numbers, can you suggest whether you are looking for a small number of detailed strategies or a larger number of less-detailed strategies? |
| A19 | The strategies should be based on the consultant’s recommendations. The number of strategies will be based on the recommendations. The Energy Commission is seeking strategies that can be implemented statewide. |
| Q20 | What is the difference between the deliverables "Draft Compliance Plan Chapters" (due Oct 19) and "Draft Compliance Plan" (due Oct 31)? |
| A20 | The Draft Compliance Plan Chapters will contain a draft of each individual chapter. The Draft Compliance Plan will organize the chapters together, contain nearly all final content, and be similar in quality to a finalized plan.  |
| Q21 | In Task 6, would the CEC like to have specific knowledge transfer activities conducted other than those listed in subtasks b through d? |
| A21 | The contractor is not required to conduct knowledge transfer activities other than those listed in subtasks b through d. The CAM may ask for updates and additional clarification on deliverables. |
| Q22 | It is understood that travel to the stakeholder workshop in Task 2 is reimbursable by the CEC. What about travel for other meetings, such as under the Knowledge Transfer task? Would those be reimbursable as well, if they are held as in-person meetings? |
| A22 | It is expected that knowledge transfer activities under Task 6 will be conducted remotely. Should the consultant feel the need to conduct in-person knowledge transfer activities, such as, meetings or presentations, the travel costs for those activities will not be reimbursable. |
| Q23 | The CEC issued RFP 16-403 in early 2017 that covered some of the same topics as this IFB and it was later withdrawn. Can you clarify the differences and overlaps between the requirements of this IFB and the earlier RFP? |
| A23 | The purpose of RFP-16-403 was to identify the business needs and develop functional requirements specifically for a residential heating ventilation and air conditioning (HVAC) installation compliance tracking system (compliance tracking system). IFB-17-403 will result in the development of a statewide plan (Compliance Plan) that will promote compliance with the Energy Standards in the installation central air-conditioning and heat pumps (AC/HP) installations in residential and small commercial buildings. While the concept of a compliance tracking system may be a possible area of interest for IFB-17-403, the Compliance Plan will take a broader, more comprehensive approach in identifying barriers and recommending solutions to increase compliance with the Energy Standards. |
| Q24 | How does the purpose for IBF 17-403 differ from the purpose intended for the canceled RFP 16-403? Specifically, is the concept of an HVAC equipment tracking system as discussed within 16-403 a possible area of interest for 17-403 or is that type of work precluded from 17-403? |
| A24 | The purpose of RFP-16-403 was to identify the business needs and develop functional requirements specifically for a residential heating ventilation and air conditioning (HVAC) installation compliance tracking system (compliance tracking system). IFB-17-403 will result in the development of a statewide plan (Compliance Plan) that will promote compliance with the Energy Standards in the installation central air-conditioning and heat pumps (AC/HP) installations in residential and small commercial buildings. While the concept of a compliance tracking system may be a possible area of interest for IFB-17-403, the Compliance Plan will take a broader, more comprehensive approach in identifying barriers and recommending solutions to increase compliance with the Energy Standards. |
| Q25 | Can you clarify how the objectives of this project differ (or not) from the project which resulted in this report being written under CEC-400-2018-003? <http://www.energy.ca.gov/2018publications/CEC-400-2018-003/CEC-400-2018-003.pdf> It seems that this September 2017 report provides recommendations similar to that requested in this IFB, however the latter report does not include a compliance or outreach plan.  |
| A25 | The research for CSE Consultant Report (CEC-400-2018-003) was conducted before SB 1414 and offers general recommendations for mechanical alterations in residential buildings. Additionally, the CSE’s report’s recommendations focus on what the building departments can do to improve compliance with the Efficiency Standards. In contrast, the Compliance Plan resulting from this project will be a statewide plan that provides recommendations to all stakeholders. Furthermore, these recommendations will be specific to central air-conditioning and heat pump (AC/HP) system installations, and will apply to both residential and small commercial buildings. |
| Q26 | This is described as a 12 month contract, yet it seems that the bulk of the work is to be done in 4 months (July - Oct), and the final deliverable is due at the end of month 9 (March 29). Are any of the deadlines flexible? Should the contractor's spending plan span 9 or 12 months? |
| A26 | Agreement term is 12 months. The final deliverable is due March 29 to allow enough time to finalize and process all final invoices. We do not anticipate project work after March 29. |
| Q27 | There does not seem to be an expectation for ongoing stakeholder engagement after the initial information-gathering tasks (i.e., throughout the development of recommendations, development of Compliance Plan, and knowledge transfer). Is this assessment accurate? |
| A27 | Ongoing stakeholder engagement is not discouraged. The contractor may continue to engage with stakeholders after the initial information-gathering tasks, but is not required to. The Energy Commission will release the Final Compliance Plan for public review and comment and will adopt the Compliance Plan at an Energy Commission Business Meeting before January 1, 2019. |
| Q28 | How many reviews of various deliverables should contractor budget for? Will organizations outside the CEC provide reviews of drafts? |
| A28 | The Energy Commission may solicit reviews of drafts from other organizations, such as other state agencies. All comments and edits will be compiled and reviewed by the CAM and provided to the contractor as one document. The CAM will expect the submission of high quality drafts that will not require numerous reviews. |

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| **Administrative** |
| Q29 | The scoring criteria appears to be Stage 1 – Pass/Fail, move to Stage 2 – Pass/Fail, then if a firm passes both Stage 1 and Stage 2 they are considered for Stage 3. In Stage 3 the lowest bid (after discounts are applied) is taken. EXCEPT in the case where the lowest bid is NOT a small business. It sounds like a larger firm cannot the work away from a small business, even if the larger firm is the lowest bidder. Is this interpretation correct? |
| A29 | A non-small business entity cannot take an award away from a small business entity with the non-small business preference. However, if a non-small business is the lowest bidder after preferences are applied to any small businesses, the non-small business would win the bid. |
| Q30 | For Attachment 1 #3 – Small BusinessIf we provide the date certified do we also need to supply the date the application was submitted (i.e., this is an either/or)? |
| A30 | It is either or. If a bidder does not have a certification date but has applied to the State of California to be certified as a small business, they can be consider for the preference points. |
| Q31 | We were proceeding with these instructions from the IFB:“A separate set of complete budget forms, including the full set of worksheets listed below, is required for the Contractor and for each subcontract containing: 1) $100,000 or more of Energy Commission funds; or 2) 25% or more of the total Energy Commission funds requested.”However, the instructions in the budget sheets state:1. A separate set of complete budget forms, including the full set of worksheets, is required for the Contractor/Recipient and for each subcontractCan you please clarify if we can follow the instructions from the IFB? |
| A31 | It is for ***each*** subcontract. The other instruction standard for grants but this is a contract. An update will be made to the IFB. |
| Q32 | The instructions for Attachment 7 (contractor budget forms) indicate that a set of budget forms should be submitted for "each subcontract," yet the Invitation to Bid specifies that a complete set of budget forms should be submitted for "each subcontract containing: 1) $100,000 or more of Energy Commission funds; or 2) 25% or more of the total Energy Commission funds requested." Please clarify. |
| A32 | It is for ***each*** subcontract. The other instruction standard for grants but this is a contract. An update will be made to the IFB. |
| Q33 | For the Attachment 9 Team Member Minimum Quals, should we only list the team members or could we list the team members plus include descriptions of their quals (in addition to attaching resumes)? |
| A33 | Bidders should only list team member names on the Team Member Minimum Qualifications Sheet (Attachment 09). There is no penalty for including a description of each team member’s qualifications as a ***separate*** attachment. |
| Q34 | Does the Energy Commission expect all staff listed in the budget forms to also be listed in the Minimum Qualifications List and resumes provided? |
| A34 | Only team members that help meet the minimum qualifications for this project should be listed in the Team Member Minimum Qualifications List. Bidders are not expected to list any additional team members or provide additional resumes. If more than one team member satisfies a specific minimum qualification, the bidder is only required to list one. |
| Q35 | Can contractor propose milestones associated with the funding retention so that retention can be paid once milestones are achieved? |
| A35 | Retention may be released only upon approval that work has been satisfactorily completed and the Final Knowledge Transfer Report has been received and approved. |

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| **Addendum 1** |
| Q36 | I was wondering if you could provide any insight on this addendum. I’ve never seen a group of professionals excluded like this. There must be a very concrete reason. The way it is written nobody on the bidding team can even be a certified HERS Rater. That’s a long list of people. |
| A36 | The purpose of Addendum 1 is to ensure that the compliance plan is written from a completely neutral perspective. While this addendum excludes active HERS Providers, HERS Raters, HERS Rating Companies, Acceptance Test Technician Certification Providers (ATTCP), ATTCP Employers or Acceptance Test Technicians from bidding, it does not exclude them from participating in workshops, interviews, and any other collaboration in the development of the Compliance Plan. |