**REQUEST FOR PROPOSALS ADDENDUM 1**

**Energy Efficiency**

**Technical Support 2023**



RFP-22-801

www.energy.ca.gov/contracts/

State of California

California Energy Commission

November 2022

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**Attachments**

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2. Darfur Contracting Act
3. DVBE Std. 843
4. Bidder Declaration form GSPD-05-105
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6. Client References
7. Budget Forms
8. Sample Standard Agreement
9. Iran Contracting Act Form
10. California Civil Rights Laws Certification
11. **Work Authorization Example**

# I. Introduction

**NOTE ABOUT SIGNATURES**

The CEC may have waived the requirement for a signature on application materials for this solicitation for submissions. If a notice, regarding CEC’s waiver of the signature requirement appears here: <https://www.energy.ca.gov/funding-opportunities/solicitations>, the waiver applies to this solicitation. In the event of a conflict between the notice and any language in this solicitation regarding signatures, the notice will govern.

Even if the requirement for signatures has been waived, applicants are still expected to adhere to the requirements of this solicitation as if they had signed.

## Purpose of RFP

The purpose of this Request for Proposals (RFP) is to hire an experienced, full-service Contractor team (composed of a Contractor and Subcontractors) with particular strengths in the technical and administrative aspects of: analytical methods for forecasting energy efficiency savings mandated by Senate Bill 350 (SB 350, De León, Chapter 547, Statutes of 2015); tracking energy efficiency savings from market-based activities; electrification and greenhouse gas (GHG) emissions; end users’ response to decarbonization efforts; demand response and demand flexibility analysis; developing a common platform for long term statewide energy demand scenarios; and managing the Subcontractor products. The team will provide technical assistance to the Energy Assessments Division (EAD).

The CEC is seeking a prime Contractor applying as a single entity or representing a team of companies. A single company, not a group of representatives from different companies, must submit a proposal as the prime Contractor. The prime Contractor will be responsible for all contract duties, directing team members in all contract provisions, and also participating in technical work assignments.

## 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 | November 30, 2022 |
| Deadline for Written Questions **by 5:00 p.m.** \* | December 16, 2022 |
| Pre-Bid Conference \* | December 16, 2022 |
| Distribute Questions/Answers and Addenda (if any) to RFP | January 6, 2023 |
| **Deadline to Submit Proposals by 5:00 p.m. \*** | January 20, 2023 |
| Notice of Proposed Award | February 15, 2023 |
| Commission Business Meeting | May 10, 2023 |
| Contract Start Date | July 1, 2023 |
| Contract Termination Date | June 30, 2026 |

## Available Funding and How Award is Determined

There is up to $1.5 million, $500,000 per year over the course of three years 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 receiving the highest points.

Of this amount $500,000 is immediately available. The remaining balance of $1 million from fiscal year (FY) 2024-2025 and 2025-2026 may be available contingent upon approval of the CEC’s 2024-2025 and 2025-2026 Budgets. Funding shall be subject to the appropriation and availability for that purpose in the 2023-2024 Governor’s Budget. In the event funds are not available, the CEC shall have no further liability with regard to the agreement.

The CEC 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 CEC contracts. In this event, the Contractor and Commission Agreement Manager (CAM) 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 public and private entities. Each agreement resulting from this solicitation includes terms and conditions that set forth the Contractor’s rights and responsibilities. Private sector entities must agree to use the attached standard terms and conditions (Attachment 8). The University of California, California State University or U.S. Department of Energy National Laboratories must use either the standard or the pre-negotiated terms and conditions located at: ([DGS Lab Terms](https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Contracts-with-the-Department-of-Energy-Laboratories#@ViewBag.JumpTo)). The CEC will not award agreements to non-complying entities. The CEC reserves the right to modify the terms and conditions prior to executing agreements.

All corporations, limited liability companies (LLCs), limited partnerships (LPs) and limited liability partnerships (LLPs) that conduct intrastate business in California are required to be registered and in good standing with the California Secretary of State prior to its project being recommended for approval at a CEC Business Meeting. If not currently registered with the California Secretary of State, bidders are encouraged to contact the Secretary of State’s Office as soon as possible to avoid potential delays in beginning the proposed project(s) (should the application be successful). For more information, contact the Secretary of State’s Office at [SOS Website](http://www.sos.ca.gov/). Sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to the CEC prior to their project being recommended for approval at a CEC Business Meeting.

## 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) 767-4991 or refer to the CEC’s website at [CEC Website](http://www.energy.ca.gov/) to confirm the date and time.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

December 16, 2022

10:00 am – 12:00 pm

California Energy Commission

Zoom Only

**Zoom Instructions**:

To join the Zoom meeting, go to <https://zoom.us/join> and enter the Meeting ID below and select “join from your browser.” Participants will then enter the meeting password listed below and their name. Participants will select the “Join” button.:

**Join Zoom Meeting**:

https://energy.zoom.us/j/93238874891?pwd=NS9admtNVGNHUC9aY0dic3paMFFlZz09

**Meeting ID**: 932 3887 4891

**Passcode**: 911088

**Topic**: Pre-bid Conference: Energy Efficiency Technical Support

**Telephone Access Only:**

For iPhone one-tap:

    US: +16692192599,,93238874891#  or +12133388477,,93238874891#

Call **1-888 475 4499** (Toll Free) or **1-877 853 5257** (Toll Free). When prompted, enter the meeting number above. International callers may select a number from the Zoom International Dial-in Number List at: <https://energy.zoom.us/u/adjzKUXvoy>. To comment, dial \*9 to “raise your hand” and \*6 to mute/unmute your phone line.

**Access by Mobile Device:** Download the application from the Zoom Download Center, <https://energy.zoom.us/download>.

**Technical Support:**

* For assistance with problems or questions about joining or attending the meeting, please call Zoom Technical Support at **1-888-799-9666 ext. 2.** You may also contact the CEC’s Public Advisor’s Office at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), or 800-822-6228.
* System Requirements: To determine whether your computer is compatible, visit: <https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux>

If you have a disability and require assistance to participate, please Erica Rodriguez by e-mail at [Erica.Rodriguez@energy.ca.gov](mailto:Erica.Rodriguez@energy.ca.gov) or (916) 764-5705 at least five days in advance.

## Questions

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

The questions and answers will be posted on the Commission’s website at: [CEC Solicitations Webpage](https://www.energy.ca.gov/funding-opportunities/solicitations).

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 CEC’s Contract Officer assigned to the RFP.

## Contact Information

Eilene Cary, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

Telephone: (916) 776-0739

E-mail: Eilene.Cary@energy.ca.gov

## Responses to this RFP

Responses to this solicitation shall be in the form of an Administrative, Technical and Cost Proposal according to the format described in this RFP. The Administrative response shall include all required administrative documents. 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

Bidders responding to this RFP may want to familiarize themselves with the following documents:

The Clean Energy and Pollution Reduction Act of 2015 (Senate Bill 350, De León, Chapter 547, Statutes of 2015)

[Text of SB 350](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350)

Assembly Bill 3232 (Friedman, Chapter 373, Statutes of 2018)

[Text of AB 3232](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3232)

California Building Decarbonization Assessment

[Report and supplements](https://www.energy.ca.gov/data-reports/reports/building-decarbonization-assessment)

Senate Bill 100 (De León, Chapter 312, Statutes of 2018)

[Text of SB 100](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB100)

Senate Bill 100 Joint Agency Report (2021)

[Report](https://efiling.energy.ca.gov/EFiling/GetFile.aspx?tn=237167&DocumentContentId=70349)

SB 350 Energy Efficiency Workbooks

[Workbooks](https://www.energy.ca.gov/programs-and-topics/programs/energy-efficiency-existing-buildings)

2021 Integrated Energy Policy Report and Forecast

[Volumes and Forecast](https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report)

[Building Decarbonization](https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report) (Volume 1, Pages 28-40)

[California Energy Demand Forecast](https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report) (Volume 4, Pages 33-49 and Appendix A)

[Demand Scenarios Project 2022](https://www.energy.ca.gov/event/workshop/2022-04/iepr-staff-workshop-demand-scenarios)

California Commercial End Use Survey

[2022 Report link (to be released in summer 2022)](https://www.energy.ca.gov/data-reports/surveys/california-commercial-end-use-survey)

2019 Residential Appliance Saturation Survey

[Data and reports](https://www.energy.ca.gov/publications/2021/2019-california-residential-appliance-saturation-study-rass)

CARB AB 32 Climate Change Scoping Plan

[Documents](https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan)

All above reference documents are on display and available for review in the CEC’s Library. Library hours are Monday - Friday from 8:00 a.m. to 4:00 p.m., closed for lunch 12:00-1:00p.m. The Library is open to the public by appointment only and is located at: California Energy Commission, 715 P Street, MS-18, Sacramento, CA 95814. *For additional questions or assistance, please email the Library at*[*library@energy.ca.gov*](mailto:library@energy.ca.gov)*.*

# 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.

**Acronyms/Glossary**

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

|  |  |
| --- | --- |
| **Acronym/Word** | **Definition** |
| Bidder | Respondent to this RFP |
| BUILD | Building Initiative for Low-Emissions Development |
| CARB | California Air Resources Board |
| CAO | Commission Agreement Officer |
| CAM | Commission Agreement Manager |
| CPUC | California Public Utilities Commission |
| EM&V | Evaluation, Measurement, and Verification |
| CEC | State Energy Resources Conservation and Development  Commission or as commonly called, the California Energy Commission |
| CED | California Energy Demand |
| CEDARS | California Energy Data and Reporting System |
| DGS | Department of General Services |
| DVBE | Disabled Veteran Business Enterprises |
| EE | Energy Efficiency |
| GHG | Greenhouse Gas |
| IEPR | Integrated Energy Policy Report |
| IOU | Investor-Owned Utility |
| NOPA | Notice of Proposed Award, a public notice by the Energy  Commission that identifies award recipients |
| Proposal | Formal written response to this document from Bidder |
| POU | Publicly Owned Utility |
| RFP | Request for Proposals |
| State | State of California |
| TECH | Technology and Equipment for Clean Heating |
| WA | Work Authorization |

## Background

With the passage of SB 350 - the Clean Energy and Pollution Reduction Act, the CEC is required to establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas final end uses by January 1, 2030. In addition, the CEC assesses the effects of energy efficiency savings, electrification, and demand response on electricity demand statewide in local service areas and on an hourly and seasonal basis. The CEC provides to the legislature recommendations and an update on progress toward achieving this goal every two years in the *Integrated Energy Policy Report (IEPR)*.

CEC staff and consultants hired under prior RFPs are presently doing work on:

* Updating energy efficiency savings methodologies,
* Updating electrification and decarbonization analyses,
* Identifying cost effectiveness methods that could be applied to non-investor owned utility entities,
* Reviewing and making recommendations on improving California-specific evaluation, measurement, and verification (EM&V) studies and practices, and
* Researching demand response and demand flexibility challenges and potential demand side flexibility scenarios.

Additional work is still needed on the following areas:

* Energy efficiency, electrification, and demand flexibility analysis
* Behavioral impacts on energy efficiency and other decarbonization strategies
* Decarbonization impacts to energy systems
* Enhancing, streamlining, and integrating CEC analytical products

The Contractor shall provide technical assistance for the following tasks, as directed by the CAM

**Task List**

|  |  |
| --- | --- |
| **Task #** | **Task Name** |
| 1 | Agreement Management |
| 2 | Improve Analytical Methods For Forecasting Programmatic Energy Efficiency Savings, impacts from electrification programs and GHG reductions from decarbonization efforts |
| 3 | Electrification Potential and GHG Emission Analysis |
| 4 | Survey and Model Low Carbon Behavior to Inform Statewide Policy Improvements |
| 5 | Demand Response Potential and Demand Flexibility Modeling |
| 6 | Implement a Common Platform Roadmap and Implementation |

**Work Authorizations**

The Agreement that results from this solicitation shall be conducted as a “work authorization” Agreement. No work shall be undertaken unless authorized by the CAM through a specific written document called a “work authorization.”

The CAM will prepare and issue the written work authorizations and shall set a maximum price, budget, and schedule for the work to be performed. The CAM will work, in consultation with the Contractor, to assign work to either the Contractor or a Subcontractor.

**General Requirements or Goals and Objectives**

The objective of this work authorization contract is to provide technical assistance to the Energy Assessments Division (EAD) by employing analytical methods for forecasting energy efficiency savings mandated by Senate Bill 350 (SB 350, De León, Chapter 547, Statutes of 2015); tracking energy efficiency savings from market-based activities, electrification and greenhouse gas (GHG) emissions, end users’ response to decarbonization efforts, and demand response and demand flexibility analysis; developing a common platform for long term statewide energy demand scenarios; and managing the Subcontractor products.

**Administrative Tasks**

**Task 1.1 Kick-off Meeting**

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

Expected Total Hours: 50

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager, Director

**The Contractor shall:**

Attend a “kick-off” meeting with the Commission Agreement Manager (CAM), and the Contracts Agreement Officer (CAO). The meeting will be held in Sacramento, CA and the CAM will designate the specific location. 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**

Expected Total Hours: 200

Expected General Classifications: Accountant, Analyst, Scientist, Engineer, Project Manager, Director

**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 CEC’s Accounting Office.

**Deliverables:**

Invoices

**Task 1.3 Manage Subcontractors**

The goal of this task is to ensure quality products, to enforce Subcontractor Agreement provisions, and in the event of failure of the Subcontractor to satisfactorily perform services, recommend solution to resolve the problem.

Expected Total Hours: 200

Expected General Classifications: Project Manager, Director

**The Contractor shall:**

* Manage and coordinate Subcontractor activities. The Contractor is responsible for the quality of all Subcontractor work and the CEC 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 CEC’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.

Expected Total Hours: 200

Expected General Classifications: Project Manager, Director

**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 Work Authorizations**

The goal of this task is to develop and manage all technical and budgetary aspects of work authorizations (WA) in accordance with the requirements of this Agreement for work to be performed under Technical Tasks 2 through 6.

Expected Total Hours: 150

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager, Director

**The Contractor shall:**

* + Help prepare WAs in accordance with the contract requirements.
  + The WA format and content shall be specified by the CAM.
  + The WA end date should be no later than 60 days prior to the term end date of the Agreement.
  + Submit all required WA Documents to the CAM.
  + Administer WAs.
  + Establish and maintain contractual agreements with entities performing work.
  + Develop project schedules.
  + Manage Subcontractor activities in accordance with the Agreement terms and conditions.
  + Provide oversight and first-level review of reports and documentation, and comment on the content of deliverables.
  + Review and approve all WA invoices.
  + Provide audit and accounting services for all WAs.
  + Immediately report any significant variances affecting performance of WAs and recommend mitigation actions for consideration by the Project Manager and CAM. Examples of significant variances include the inability to submit deliverables by key WA due dates, unavailability of key personnel that will affect timely submittal of deliverables, and key technical issues that would require change in scope, redirection of the effort, or discontinuation of the project.
  + Coordinate with the CAM to close out completed WAs and remaining unallocated balances.
  + Monitor and track each WA and the overall agreement.
  + Provide updated WA project schedules, as needed, and determine if each WA is on schedule and deliverables are satisfactory.
  + Determine the fiscal status of each WA and the overall Agreement.
  + Prevent cost overruns.
  + Track the start, progress, and closure of each WA.

**Deliverables:**

WA Documents

**Task 1.6 Final Report**

Expected Total Hours: 150

Expected General Classifications: Project Manager, Director

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 CEC 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.

**Deliverables:**

Final Reports

**Technical Tasks**

The Contractor shall be responsible for completing the tasks stated below, and shall provide extensive technical guidance and assistance to the Energy Commission throughout the duration of these tasks. The hours shown under each task would cover the term of the contract. With approval from the CAM through a work authorization (WA), the Contractor will undertake the following tasks:

**Task 2: Improve Analytical Methods for Forecasting programmatic Energy Efficiency Savings impacts from electrification programs & GHG Reductions from decarbonization efforts**

Expected Total Hours: 1500

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager, Director

Using the SB 350 and AAEE Tool Structure Report (2021), Integrated Energy Policy Report Volume I and IV (2021), energy efficiency and fuel substitution calculation workbooks (found in Reference Documents section), the contractor shall provide technical assistance to CEC staff in developing analytical strategies to update potential energy efficiency savings for electricity and gas end uses of retail customers that will achieve a cumulative doubling of savings at the statewide level relative to the baseline efficiency savings specified in SB 350 by January 1, 2030. The cost, energy, and emission impacts from these decarbonization programs must be examined, particularly with a focus on equity concerns. This work will require collaboration with the California Public Utilities Commission (CPUC), community choice aggregators (CCAs), publicly owned utilities, and local authorities. The work includes updating the tools, data inputs, and background research used in tracking SB 350 savings and generating projections, as well as other energy forecasting products on the following areas, including but not limited to:

* Integration of verification methods using EM&V reports from utilities and individual customer billing and metered data when available.
* Integration of eTRM (Electronic Technical Resource Manual) for documentation and all applicable measures including, but not limited to, deemed measures and other SB 350 measures in current tools.
* Evaluation of the extent to which more granular historic energy efficiency data can be obtained from the CPUC and other sources for use in developing demand forecasts including, but not limited to building vintage and technology types.
* Evaluation of the extent to which more geographically disaggregated data can be analyzed to reflect CCA and REN programs and local ordinances.
* Evaluation of potential savings from emerging energy efficiency and decarbonization programs in all covered sectors.
* Evaluation of new and updating potential savings from appliance and building standards at the state and federal level.
* Analyzing the impacts of changes in CPUC-regulated energy efficiency and other decarbonization programs as a consequence of CPUC’s recent decisions.
* Assessing the current programmatic hourly analysis and offering improvements to incorporate improved load shapes, customer meter/billing data and programming. Improvements may include greater geographical or technology level disaggregation, and long-term climate projections as well short-term weather variability.
* Assistance assessing the long-term outlook for building and appliance standards beyond a 2030 time horizon, including savings decay and technology replacement.

**Task 3: Electrification Potential and GHG Emissions Analysis**

Expected Total Hours: 2000

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager**, Director**

The Contractor shall assist with ongoing research and energy forecasting efforts in support of long-term decarbonization goals established by legislation and executive orders. The 2021 IEPR recommends a goal of installing 6 million heat pumps by 2030. The cost, energy, and emission impacts from such decarbonization measures must be examined, particularly with a focus on equity concerns. The contractor will leverage existing analytical tools and supplementary reports listed in the reference documents section.

The Contractor shall provide technical assistance in the following areas, including but not limited to:

* Identify methods to improve the current Fuel Substitution Scenario Analysis Tool (FSSAT) and make the necessary updates to the FSSAT. These improvements include but are not limited to generating inputs at greater levels of disaggregation and carrying that level of granularity throughout the FSSAT calculations where possible; tracking and differentiating vintages of newly constructed buildings; accounting for multiple cycles of equipment turnover; updating residential equipment stock; updating housing numbers; improved characterization of the decarbonization potential across various non-residential subsectors, including but not limited to panel upgrades, equipment, and labor; and incorporating variable electricity generation emissions factors.
* Detail the combined saturation of electrification measures, particularly the number of heat pumps installed, from Additional Achievable Fuel Substitution and Fuel Substitution Scenario Analysis Tool (FSSAT) scenarios. Produce detailed analysis that combines outputs resulting from programmatic and speculative fuel substitution scenarios.
* Propose improvements to staff's decarbonization modeling tools, products, and analyses using the CEC's interval meter data. Use such data for detailing the efficient and equitable targeting of potential customers and communities.
* Identify the implications of the costs of decarbonization when considering the near- and long-term impacts from decarbonization efforts on electric and (renewable) gas rates and the infrastructure costs occurring at and outside the scope of a building. Produce a tool that allows for detailed comparisons of energy cost impacts using various gas and hourly electric tariffs, including different rate designs.
* Identify improvements in understanding electrification measure impacts to load bus analysis and gas and electric infrastructure transmission and distribution (avoided) costs.
* Incorporate any proposed changes to energy demand forecasting practices within the CEC that can be made to take into account enhanced consideration of consumer behavior or historical electrification experience. Consider the use of backup fossil-gas technologies for electrified buildings.
* Review and propose methods to quantify the benefits of decarbonization, with a focus on equity indicators, using existing models and comparing them with existing marginal abatement cost estimates.
* Identify methods to enhance the analysis and characterization of electrification policies on new and existing buildings in the near and long term.
* Identify and implement methods to improve the ability to observe hourly load impacts from electrification and the potential of load management strategies. Implement methods that improve the analysis of using different hourly emission factors.
* Prepare a modeling structure that improves the analysis of the long-term costs of electrification that considers efficiency and cost improvements stemming from market transformation.
* Identify leakage components in the natural gas system that should be considered volumetric, constant, and thus predicted by fuel combustion in buildings connected to the natural gas distribution system. Devise methods for projecting each type of leakage component as part of demand forecast.
* Analyze how measures that mitigate non-combustion GHG sources reduce GHG emissions and change energy demand impacts.

**Task 4: Survey and Model Low Carbon Behavior to Inform Statewide Policy Improvements**

Expected Total Hours: 1250

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager**, Director**

The goal of this task is to create robust behavioral and adoption models, workflows and scenarios that will demonstrate a reduction in statewide GHG emissions. This will align with previous staff work to support behavioral change toward lower-carbon lifestyles.

The Contractor shall work with CEC staff to create and implement this functionality and capability using an ontology-based common platform including, but not limited to, the following tasks:

* Develop and implement a specific market-based data collection scheme to inform the behavioral model.
* Translate results of scheme to enable improved energy models.
* Propose changes to energy models within the CEC that can be made to consider consumer behavior.

**Task 5: Demand Response Potential and Demand Flexibility Scenarios Analysis**

Expected Total Hours: 750

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager**, Director**

Demand response and demand flexibility programs have been identified as an important source of electricity reliability, and cost and GHG emission reductions. The CEC seeks to further explore how supply-side and demand-side load modifying and event-based programs can support increased renewable energy consumption, distributed energy resource adoption, utility and customer cost reductions, and help the state meet mid-century climate targets.

The Contractor shall provide technical assistance to the CEC staff on topics including, but not limited to:

* Enhance an existing load flexibility and demand response scenario analysis tool. The tool should use inputs that include but are not limited to hourly end use load profiles, various time-varying rates, GHG emission profiles, different weather scenarios, varying rates of technology adoption and building retrofits, incremental technology costs, and labor costs.
* Update the tool to receive inputs from other CEC tools such as the FSSAT (see Task 3) and the programmatic SB 350 EE and FS data integration being updated and enhanced in Task 2.
* Improve tool outputs that could be leveraged by other CEC forecasting and scenario analysis efforts and utilized to support policy make decision and program development efforts
* Update the calculation of end-user operational costs using hourly outputs, time of use rates, and additional emerging rate designs as they developed
* Pilot the use of interval meter data to create control groups for third-party demand response programs.
* Publish end use load shapes informed by possible load shifting and shedding in the future.
* Develop additional functionality for the load flexibility and demand response tool based upon lessons learned after the initial launch.
* Update the load flexibility and demand response tool output formats to enable use by internal and external stakeholders and policy makers

**Task 6: Common Platform Roadmap and Implementation**

Expected Total Hours: 1500

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager**, Director**

A common platform is used to develop complex energy models needed to support the CEC’s analytical efforts to investigate options and costs to achieve California’s energy policy goals and GHG emission reduction targets established through SB 350, SB 32, SB 1383, AB 3232, SB 100 and various Executive Orders. This common platform would provide unified and transparent access to various data sources and carrying that through to staff workflows using ontology-based knowledge graphs to produce energy models.

The Contractor shall work with CEC staff to create and implement the functionality and capability of an ontology-based common platform including, but not limited to, the following tasks:

* Organize, manage, and integrate data
* Develop Models and Modeling Framework
* Generate Case Study Workflows and Workflow Management
* Construct Case Study Scenarios and Scenario Management
* Develop Case Study Data Interaction and Visualization
* Document Case Studies and Literature
* Create Case Study Repository
* Conduct Marketing and Outreach
* Facilitate Internal and External User Interaction

**SCHEDULE OF** **DELIVERABLES AND DUE DATES**

Note: Actual deliverables will be specified in each Work Authorization.

|  |  |  |
| --- | --- | --- |
| **Task Number** | **Deliverable** | **Due Date** |
| 1.0 | Agreement Management |  |
| 1.1 | Kickoff Meeting, including meeting notes and next steps summary | Summer 2023 |
| 1.2 | Prepare Invoices | Monthly |
| 1.3 | Manage Subcontractors | Ongoing |
| 1.4 | Monthly Progress Reports | Monthly |
| 1.5 | Work Authorizations | Ongoing |
| 2 | Improve Analytical Methods for Forecasting Energy Efficiency Savings mandated by SB350 | Ongoing |
| 3 | Electrification and GHG Emissions Analysis | Ongoing |
| 4 | Survey and Model Low Carbon Behavior to Inform Statewide Policy Improvements | Ongoing |
| 5 | Demand Response and Demand Flexibility | Ongoing |
| 6 | Implement a Common Platform for Ontology Based Modeling | Ongoing |

# 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 using a standard 11‑point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled.

## Method for Delivery

The method of delivery for this solicitation is the CEC Grant Solicitation System, available at: [https://gss.energy.ca.gov/](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgss.energy.ca.gov%2F&data=04%7C01%7C%7C6db4917e18aa46a4fc0808d8d42cbd67%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C637492635908664785%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=avUY8DTO%2Fg6shuUaQADf6Qcqw3G%2BwKwDDdd5WQWxbYk%3D&reserved=0). This online tool allows applicants to submit their electronic documents to the CEC prior to the date and time specified in this solicitation. Electronic files must be in Microsoft Word and Excel Office Suite formats unless originally provided in the solicitation in another format. Attachments requiring signatures may be scanned and submitted in PDF format. Completed Budget Forms, Attachment 7, must be in Excel format. **The system will not allow applications to be submitted after the application due date and time.**

First time users must register as a new user to access the system. Applicants will receive a confirmation email after all required documents have been successfully uploaded. A tutorial of the system is available on the [CEC website](https://www.energy.ca.gov/funding-opportunities/funding-resources) under General Funding Resources. You may contact the Commission Agreement Officer identified in the Contact Information section of this solicitation for more assistance.

**Due to COVID-19, hard copies will not be accepted for this solicitation.**

## Organize Your Proposal As Follows

### SECTION 1, Administrative Response

Cover Letter

Table of Contents

Contractor Status Form Attachment 1

Darfur Contracting Act Form Attachment 2

Small Business Certification If applicable

Completed Disabled Veteran Business Enterprise form Attachment 3

Bidder Declaration form GSPD-05-105 Attachment 4

Contractor Certification Clauses Attachment 5

TACPA Forms If applicable

Iran Contracting Act Form Attachment 9

CA Civil Rights Laws Certification Attachment 10

### SECTION 2, Technical and Cost Proposal

Approach to Tasks in Scope of Work

Organizational Structure

Relevant Experience and Qualifications

Labor Hours by Personnel and Task

Client References Attachment 6

Previous Work Products

Budget Forms Attachment 7. See also G below.

1. **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.

1. **Organizational Structure**
2. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team.
3. Provide a short description of each firm and key members on the team. Describe the relationship between the Contractor and Subcontractors on your team.
4. Identify the location of the Bidder’s and Subcontractor’s headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
5. Describe Bidder’s professional awards.
6. 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.
7. **Labor Hours by Personnel and Task**

Provide the title or classification of each person and their level of effort (hours) for each task, including subcontractor hours.

1. **Relevant Experience and Qualifications**
   * + 1. Document the project team’s qualifications as they apply to performing the tasks described in the Scope of Work. Describe recently completed work as it relates to 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.
2. **Client References**

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

1. **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.

1. **Budget Forms**

Category Budget Attachment 7

Direct Labor Attachment 7

Fringe Benefits Attachment 7

Indirect Costs and Profit Attachment 7

The Bidder must submit information on **all** of the attached budget forms 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.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the Contractor for this RFP. Bidder must include all people anticipated who will provide service on the Agreement. The CEC may consider adding a person that the Bidder did not include in its Proposal. However, because the additional person might affect the Bidder's score or take additional time that the CEC does not have or does not want to spend, the CEC reserves the right to do any of the following, along with any other existing rights:

* Assess how the new person might affect the Bidder’s score, including possibly rescoring the Proposal
* Refuse to add the new person
* Add the new person.

Bidders are cautioned that they should include all team members in their Proposal.  The CEC does not want to be in the position of assessing additional persons after the Notice of Proposed Award.

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 capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their **actual** rates up to these rate caps. The labor rates 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 contract prepared with the winning Bidder.

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

# 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 CEC will organize an Evaluation Committee. The Evaluation Committee may consist of CEC staff or staff of other California state entities.

The Proposals will be evaluated in two 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 and Cost 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 CEC 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.

All applicable Preferences will be applied to all Proposals attaining a minimum of 70 percent of the total possible points. The agreement shall be awarded to the responsible Bidder meeting the requirements outlined above, who achieves the highest score after application of Preferences.

## Scoring Scale

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described in the Scoring 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. |
| 10-30% | Minimally Responsive | Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 40-60% | 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. |

## Notice of Proposed Award

The Commission will post a Notice of Proposed Award (NOPA) on the Commission’s Web Site and will email the NOPA to all parties that submitted a proposal.

|  |  |
| --- | --- |
| **Scoring Criteria**  The proposal provides the following in response to each of the criteria  listed below: | **Maximum Points** |
| **Technical Approach** | **25** |
| 1. Describes the technique, approach, and methods to be used in providing the services task by task, listed in the Scope of Work, highlighting any outstanding features, qualifications and experience. 2. Describes how tasks will be executed and coordinated with various participants and team members. 3. Identifies and discusses factors critical for success, in addition to risks, barriers, and limitations. Provides a plan to address them. 4. Describes how the knowledge gained and lessons learned will be communicated to the public and key decision-makers. |  |
| **Team Qualifications, Capabilities, and Resources** | **20** |
| 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 team 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), resources available to the team, and proposed methods of minimizing costs to the State. 4. Describe Bidder’s professional awards relevant to the Scope of Work in this RFP. 5. Describe how the various tasks in the Scope of Work will be managed and coordinated, and how the project manager’s expertise will support the management of this work. Document the project team’s qualifications as they apply to performing the tasks described in the Scope of Work. Describe recently completed work as it relates to this Scope of Work and demonstrate how the team has successfully completed projects in the past. 6. Identify and list all Bidder staff and Subcontractors (all team members) who will be committed to the tasks and describe their roles. 7. Provide an estimate of the level of effort (total estimated number of hours) each team member will work on regular tasks (non-WA tasks). 8. Provide a current resume for all team members listed, including job classification, relevant experience, education, academic degrees and professional licenses. 9. Each Bidder shall complete Client Reference Forms for current (within the past three years) references. Three client references are required for the Contractor and three for each Subcontractor. References will be checked and scored accordingly. 10. Identify and explain the nature of any collaboration between the Bidder or Subcontractors with utilities, industries, or others that is relevant to this project, and what each collaborator will contribute. 11. Has your organization been involved in a lawsuit or government investigation within the past ten years? |  |
| **Previous Work Products** | **10** |
| 1. Each Bidder shall provide at least one example of a similar work or academic research product, for the services to be provided as described in the RFP. If Subcontractors will be providing technical support in a task area, each Subcontractor shall also submit one example of a work or academic product that demonstrates experience in potential work assignments described in this RFP. 2. Where appropriate work or academic products should describe in detail and highlight the Bidder’s ability to support tasks identified in this RFP including equations, data analysis methods and strategies, data schema, and diagrams. 3. It is not necessary to provide more than one copy of each work product example. Web links are acceptable. |  |
| **Specific Team Qualifications: Demand Forecasting** | **5** |
| Degree to which the application:  a)  Demonstrated breadth and depth of knowledge of and experience with demand forecasting methodologies, resource adequacy, and load modifying technologies.  b)  Demonstrated breadth and depth of experience in assessing the effects on electricity demand of building and appliance standards, energy efficiency, and other demand-side programs.  c)  Demonstrated breadth and depth of knowledge of hourly load forecasting, including seasonal impacts.  d)  Demonstrated depth and quality of work examples. |  |
| **Specific Team Qualifications: Energy Efficiency Analysis** | **5** |
| Degree to which the application:  a) Demonstrated proficiency with spreadsheet models, including Excel, and Access database integration.  b) Demonstrated breadth and depth of knowledge of programs used to develop energy efficiency savings for utility and non-utility energy efficiency programs (e.g. ELRAM)  c) Demonstrated breadth and depth of knowledge of calculators used to report energy efficiency savings for utility and non-utility energy efficiency programs (e.g. E3, DEER, etc.)  d) Demonstrated breadth and depth of knowledge of energy evaluating energy efficiency savings.  e) Demonstrated breadth and depth of knowledge in evaluation, measurement, and verification (EM&V) practices.  f) Demonstrated depth and breadth in performing and reviewing EM&V analyses.  g) Demonstrated breadth and depth of knowledge in evaluating energy efficiency potential studies.  h) Demonstrated depth and breadth of establishing and reviewing utility energy efficiency targets.  i) Demonstrated depth and breadth in establishing utility energy efficiency targets.  j) Demonstrated depth and breadth in reviewing utility energy efficiency goals and evaluating progress towards meeting those goals.  k) Demonstrated depth and breadth in cost effectiveness analysis.  l) Demonstrated breadth and depth of demand side analytical skills.  m) Demonstrated depth and quality of work examples. |  |
| **Specific Team Qualifications: Fuel Substitution** | **5** |
| Degree to which the application:  a) Demonstrated depth and breadth of knowledge in understanding the implications of fuel substitution.  b) Demonstrated depth and breadth of knowledge in evaluating and aggregating energy efficiency savings from electricity and natural gas final end uses.  c) Demonstrated depth and breadth of knowledge in evaluating and aggregating energy efficiency savings from fuel substitution from natural gas to electricity.  e) Demonstrated breadth and depth of knowledge in developing methods to accurately account for long term criteria air pollutant reductions, reduction in GHG emissions, and life cycle energy savings from fuel substitution.  f) Demonstrated depth and breadth of knowledge in developing and implementing methods that allows aggregation of energy efficiency savings from both electricity and natural gas final end uses.  g) Demonstrated depth and quality of work examples. |  |
| **BUDGET AND COST EFFECTIVENESS** |  |
| **1. Total Expected Labor Cost** | **25** |
| 2. See Formula Below |  |
| **3. Other Direct Costs Mark Up** | **5** |
| 4. See Table Below |  |
| **Total Possible Cost Points** (approximately 30% of Maximum Points Possible) | **30** |
| **Minimum Passing Score (70%)** | **70** |
| Maximum Points Possible (combined Technical and Cost Points) | **100** |
| **BIDDER’S TOTAL TECHNICAL SCORE:** |  |

Disabled Veteran Business Enterprise Preference   
**(This preference applies for participation exceeding 3.01%, see Preferences/Incentives in Section V.)**

Small/Micro Business Preference

Non-Small Business Preference

Target Area Contract Preference Act Preference

**TOTAL FINAL SCORE:**

See Section V for Preference Details

**Cost Criteria**

Total Expected Labor Costs (25 of 30 Cost Points)

Step 1

Calculate each *Individual’s Loaded Hourly Rate* = DL + FB + Indirect + Profit (Separately for the Prime and each Subcontractor). This is documented on Attachment 7a in each workbook.

Step 2

The Bidder (Prime Contractor) will complete the Attachment 7b of the budget workbook. This form will calculate the Total Expected Labor Costs portion of the cost criteria.

Total Expected Labor Cost Points:

Lowest Proposal Total Expected Labor Cost = 100% of total possible points for this criteria

All other proposals get a lower percentage of the possible points based on how close their proposal Total Expected Labor Cost is to the lowest proposal Total Expected Labor Cost as follows:

Lowest Proposal Total Expected Labor Cost / Other Proposal Total Expected Labor Cost = Other Proposal % of Possible Points

Example:

Proposal A Total Expected Labor Cost: $85,347; Proposal B Total Expected Labor Cost: $90,242; Proposal C Total Expected Labor Cost: $87,249.

Proposal A: Lowest Proposal Total Expected Labor Cost = 100% possible points

Proposal B: $85,347/$90,242 = 94.57% possible points

Proposal C: $85,347/$87,249= 97.82% possible points

Points Allocation (25 possible points):

Proposal A: 100% possible points = 25 points

Proposal B: 94.57% possible points = 23.64 points

Proposal C: 97.82% possible points = 24.46 points

Other Direct Cost (ODC) Mark-Up (5 of 30 Cost Points)

In addition to the evaluation of the labor costs, this solicitation will also evaluate the Contractor’s proposed mark-up rates (Indirect and Profit) for Other Direct Costs (ODCs). **ODC categories include** travel, materials or miscellaneous, **Subcontractors**, and equipment. The mark-up rate for purposes of evaluation is the sum of all rates charged in addition to the actual cost of the ODC. For example, materials for the agreement include pipe fittings at $5 each. When invoiced, the Contractor invoices for the $5 with a receipt for the actual costs but also charges a profit mark-up of 10% so $0.50. In addition, the Contractor includes materials in their base costs for indirect overhead calculated at 20% so $1. The cost that the CEC reimburses is $6.50. The mark-up must be in accordance with the Contractor’s standard accounting procedures for indirect costs and profit. Some entities may call this a procurement burden. Please note that although entities may include travel in their indirect cost calculations, they may not charge profit on travel as the state is only authorized to pay travel and per diem at the state rates approved for represented employees. Points for this criterion will be awarded based on the sum of all mark-ups identified in the budget for ODCs and as follows:

Mark-Up Percentage Rate Range Cost Points

0%-10% 5

10.01%-20% 4

20.01%-30% 3

30.01%-40% 2

40.01% - 50% 1

50.01% or more 0

# V. Business Participation Programs (Preferences/Incentives)

A Bidder may qualify for preferences/incentives as described below. Each Bidder passing Stage One screening will receive the applicable preference/incentive.

This section describes the following business participation programs:

* DVBE Participation Compliance Requirements
* Small Business/Microbusiness Preference
* Non-Small Business Preference
* Target Area Contract Act Preference

## Disabled Veteran Business Enterprise (DVBE)

**Compliance Requirements**

***DVBE Participation Required***

This RFP is subject to a mandatory certified DVBE participation of at least three percent (3%).

***Bidder or Subcontractor Suspension***

The CEC shall reject a Proposal and shall not enter into a Contract if a Bidder or Subcontractor used by Bidder is currently suspended for violating DVBE law.

***Two Methods to Meet DVBE Participation Requirement***

* If Bidder is a DVBE, then Bidder has satisfied the participation requirements if it commits to performing at least 3% of the contract with the Bidder’s firm, or in combination with other DVBE(s).
* If Bidder is not a DVBE, Bidder can satisfy the requirement by committing to use certified DVBE Subcontractors for at least 3% of the contract.

***Required Forms***

Bidders must complete Attachments 1, 3 and 4 to document DVBE participation. If Bidder does not include these forms, the Bid is considered non-responsive and shall be rejected.

* Contractor Status Form (Attachment 1).

Under the paragraph entitled: “Disabled Veteran Business Enterprise Participation Acknowledgement”, make sure to check the “yes” “DVBE Participation” box.

* DVBE Declarations Std. Form 843 (Attachment 3)
* Bidder Declaration Form GSPD-05-105 (Attachment 4)

***DVBE Definition***

For DVBE certification purposes, per Military & Veterans Code section 999(b)(6), a "disabled veteran" is:

* A veteran of the U.S. military, naval, or air service of the United States, including but not limited to, the Philippine Commonwealth Army, the Regular Scouts (“Old Scouts”), and the Special Philippine Scouts (“New Scouts”);
* The veteran must have a service-connected disability of at least 10% or more; and
* The veteran must be domiciled in California.

***DVBE Certification and Eligibility***

* To be certified as a DVBE, your firm must meet the following requirements in Military & Veterans Code section 999(b)(7):

(i) It is a sole proprietorship at least 51 percent owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its stock is unconditionally owned by one or more disabled veterans; a subsidiary that is wholly owned by a parent corporation, but only if at least 51 percent of the voting stock of the parent corporation is unconditionally owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture’s management, control, and earnings are held by one or more disabled veterans.

(ii) The management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.

(iii) It is a sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.

* DVBE limited liability companies must be wholly owned by one or more disabled veterans. Public Contract Code section 10115.9.
* Each DVBE firm listed on the DVBE Declarations Std. form 843 (Attachment 3) and on the Bidder Declaration form GSPD-05-105 (Attachment 4) must be formally certified as a DVBE by the Office of Small Business and DVBE Services (OSDS). The DVBE program is not a self-certification program. Bidder must have submitted application to OSDS for DVBE certification by the Bid due date to be counted in meeting participation requirements.

***Printing / Copying Services Not Eligible***

DVBE Subcontractors cannot provide printing/copying services.  For more information, see section VI Administration, which states that printing services are not allowed in proposals.

***To Find Certified DVBEs***

Access the list of all certified DVBEs by using the Department of General Services, Procurement Division (DGS-PD), online certified firm database at [The State of California Certifications Webpage](https://www.caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx). Search by “Keywords” or “United Nations Standard Products and Services Codes” (UNSPSC) that apply to the elements of work you want to subcontract to a DVBE. Check for Subcontractor ads that may be placed on the California State Contracts Register (CSCR) for this solicitation prior to the closing date. You may access the CSCR at [California State Contracts Register Webpage](https://www.caleprocure.ca.gov/pages/Events-BS3/event-search.aspx). For questions regarding the online certified firm database and the CSCR, please call the OSDS at (916) 375-4940 or send an email to: OSDCHelp@dgs.ca.gov.

***Commercially Useful Function***

DVBEs must perform a commercially useful function relevant to this solicitation, in order to satisfy the DVBE program requirements. California Code of Regulations, Title 2, Section 1896.71 provides:

“(a) A DVBE contractor, subcontractor or supplier of goods and/or services that contributes to the fulfillment of the contract requirements, shall perform a Commercially Useful Function (CUF) for each contract.

(b) A DVBE contractor, subcontractor, or a supplier of goods and/or of services is deemed to perform a CUF if the business does all of the following:

(1) Is responsible for the execution of a distinct element of work of the contract (including the supplying of services and goods);

(2) Carries out its obligation by actually performing, managing, or supervising the work involved;

(3) Performs work that is normal for its business services and functions;

(4) Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment;

(5) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

(c) A contractor, subcontractor or supplier will not be considered to perform a commercially useful function if its role is limited to that of an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.

(d) Contracting/procurement officials of the awarding department must:

(1) Evaluate if a DVBE awarded a contract meets the CUF requirement as defined in subdivision (b), and

(2) During the duration of the contract, monitor for CUF compliance (See State Contracting Manual Volume 1 Chapter 8 and Volumes 2 and 3, Chapter 3).

(e) If a CUF evaluation identifies potential program violations, awarding departments shall investigate and report findings to OSDS, referring to §§ 1896.88, 1896.91 and the State Contracting Manual.”

***Compliance with Law; Information Verified***

Bidder shall comply with all rules, regulations, ordinances, and statutes that apply to the DVBE program as defined in Military & Veterans Code sections 999 and 999.5(d). Information submitted by the Bidder to comply with this solicitation’s DVBE requirements will be verified. If evidence of an alleged violation is found during the verification process, the State shall initiate an investigation, in accordance with the requirements of Public Contract Code Section 10115, et seq., and Military & Veterans Code Section 999 et seq., and follow the investigatory procedures required by California Code of Regulations Title 2, Section 1896.90 et. seq. Contractors found to be in violation of certain provisions may be subject to loss of certification, penalties, sanctions, civil actions and/or contract termination.

***DVBE Report***

Upon completion of the contract for which a commitment to achieve DVBE participation was made, the Contractor that entered into a subcontract with a DVBE must certify in a report to the CEC: 1) the total amount the prime Contractor received under the contract; 2) the name and address of the DVBE(s) that participated in the performance of the contract and the contract number; 3) the amount and percentage of work the Contractor committed to provide to one or more DVBEs under the requirements of the Contract and the amount each DVBE received from the Contractor.; 4) that all payments under the contract have been made to the DVBE(s) (CEC may require proof that payment was made); and 5) the actual percentage of DVBE participation that was achieved. If the CEC does not receive the report, the Commission shall provide notice to the Contractor and if still not received, shall withhold $10,000 (or full payment if less than $10,000) from Contractor’s final payment. (For more details about the $10,000 withholding, see specific Agreement language in the Sample Agreement Example, Exhibit D, paragraph 4.) A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. Military & Veterans Code Section 999.5(d).

***The Office of Small Business and DVBE Services (OSDS)***

OSDS offers program information and may be reached at:

Department of General Services

Office of Small Business and DVBE Services

707 3rd Street, 1st Floor, Room 400

West Sacramento, CA 95605

[DGS Website](https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/How-to-do-business-with-the-state-of-California)

Phone: (916) 375-4940

E-mail: [OSDSHelp@dgs.ca.gov](mailto:OSDSHelp@dgs.ca.gov)

***DVBE Law***

* Public Contract Code Section 10115 et seq.
* Military & Veterans Code Section 999 et. seq.
* California Code of Regulations Title 2, Section 1896.60 et. seq.

## 

## DVBE Incentive

The information below explains how the incentive is applied and how much of an incentive will be given.

**How the Incentive is Applied:**

The DVBE incentive is applied during the evaluation process and only to responsive Proposals/Bids from responsible Bidders. The incentive will vary in conjunction with the percentage of DVBE participation.

The Incentive is applied by adding the incentive to the Proposal/Bid for Bidders that include more than the minimum required 3.00% DVBE participation. In other words, if a Bidder includes 3.01% DVBE participation or greater, it will receive the DVBE incentive. If you include 3% DVBE participation, you will not receive the incentive. You will only receive the incentive, if you include 3.01% or greater DVBE participation.

The DVBE Incentive Program may be used in conjunction with the Small Business preference which gives a 5% preference to small business Bidders or 5% to non-small business Bidders committed to subcontracting 25% of the overall Bid with small businesses.

**How Incentive Amount is Calculated:**

Solicitations based on **High Point** will calculate the incentive as described below: Incentive points are included in the sum of non-cost points. The percentage is based on the total possible available points not including preference points for small/micro business, non-small business or TACPA. Incentive points cannot be used to achieve any applicable minimum point requirements.

|  |  |
| --- | --- |
| DVBE  Participation Level | DVBE Incentive  Points |
| 3.01% - 3.99% | 1 |
| 4.00% - 4.99% | 2 |
| 5.00% - 5.99% | 3 |
| 6.00% - 6.99% | 4 |
| 7.00% or over | 5 |

***Required Forms***:

* Contractor Status Form (Attachment 1).
* DVBE Declarations Std. Form 843 (Attachment 3)
* Bidder Declaration Form GSPD-05-105 (Attachment 4)

### *DVBE Incentive Law*

* Military & Veterans Code Section 999.5(a)
* California Code of Regulations Title 2, Section 1896.99.100 et.seq.

## Small Business / Microbusiness / Non-Small Business

### *Preference*

Bidders who qualify as a State of California certified small business will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business.  Bidders qualifying for this preference must submit a copy of their Small Business Certification and document their status in Attachment 1, Contractor Status Form.

***Required Forms***

* Submit a copy of your Small Business Certification
* Contractor Status Form (Attachment 1)
* Complete the “Small Business Preference Claim” section

Bidder Declaration Form GSPD-05-105 (Attachment 4)

### *Certification*

A business must be formally certified by the Department of General Services, Office of Small Business and DVBE Services (OSDS), in order to receive the small/microbusiness preference.

***Non Profit Veteran Service Agency***

Bidders that qualify as a Non Profit Veteran Service Agency can be certified as a small business and are entitled to the same benefits as a small business.

***Definitions***

* *Small business* means a business certified by the Office of Small Business Disabled Veteran Services (OSDS) in which:

(1) It is independently owned and operated; and

(2) The principal office is located in California; and

(3) The officers of the business in the case of a corporation; officers and/or managers, or in the absence of officers and/or managers, all members in the case of a limited liability company; or the owner(s) in all other cases, are domiciled in California; and

(4) It is not dominant in its field of operation(s), and

(5) It is either:

(A) A business that, together with all affiliates, has 100 or fewer employees, and annual gross receipts of fourteen million dollars ($14,000,000) or less as averaged for the previous three tax years, as adjusted by the Department pursuant to Government Code § 14837(d)(3); or

(B) A manufacturer as defined herein that, together with all affiliates, has 100 or fewer employees.

* *Microbusiness* means a small business certified by OSDS, which meets all of the qualifying criteria as a small business, and is:

(1) A business that, together with all affiliates, has annual gross receipts of three million, five hundred thousand dollars ($3,500,000) or less as averaged for the previous three tax years, as adjusted by the Department pursuant to Government Code §14837(d)(3); or

(2) A manufacturer as defined herein that, together with all affiliates, has 25 or fewer employees.

* *Non Profit Veteran Service Agency* means an entity that:

1. Is a community-based organization,
2. Is a nonprofit corporation (under Section 501(c)(3) of the [Internal Revenue Code](http://www.irs.gov/charities/charitable/article/0,,id=96099,00.html)), and
3. Provides housing, substance abuse, case management, and employment training services (as its principal purpose) for:
   * low income veterans,
   * disabled veterans, or
   * homeless veterans
   * and their families

***Commercially Useful Function***

A certified small business or microbusiness shall provide goods or services that contribute to the fulfillment of the contract requirements by performing a “commercially useful function” defined as follows:

(1) The Contractor or Subcontractor is responsible for the execution of a distinct element of the work of the contract; carrying out its obligation by actually performing, managing or supervising the work involved; and performing work that is normal for its business services and functions;

(2) The Contractor or Subcontractor is not further subcontracting a greater portion of the work than would be expected by normal industry practices;

(3) The Contractor or Subcontractor is responsible, with respect to materials and supplies provided on the subcontract, for negotiating price, determining quality and quantity, ordering the material, installing (when applicable), and paying for the material itself;

(4) A Contractor or Subcontractor will not be considered as performing a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to achieve the appearance of small business participation.

***Late Payment of Invoices***

Certified small/microbusinesses are entitled to greater interest penalties paid by the state for late payment of invoices than for non-certified small business/microbusiness.

***Small Business / Microbusiness Law***

* Government Code section 14835 et. seq.
* California Code of Regulations, Title 2 Section 1896 et. seq.

### Non-Small Business

***Preference***

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 will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business. A non-small business that qualifies for this preference may not take an award away from a certified small business.

***Required Forms***

* Submit a copy of the Subcontractor’s Small Business Certification
* Contractor Status Form (Attachment 1)
* Complete the “Small Business/Non-Small Business Preference Claim” section

Bidder Declaration Form GSPD-05-105 (Attachment 4)

### *Certification*

A Subcontractor business must be formally certified by the Department of General Services, Office of Small Business and DVBE Services (OSDS), in order to receive the Non-Small Business Preference.

***Non-Small Business Law***

* Government Code section 14838 (b)
* California Code of Regulations, Title 2 Section 1896 et. seq.

## Target Area Contract Preference Act

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

The TACPA program was established to stimulate economic growth and employment opportunities in designated Areas throughout the state of California. (GC4530)

The Department of General Services (DGS), Procurement Division (PD), Dispute Resolution Unit (DRU) oversees the TACPA program and evaluates all TACPA applications.

This solicitation contains (TACPA) preference request forms. Please carefully review the forms and requirements. Bidders are not required to apply for these preferences. Denial of the TACPA preference request is not a basis for rejection of the bid.

The State as part of its evaluation process reserves the right to verify, validate, and clarify all information contained in the bid. This may include, but is not limited to, information from bidders, Subcontractors and any other sources available at the time of the bid evaluation. Bidder refusal to agree to and/or comply with these terms, or failure to provide additional supporting information at the State's request may result in denial of preference requested.

Contracts awarded with applied preferences will be monitored throughout the life of the contract for compliance with statutory, regulatory, and contractual requirements. The State will take appropriate corrective action and apply sanctions as necessary to enforce preference programs.

Any questions regarding the TACPA preference should be directed to the Department of General Services, Procurement Division at (916) 375-4400.

TACPA Preference Request (STD 830):

[STD 830 Document](https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std830.pdf)

Bidder’s Summary of Contract Activities and Labor Hours:

[Bidder's Summary Document](https://www.documents.dgs.ca.gov/dgs/fmc/gs/pd/gspd0526.pdf)

# VI. 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 Scoring 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**

Bidder- Respondent to this RFP

CAM- Commission Agreement Manager

CEC- California Energy Commission

DGS- Department of General Services

DVBE- Disabled Veteran Business Enterprises

Proposal- Formal written response to this document from Bidder

RFP- Request for Proposal, this entire document

State- State of California

## 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 CEC 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 have 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)

## Iran Contracting Act of 2010

Prior to bidding on, submitting a proposal or executing a contract or renewal for a State of California contract for goods or services of $1,000,000 or more, a vendor must either:

a) certify it is **not** on the current list of persons engaged in investment activities in Iran created by the California Department of General Services (“DGS”) pursuant to Public Contract Code section 2203(b) and is not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; **(See Option #1 on Attachment 9)**

b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code section 2203(c) or (d). **(See Option #2 on Attachment 9)**

## California Civil Rights Laws

Prior to bidding on, submitting a proposal or executing a contract or renewal for a State of California contract for goods or services of $100,000 or more, a bidder or proposer must certify that it is in compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code) and the Fair Employment and Housing Act (Section 12960 of the Government Code). Additionally, if a vendor has an internal policy against a sovereign nation or peoples recognized by the United States government, the Contractor must certify that such policies are not used in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the Fair Employment and Housing Act (Section 12960 of the Government Code).

See Attachment 10.

**Executive Order N-6-22 – Russia Sanctions**

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the  
EO) regarding Economic Sanctions against Russia and Russian entities and  
individuals. “Economic Sanctions” refers to sanctions imposed by the U.S.  
government in response to Russia’s actions in Ukraine, as well as any sanctions  
imposed under state law. By submitting a bid or proposal, Contractor represents  
that it is not a target of Economic Sanctions. Should the State determine  
Contractor is a target of Economic Sanctions or is conducting prohibited  
transactions with sanctioned individuals or entities, that shall be grounds for  
rejection of the Contractor’s bid/proposal any time prior to contract execution, or,  
if determined after contract execution, shall be grounds for termination by the  
State.

## RFP Cancellation and Amendments

If it is in the State’s best interest, the CEC 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 CEC will send an addendum to all parties who requested the RFP and will also post it on the CEC’s Web Site ([CEC Website](http://www.energy.ca.gov/)) and Department of General Services’ Web Site([DGS Website](https://www.caleprocure.ca.gov/pages/index.aspx)).

## 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 CEC, 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 CEC may waive any immaterial defect or deviation contained in a Bidder’s proposal. The CECs 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.

## Grounds 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 (DVBE) participation requirements.
* Bidder is currently suspended for violating DVBE law or Proposal includes a subcontractor currently suspended for violating DVBE law. Military & Veterans Code Section 999.9(g)
* It is lacking a properly executed Certification Clauses.
* It is lacking a properly executed Darfur Contracting Act Form.
* It is lacking a properly executed Iran Contracting Act Form.
* It is lacking a properly executed California Civil Rights Law Certification 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](https://www.dgs.ca.gov/OLS) and the Commission Contracts Office.
* Within five **calendar** days after filing the protest, the protesting Bidder must file with the [DGS Legal Office](https://www.dgs.ca.gov/OLS) 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.