# **RFQ-22-401**

**Last Updated: March 28, 2023**

**QUESTIONS AND ANSWERS**

**FLEXIBLE DEMAND APPLIANCE STANDARDS ADVANCED RESEARCH AND PROPOSAL DEVELOPMENT**

The purpose of this addendum is to provide answers to written questions for the above solicitation. The following answers are based on California Energy Commission (CEC) staff’s interpretation of the questions received.

**Note: Textual content contained within brackets and in ~~strikethrough~~ to be removed and new textual content added in bold underline.**

**Q1: Can we get a copy of the pre-bid conference presentation?**

A1: Yes. A copy of the pre-bid conference presentation for this solicitation is available on the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations). From the Solicitations webpage, select RFQ-22-401 to access all solicitation-related items and documents.

**Q2:** **Will the attendee list for the pre-bid conference be made available to participants?**

A2: Yes. The attendee list for this solicitation is available on the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations).  From the Solicitations webpage, select RFQ-22-401 to access all solicitation-related items and documents.

**Q3:** **The proposal requires architectural and engineering consultants. Does this mean that they have to be architects and engineers?**

A3: No, not every member of the proposed team must be an architect or engineer. However, the project team must be qualified to perform the tasks as described in the Scope of Work (SOW) located on pages 9 through 21 of the solicitation manual, which is available the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations).

The CEC encourages all eligible Firms to respond to this solicitation. Responses shall be in the form of a Statement of Qualifications (SOQ). The SOQ shall detail

the Firm’s qualifications to perform the tasks outlined in the SOW. Please see the “Project Team Relevant Experience and Qualifications” section, which is located on pages 25 and 26 of the solicitation manual for additional information.

The CEC must evaluate each SOQ uniformly and fairly. Format requirements and instructions on how to submit an SOQ are located on pages 22 through 26 of the solicitation manual. In addition, Section IV “Evaluation Process and Criteria” located on pages 27 through 35 of the solicitation manual details specifically how the CEC will screen, review, and score each SOQ received in response to this solicitation.

**Q4:** **Will this project expand on draft Appliance Energy Efficiency Standards that are already developed?**

A4: Yes. However, the team awarded the contract resulting from this solicitation must also be prepared to identify flexible demand opportunities (measures) for residential and commercial appliances, as well as to assist in evaluating measure proposals submitted to CEC staff by outside parties.

Work will focus on the development and implementation of Appliance Energy Efficiency Standards consistent with statutory direction to adopt, by regulation, and periodically update, standards for appliances to facilitate the deployment of flexible demand technologies.

The SOW for this solicitation is located on pages 9 through 21 of the solicitation manual, which is available the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations). It includes detailed information regarding the proposed primary tasks and deliverables for the agreement resulting from this solicitation.

**Q5: Firms are required to be registered and be in good standing with the California Secretary of State. Are all subcontractors listed on the proposal required to meet this requirement or does it apply to the selected Prime contractor only?**

A5: Before transacting intrastate business in California, all businesses must first register with the California Secretary of State. Businesses should comply with all applicable laws, ordinances, regulations, and standards and should consult with their own counsel if they have questions regarding Secretary of State registration requirements.

For purposes of application to this solicitation, please refer to pages 5 and 6 of the solicitation manual, which is available the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations). It indicates that 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, applicants 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). In addition, sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to the CEC prior to the resulting Agreement being recommended for approval at a CEC business meeting.

**Q6: Can Firms or subcontractors located outside of California apply for this solicitation?**

A6: While nothing in this solicitation prohibits Firms and their respective subcontractors outside of California from applying and performing work outside of California, each company should work with its own legal counsel to determine if it can legally enter into a contract for this work. Certain laws of California, the United States, or the foreign countries in which the company is located may prohibit a resulting contract. For example only, and by no means legal advice or an exhaustive list, potential applicants may want their own legal counsel to consider:

1. All companies must be registered with California Secretary of State, provide United States tax identification number, and comply with all other RFQ requirements. The selected Contractor will need to comply with California law and sign a contract similar to Attachment 6, Standard Agreement Example.
2. The California Taxpayer and Shareholder Protection Act of 2003, California Public Contract Code sections 10286 et seq.
3. California’s Darfur Contract Act of 2008, California Public Contract Code sections 10475 et seq.
4. California’s Iran Contracting Act of 2010, California Public Contract Code sections 2200 et seq.
5. United States federal export control laws, which prohibit contracts for certain activities with certain countries.
6. United States trade agreements

**Q7: What percentage of the total SOW does the CEC anticipate being dedicated to Task 2 – Flexible Demand Appliances Standards Measure Identification and Analysis?**

**A7: The Agreement that results from this solicitation shall be conducted as a “Work Authorization” (WA) agreement. The WAs will be assigned by expertise or project workload, as well as will define the maximum price, budget, and schedule for the work to be performed. While the CEC anticipates that approximately 50% of the total SOW will be dedicated to Task 2, the actual percentage will not be confirmed until the WAs for the agreement are finalized and executed.**

**Q8: What percentage of the total SOW does the CEC anticipate being dedicated to Task 3 – Energy and Climate Accounting Methodologies?**

**A8: The Agreement that results from this solicitation shall be conducted as a WA agreement. The WAs will be assigned by expertise or project workload, as well as will define the maximum price, budget, and schedule for the work to be performed. While the CEC anticipates that approximately 25% of the total SOW will be dedicated to Task 3, the actual percentage will not be confirmed until the WAs for the agreement are finalized and executed.**

**Q9: Is the anticipated SOW enough for the Prime contractor or its subcontractors to develop a full-time position for an engineer to become a specialist in Flexible Demand Appliance Standards?**

**A9: While the CEC intends to fully expend the funds over the three-year term, the contract awarded as a result of RFQ-22-401 will be a no-fee "retainer" contract. The selected Contractor will be held on retainer and will be assigned work via WAs, which will be assigned by expertise or project workload. The CEC makes no guarantee that any or all of the funds will be assigned in any given year.**

**Q10: Is there potential for this project to be extended past the initial three-year term?**

**A10: The agreement awarded as a result of RFQ-22-401 will be a three-year contract. If it is determined that additional technical support is needed for Flexible Demand Appliance Standards Advanced Research and Proposal Development, then the CEC may decide to release another competitive solicitation following the expiration of that contract.**

**Q11: What can be expected from the cost negotiation process?**

**A11: Detailed information regarding the cost negotiation process is located on page 29 of the solicitation manual, which is available the** [**CEC website**](https://www.energy.ca.gov/funding-opportunities/solicitations)**. In addition,** [**Title 20 of California Code of Regulations, Division 2, Chapter 7, Article 4, Section 2564 - Estimation of Value of Services**](https://regulations.justia.com/states/california/title-20/division-2/chapter-7/article-4/section-2564/) **states the following, “Before conducting discussions with any firm concerning fees, the Commission shall cause an estimate of the value of such services to be prepared. This estimate shall serve as a guide in evaluating fair and reasonable compensation during negotiations. At any time if the Commission determines its estimate to be unrealistic due to changing market costs, special conditions, or other relevant considerations, the estimate shall be reevaluated and modified as necessary. The Commission's estimate shall remain confidential until the award of contract or abandonment of any further procedure for the services to which it relates.”**

**Q12: Does the CEC have staff expertise in the fields of grid safety, security, stability, and economics with some availability to review the proposed appliance standards developed through the SOW tasks? If not, will there be a streamlined process to subcontract for outside expert advice?**

**A12: All contract deliverables will be reviewed and approved by CEC staff, and the CEC does employ staff with expertise in these areas. In the event that the CEC is unable to locate appropriate expertise among its staff, the CEC will secure appropriate expertise that is independent from and external to this contract.**

**Please note that the process for adding new subcontractors is detailed on pages 3 and 4 of Exhibit D (Special Terms and Conditions) located in Attachment 6 (Standard Agreement Example), which is available on the** [**CEC website**](https://www.energy.ca.gov/funding-opportunities/solicitations)**.**

**Additionally, any newly added subcontractors also need to be added to the applicable WA(s) via the amendment process detailed on page 4 of Exhibit E (Additional Provisions) located in Attachment 6 (Standard Agreement Example) for this solicitation, which is available on the** [**CEC website**](https://www.energy.ca.gov/funding-opportunities/solicitations)**.**