**INVITATION FOR BIDS**

**Hearing Reporter Services for CEC**

**Business Meetings, Hearings and Events**



IFB-23-142

**Addendum 1**

www.energy.ca.gov/contracts/

State of California

California Energy Commission

September 2023

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| 1 | Contractor Status Form |
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# I. Introduction

**NOTE ABOUT SIGNATURES**

The California Energy Commission (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: [CEC Solicitation Website](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.**

All attachments must be completed, as described in this solicitation and in the attachments themselves, and included with your application. If you are an awardee, the CEC will require wet or certified electronic signatures on applicable attachments within 30 days after posting of the Notice of Proposed Award.

Acceptable certified electronic signatures:

* Electronic signatures that lock the file from further editing after signing are required).
* Certified electronic signatures created using Adobe Acrobat or DocuSign, with the feature selected to lock the file after signing and saving, are acceptable.
* Certified electronic signature programs, other than Adobe Acrobat and DocuSign, must be approved by the CEC prior to use. Please work with your assigned Commission Agreement Manager to determine if the certified electronic signature program is acceptable.

## Purpose of IFB

The purpose of this IFB is to obtain hearing reporter services for Business Meetings, Siting Cases/Committee Meetings, Hearings, Workshops, and other Energy Commission Proceedings.

## Key Activities and Dates

Key activities including dates and times for this IFB are presented below. An addendum will be released if the dates change for the asterisked (\*) activities. Times shown are Pacific Standard Time or Pacific Daylight Time, whichever is being observed.

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| IFB Release | September 11, 2023 |
| Deadline to Submit Written Questions **by 5:00 pm**  | ~~[September 18, 2023]~~**October 3, 2023** |
| Distribute Questions/Answers and Addenda (if any) | ~~[Week of September 25th, 2023]~~**October 6, 2023** |
| **Deadline to Submit Bid by 11:59 p.m.\*** | ~~[October 6, 2023]~~**October 13, 2023** |
| Public Bid Opening **at 3:00 p.m.** | ~~[October 10, 2023]~~**October 17. 2023** |
| Notice of Proposed Award  | ~~[October 13, 2023]~~**October 20, 2023** |
| Contract Start Date | December 2023 |
| Contract Termination Date | November 2026 |

The public bid opening will be held virtually. Parties that would like to attend can do so using the link below:

[https://energy.zoom.us/j/82812000247?pwd=TW10YUJaS01xT3JYSnJGTkNqeXhPUT09](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fenergy.zoom.us%2Fj%2F82812000247%3Fpwd%3DTW10YUJaS01xT3JYSnJGTkNqeXhPUT09&data=05%7C01%7C%7C46341f441be645e8240108dbb2daeea9%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C638300425628675283%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=45anj0zkzG1AzwfMD83ql%2Fx2lFpihDVKG58JcLZtQgM%3D&reserved=0)

Public Bid Opening – IFB-23-142

Meeting ID: 828 1200 0247
Passcode: 673336

Or call in (audio only)

US: +1 669 219 2599 or +1 213 338 8477 or +1 720 928 9299 or +1 971 247 1195 or +1 206 337 9723 or +1 346 248 7799 or +1 602 753 0140 or +1 651 372 8299 or +1 786 635 1003 or +1 929 436 2866 or +1 646 518 9805

Passcode: 67336

Phone Conference ID: 828 1200 0247

## Available Funding

There is $180,000 available for the contract resulting from this IFB. This is a cost reimbursement contract and the award will be made to the responsible Bidder providing the lowest cost, after any applicable preference or incentive.

Available funding is contingent upon approval of the Energy Commission’s fiscal year (FY) 2023-2024, FY 2024-2025 and FY 2025-2026 Budgets. Funding shall be subject to the appropriation and availability for that purpose in the FY 2023-2024, FY 2024-2025 and FY 2025-2026 Governor’s Budgets. In the event sufficient funds are not available, the Energy Commission shall have no further liability with regard to the agreement.

The Energy Commission 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 Energy Commission contracts. In this event, the Contractor and Energy 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. Applicants must agree to use the attached standard terms and conditions (Attachment 7) in a resulting agreement with the Energy Commission. The Energy Commission will not award agreements to non-complying entities. The Energy Commission 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 an Energy Commission 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). For more information, contact the Secretary of State’s Office via its website at [www.sos.ca.gov](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 Energy Commission prior to their project being recommended for approval at an Energy Commission Business Meeting.

## Questions

During the IFB process, questions of clarification about this IFB must be directed to the Contracts Agreement Officer listed in the following section.

Potential Bidders shall carefully examine the qualifications and specifications of this IFB and may submit written questions via email. All questions must be received by the date indicated in the Key Activities and Dates section. Therefore, all communication should be directed in writing to the Commission’s Agreement Officer listed below.

Any verbal communication with an Energy Commission employee concerning this IFB is not binding on the State and shall in no way alter a specification, term, or condition of the IFB.

## 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 IFB

Responses to this solicitation shall be in the form of an Administrative Response and a Cost Bid using Attachment 6, according to the format described in this IFB. The Cost Bid shall detail the Bidder’s budget to perform the tasks outlined in the Scope of Work.

# 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 Energy Commission Agreement Manager (CAM).

**Exhibit A – Scope of Work**

**ENERGY COMMISSION BUSINESS MEETINGS, COMMISSION AND COMMITTEE HEARINGS, SITING CASES AND COMMITTEE HEARINGS, WORKSHOPS, MEETINGS, HEARINGS AND PROCEEDINGS**

This is a nonexclusive Agreement to obtain hearing reporter and transcription services for Energy Commission Business Meetings, Siting Case Hearings, Commission, Committee, and Staff Hearings, Workshops, Meetings, and other proceedings (Commission Events). The Energy Commission does not guarantee any minimum amount of work under this contract. However, last fiscal year there were dozens of Commission Events in which hearing reporter and transcription services were needed.

This is a service contract whose deliverables and due dates are outlined below. Commission events are on an as-needed basis and due dates are also as requested by the Commission Agreement Manager (CAM), i.e., expedited, or standard delivery. **It is expected that most Commission Events will require the Contractor to attend virtually (usually through Zoom). However, there may be circumstances in which the Commission requires the Contractor to attend Commission Events in-person. The CAM shall determine whether Contractor’s attendance at a particular Commission Event will be virtual or in-person.**

If the Contractor is required to attend a Commission Event in-person, Contractor’s travel expenses (lodging, mileage reimbursement, etc.) to and from the event shall be reimbursable in accordance with the Energy Commission’s reimbursement rates, which are subject to change: <https://www.energy.ca.gov/media/1655>

Contractor will not be reimbursed for its time (labor cost) for traveling.  All trips must be pre-approved by the CAM prior to the trip being taken. Most Commission Events are held at the Commission’s headquarters at 715 P Street, Sacramento 95814.

Commission Events may overlap in time (two or more events occurring at the same time) or location (two or more events occurring at different locations such that there is insufficient time for one person to travel between them).

1. **Contractor agrees to perform the following tasks and provisions for reporting services:**
2. Services shall include, but are not limited to, the development and production (recording and transcribing) of accurate verbatim transcripts submitted typographically free of error.
3. The time and place for reporter assignments shall be confirmed either by e-mail or telephone request from the CAM or designee. The request shall specify audio recording or stenographic form of reporting (Certified Shorthand Reporter (CSR), Transcription Services and Certified Electronic Reporter and Transcriber (CERT)) and required transcript turnaround time.
4. Contractor shall provide hearing reporters and all necessary equipment at the request of the CAM. Contractor shall ensure that there are at least three trained hearing reporters available to work Commission events at all times, two of which are not currently assigned to any other Commission event.
5. Contractor shall comply with all the standards contained in the California Rules of Court, Title 2, Division 7, Chapter 2, Rules 2.952 and 2.954 (electronic recording).
6. The Reporter shall be present and have the specified electronic verbal recording and/or stenographic equipment fully operational not less than one (1) hour prior to the scheduled beginning of a Commission event. Each assigned reporter shall be experienced and proficient in setting up and monitoring all equipment used under the terms of this Agreement.
7. If the Contractor is notified by telephone or email within a reasonable period of time before the commencement of a Commission event where the Contractor’s attendance in-person is required that the Commission event has been canceled, and the reporter has not as yet left for the Commission event, there shall be no charges under this contract. If for any reason a transcript order is cancelled before the transcript is delivered, the Contractor shall be paid for all work completed as of the time of cancellation.
8. The Reporter using the electronic audiotape form of reporting shall monitor recording of the proceedings at all times off-tape, and shall never monitor the proceedings off-source.
9. The Commission may, at its option, provide an audio recording made via its recording system or other means for the Contractor to use in the preparation of a transcript. In such cases the Contractor shall be compensated as provided in the Cost Bid (Attachment 6) except that no Appearance Fee shall be paid.
10. Unless otherwise indicated, all transcripts shall be delivered to the CAM via email for review. Once the CAM has reviewed the transcript, the CAM will return it to the contractor to make any necessary corrections, at the Contractor’s expense. The required turnaround time is satisfied when the transcript is first sent to the CAM via email provided that the corrected transcript is returned to the CAM within the original requested interval or five (days), whichever period is shorter.
11. Reporters shall be available during the hours of 8 a.m. to 7 p.m. Reporters are required to remain until the conclusion of the proceedings, even if they continue past 7 p.m.
12. **Reporters**
13. Due to the difficult technical, scientific, and lengthy content of Commission work assignments, and the demand for precise and verbatim transcripts, all reporters assigned to the proceedings shall have a minimum of two years of experience in recording and transcribing lengthy scientific and technical proceedings.
14. Reporters at each Commission event shall perform duties in a professional manner and shall be properly attired consistent with professional protocol and appearance expected in a court-like setting. Standards of professionalism and appearance shall be at the discretion of the CAM. The CAM may request the substitution of reporters not meeting the standards of professionalism and appearance.
15. Certified Shorthand Reporters (CSR) and Certified Electronic Reporter and Transcriber (CERT) Services are **not** mandatory for all Commission events, but may be required on occasion in addition to Transcription Services when necessary. However, each assigned reporter **shall be a Notary Public** and shall administer oaths. It shall be the Contractor’s responsibility to ensure that all reporters assigned to Commission events maintain notary certification throughout the term of the Agreement.
16. Prior to assigning reporters to provide services to the Energy Commission, the Contractor shall present a copy of each assigned reporter’s résumé to the CAM. Each résumé shall detail the number of years of recording and transcribing lengthy scientific and technical proceedings; a detailed listing of previous employers; and, professional references.
17. The CAM reserves the right to replace anyreporter who does not meet the minimum qualifications or requirements of this Agreement. Replacement of reporters shall be done at no additional cost to the Commission and with no reduction or interruption in service to support Commission event.
18. **Transcripts**

Transcripts are considered ordered by the Commission on the first day of the Commission events, unless otherwise indicated. If so ordered, the date for the delivery of the transcript shall be the date requested on the order. Unless otherwise ordered, transcripts for each Commission event shall be delivered within six (6) to ten (10) calendar days of that proceeding. The Contractor shall also be prepared to deliver expedited transcripts in one (1) to two (2) or three (3) to five (5) calendar days, if requested by the CAM. If a specific number of days is specified (e.g., six (6) days), the transcript shall be delivered within six days, not seven (7) to ten (10) days. Each transcript shall include a dated and signed Reporter’s Certificate as the last page, including the name of the transcriber.

When requested, a hard copy of transcripts, including **an original and** **one** **(1) copy**, shall be prepared according to the following specifications. Electronic copies, described below, shall be prepared so that, if printed to paper, they will satisfy the following specifications:

1. 8-1/2” x 11”, 20 lb. bond paper
2. Margins: 1.3” on the left and 1” on the right
3. Double-spaced, one-sided original
4. Pages numbered consecutively
5. Assembled as follows:
6. 1st page format to be provided by the CAM, including:
* Title of Proceeding
* Docket number
* Location
* Date and Time
* Contract Number
* California Energy Commission
* Contractor Name
* Reporter name
1. 2nd Page:
* Participant Names
* Titles and Affiliations
1. 3rd Page:
* Index of Agenda Items
1. 4th Page:
* List of Exhibits and Page #
1. 5th Page:
* 1st Page of Proceedings
1. **Electronic Copies**

For each Commission event, the Contractor shall provide computer readable electronic transcripts to the CAM as follows:

1. Contractor shall e-mail computer readable copies of the official transcript in both Word and .pdf formats.
2. The files shall be readable on a computer running Microsoft Windows.
3. The files shall contain upper/lower case text that is 100 percent equivalent (excluding the line numbers) to the official transcript.
4. Each file’s file name shall contain the proceeding name (or as much as will fit with the following information), event date, and time.

# III. Bid Format, Required Documents, and Delivery

## About This Section

This section contains the format requirements and instructions on how to submit a Bid in response to this IFB. The format is prescribed to assist the Bidder in meeting State bidding requirements. Bidders must follow all Bid format instructions, answer all questions, and supply all requested information.

## Required Format for a Bid

The documents in the Administrative Response (Volume 1, see below) and the Cost Bid (Volume 2, see below) constitute your Bid.

## Method for Delivery

The method of delivery for this solicitation is the Energy Commission Grant Solicitation System (GSS), 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. **Bids must be submitted in the GSS System no later than 11:59 p.m. on the Submission Deadline (see Key Activities and Dates table in Section I). The system will not allow applications to be submitted after the due date and time. There are no exceptions to this.**

The deadline to submit applications through the CEC’s GSS is **11:59 p.m**. The GSS system automatically closes at 11:59 p.m. If the full submittal process has not been completed before 11:59 p.m., your application will not be considered. NO EXCEPTIONS will be entertained.

The CEC strongly encourages Applicants to upload and submit all applications by 5:00 p.m. because CEC staff will not be available after 5:00 p.m. or on weekends to assist with the upload process. And please note that while we endeavor to assist all would be Applicants, we can’t guarantee staff will be available for in-person consultation on the due date, so please plan accordingly.

Please give yourself ample time to complete all steps of the submission process: do not wait until right before the deadline to begin the process. Due to factors outside the CEC’s control and unrelated to the GSS system, upload times may be much longer than expected. For example, some past Applicants experienced unexpected issues on their end, causing long delays that prevented timely submission. They spent significant time and resources on applications the CEC will not consider. Please plan accordingly. For instructions on how to apply using the GSS system, please see the How to Apply document available on the CEC website at: [https://www.energy.ca.gov/media/1654](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.energy.ca.gov%2Fmedia%2F1654&data=05%7C01%7C%7C40ade96a8bfb41ce317608db692a8d0d%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C638219403729080954%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=DDMulTd%2BXx92x4z1VmvjpBo11LI3KdJGP3shnV4nbmI%3D&reserved=0).

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 will be provided at the pre-application workshops and you may contact the Commission Agreement Officer identified in the Questions section of the solicitation for more assistance.

Due to Executive Orders and applicable policies related to COVID-19, hard copies will not be accepted for this solicitation.

## Organize Your Bid As Follows:

### VOLUME 1, Administrative Response

|  |  |
| --- | --- |
| Contractor Status Form | Attachment 1 |
| Darfur Contracting Act Form | Attachment 2 |
| Small Business Certification  | If applicable |
| DVBE Declarations Form Std 843 | Attachment 3 |
| Bidder Declaration Form GSPD-05-105 | Attachment 4 |
| Contractor Certification Clauses | Attachment 5 |
| CA Civil Rights Laws Certification | Attachment 8 |

###

### VOLUME 2, Cost Bid

Bidder must submit information on the attached Cost Bid Form (Attachment 6) and this will be deemed the equivalent of a formal Bid submission.

Detailed instructions for completing the form is included at the beginning of Attachment 6.

If awarded a contract, costs entered on the form will become a part of the final Agreement. The entire term of the Agreement and projected costs must be considered when preparing the Cost Bid. The Contractor shall only be reimbursed for their **actual** costs.

The award shall be made to the responsible Bidder with a responsive offer that is timely received, meeting the requirements outlined in Stage One and Stage Two described in Section IV below, with the lowest bid amount on Attachment 6, Cost Bid, after any applicable preferences or incentives.

**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 Bids will be evaluated. It describes the evaluation stages and opening of all Bids.

## Bid Evaluation

The Contract will be awarded to the Bidder who meets the minimum qualifications and has the lowest responsible Cost Bid after any applicable preference or incentive.

The Bids will be analyzed in three stages:

**Stage One**: Administrative and Completeness Screening

**Stage Two**: Minimum Qualifications

**Stage Three**: Cost Bid

### Stage One: Administrative and Completeness Screening Criteria

Each Bid will be screened for compliance with the Administrative Screening Criteria below. The Energy Commission will evaluate each Bid to determine its responsiveness to these requirements. Bids that fail or do not fully comply with any of the Administrative and Completeness Screening Criteria shall be disqualified and eliminated from further evaluation.

* Bid must be received by the exact time and date set for receipt of Bids pursuant to Public Contract Code, Section 10341.
* Bidder is not currently suspended for violating DVBE law and Bid does not include a subcontractor currently suspended for violating DVBE law. Military & Veterans Code Section 999.9(g)
* Bid must include a properly executed Contractor Certification Clauses.
* Bid must include a properly executed Darfur Contracting Act Form.
* It is lacking a properly executed California Civil Rights Law Certification.
* Bid must not contain false or intentionally misleading statements or references that do not support an attribute or condition contended by the Bidder.
* Bid must not be intended to erroneously and fallaciously mislead the State in its evaluation of the Bid and the attribute, condition, or capability is a requirement of this IFB.
* Bid must not have a conflict of interest as contained in Public Contract Code Sections 10410-10411
* Bid must not contain confidential information or contain any portion marked confidential.
* Bidder must agree to the terms and conditions as attached to the solicitation. Bidder must sign the Contractor Status Form indicating acceptance with the terms and conditions. Bidder must not state anywhere in the Bid that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

### Grounds to Reject a Bid

In addition to the Administrative Screening Criteria identified above, the Energy Commission reserves the right to reject a Bid if:

* The Bid is not prepared in the format described.
* The charges are computed incorrectly.
* The Cost Bid is not filled out completely.
* The firm or individual has submitted multiple Bids.
* The Bid does not literally comply or contains caveats that conflict with the IFB 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 Energy 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.

### Stage Two: Minimum Qualifications

By signing the Bidder Certification, on Attachment 1, Bidder will certify all of the qualifications below. Bids that do not fully meet all of the minimum qualifications shall be disqualified and eliminated from further evaluation.

* Contractor must be able to perform all of the activities in the Scope of Work.
* Hearing Reporters shall have a minimum of two year of experience in recording and transcribing lengthy scientific and technical proceedings.
* Hearing Reporters shall provide necessary equipment and be experienced and proficient in setting up and monitoring all equipment used under the terms of the ensuing contract.
* Hearing Reporters shall be Notary Publics.
* Contractor shall ensure that there are three (3) trained hearing reporters available to work Commission events at all times, two (2) of whom are not currently assigned to any other Commission events.
* Have a CSR and CERT available when the Energy Commission requires it.

### Stage Three: Cost Bid

Those Bids that are responsive to the criteria in Stage One will have their Cost Bid opened. All preferences/incentives will be applied.

The contract will be awarded to the responsible Bidder with a responsive offer that is timely received, meeting the requirements outlined in Stage One and Stage Two, who provides the lowest cost, after any applicable preference or incentive. In the case of a tie in the Cost Bid amount, award will be made via a coin toss.

## Notice of Proposed Award

Subsequent to the Bid evaluations, the Energy Commission will post a Notice of Proposed Award (NOPA) on the Energy Commission’s Web Site, and will email the NOPA to all parties that submitted a Bid.

# 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:

### Disabled Veteran Business Enterprise Participation Compliance Requirements

### Disabled Veteran Business Enterprise Incentive

### Small Business / Microbusiness / Non-Small Business Preference

## Disabled Veteran Business Enterprise (DVBE)

## Participation Compliance Requirements

There is no DVBE Participation Compliance Requirement for this IFB. The Energy Commission has waived this IFB from DVBE participation. Bidders are not required to include DVBEs as part of the contract team. However, if Bidder does include DVBE participation in its Bid, the DVBE Incentive will be applied.

## 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 depending on the percentage of DVBE participation.

The Incentive is applied by adding the incentive to the Proposal/Bid for Bidders that include **more than 0.00% DVBE participation**. In other words, if a Bidder includes 0.01% DVBE participation or greater, it will receive the DVBE incentive.

**How Incentive Amount is Calculated:**

The incentive reduces the bid price by the amount of the incentive as computed from the lowest responsive and responsible bid price. The computation is for evaluation purposes only. Application of the incentive shall not displace an award to a small business with a non-small business.

|  |  |
| --- | --- |
| DVBEParticipation Level | DVBE Incentive% Price Preference |
| 0.01% - 0.99% | 1% |
| 1.00% - 1.99% | 2% |
| 2.00% - 2.99% | 3% |
| 3.00% - 3.99% | 4% |
| 4.00% or over | 5% |

***Required Forms***:

* Contractor Status Form (Attachment 1).

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

* 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

**Small Business / Microbusiness**

### *Preference*

Bidders who qualify as a State of California certified small/microbusiness will receive a cost preference of five percent (5%) of the lowest cost or price offered by the lowest responsible Bidder who is not a certified small/microbusiness, by deducting this five percent from the small/microbusiness Bidder’s cost, for the purpose of comparing costs for all Bidders.

***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%2C%2Cid%3D96099%2C00.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 shall be five percent (5%) of the lowest, responsive, responsible Bidder’s price. 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.

# VI. Administration

## IFB Defined

The competitive method used for this procurement of services is an Invitation for Bids (IFB). A Bid submitted in response to this IFB will be opened and read publicly. The Energy Commission will contract with the Bidder who provides the lowest responsible Bid, after any applicable preference or incentive, and satisfies the minimum requirements.

## Definition of Key Words

Important definitions for this IFB are presented below:

|  |  |
| --- | --- |
| **Word/Term** | **Definition** |
| State | State of California |
| DGS | Department of General Services |
| Energy Commission | California Energy Commission |
| IFB | Invitation for Bid, this entire document |
| Bid | The Administrative Response and Cost Bid together |
| Bidder | Respondent to this IFB |
| CAM | Energy Commission Agreement Manager |
| DVBE | Disabled Veteran Business Enterprise |

## Cost of Developing Bid

The Bidder is responsible for the cost of developing a Bid, 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 4.6 or above
* Microsoft ASP.NET MVC 5.0 or above
* Microsoft ASP.Net Core 6.0 or above
* Microsoft Entity Framework 6.0 or above
* Microsoft Internet Information Services IIS 10.0 or above
* Microsoft SQL Server 2016 or above
* Microsoft SQL Reporting Services 2016 or above
* Visual Studio.NET 2019 or above
* Python, C# Programming Language with layered architectures (Presentation, Business logic, Data Access).
* MSSQL (Structured Query Language).
* Bootstrap 5.0 or above
* XML and JSON.
* Telerik, Redgate, and Postman
* AWS, Snowflake and Salesforce

Any exceptions to the Electronic File Format requirements above must be approved in writing by the Energy Commission 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 Bids.

## Confidential Information

The Energy Commission will not accept or retain any Bids that contain confidential information or 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)

## 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 8.

## 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.

## IFB Cancellation and Amendments

If it is in the State’s best interest, the Energy Commission reserves the right to do any of the following:

* Cancel this IFB;
* Amend this IFB as needed; or
* Reject any or all Bids received in response to this IFB

If the IFB is amended, the Energy Commission will post it on the Energy Commission’s Web Site [www.energy.ca.gov/contracts](http://www.energy.ca.gov/contracts) and Department of General Services’ Web Site <https://caleprocure.ca.gov/pages/LPASearch/lpa-search.aspx>.

## Errors

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the IFB, the Bidder shall immediately notify the Energy 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 received the IFB, without divulging the source of the request for clarification. The Energy Commission shall not be responsible for failure to correct errors.

## Modifying or Withdrawal of Bid

A Bidder may, by email to the Contact Person at the Energy Commission, withdraw or modify a submitted Bid before the deadline to submit Bids. Bids cannot be changed after that date and time, but a Bid may still be withdrawn. A Bid cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the IFB: “This cost estimate is valid for 60 days.”

## Immaterial Defect

The Energy Commission may waive any immaterial defect or deviation contained in a Bid. The Energy Commission’s waiver shall in no way modify the Bid or excuse the successful Bidder from full compliance.

## Disposition of Bidder’s Documents

### On the submission date, all Bids and related material submitted in response to this IFB become the property of the State. After the Notice of Proposed Award is posted, all Bids and related materials become public records. In addition, all evaluation sheets become public records after the Notice of Proposed Award is posted.

## Bidders’ Admonishment

This IFB contains the instructions governing the requirements for a firm quotation to be submitted by interested Bidders, the format in which the information is to be submitted, the material to be included, the requirements that must be met to be eligible for consideration, and Bidder responsibilities. Bidders must take the responsibility to carefully read the entire IFB, 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 IFB are followed and appropriately addressed, and carefully reread the entire IFB before submitting a Bid.

## 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 Energy Commission cancels the IFB, 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 and the Energy Commission Contracts Office.
* Within five **calendar** days after filing the protest, the protesting Bidder must file with the DGS and the Energy 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 Energy Commission for the DGS hearing officer consideration.

## Agreement Requirements

The content of this IFB shall be incorporated by reference into the final contract. See the Agreement terms and conditions included in this IFB.

### No Contract Until Signed & Approved

No agreement between the Energy Commission and the successful Bidder is in effect until the contract is signed by the Contractor, and approved by the Department of General Services, if required.

### Contract Amendment

The contract executed as a result of this IFB will be able to be amended by mutual consent of the Energy 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.