**Request for Qualifications**

**Delegate Chief Building Official Services Siting, Transmission and Environmental Protection (STEP) Division**

**Construction to Recommission the Fire Protection Systems at the Geysers Geothermal Power Plants Quicksilver (Unit 16), Lakeview (Unit 17), Socrates (Unit 18), Calistoga (Unit 19), Grant (Unit 20), and Sonoma (Unit 03)**

**Compliance Office**

CEC logo


**RFQ-18-704**

www.energy.ca.gov/contracts/

State of California

California Energy Commission

**May 2019**

TABLE OF CONTENTS

[I. INTRODUCTION 5](#_Toc6476899)

[Background Summary 5](#_Toc6476900)

[Purpose Of This RFQ 8](#_Toc6476901)

[Key Activities And Dates 8](#_Toc6476902)

[Contract amount 9](#_Toc6476903)

[Firm Eligibility 9](#_Toc6476904)

[Pre-Bid Conference 9](#_Toc6476905)

[Participation By Webex 9](#_Toc6476906)

[Responses To This Rfq 11](#_Toc6476907)

[Project Specific DCBO Reference Documents 11](#_Toc6476908)

[II. SCOPE OF WORK 13](#_Toc6476909)

[DCBO Work Requirements 13](#_Toc6476910)

[DCBO Tasks And Work Performance 14](#_Toc6476911)

[Task 1 – Project Team Management (DCBO Infrastructure) and Quality Control 14](#_Toc6476912)

[Task 2 – Project Coordination and Communication Protocols 16](#_Toc6476913)

[Task 3 – Pre-Construction Compliance Assistance 18](#_Toc6476914)

[Task 4 – Construction Plan Review 19](#_Toc6476915)

[Task 5 – Construction Compliance and Field Inspections 20](#_Toc6476916)

[Task 6 – Non-Compliance and Incident Reporting and Resolution 21](#_Toc6476917)

[Task 7 – “As-Built” Document Package and Archiving 21](#_Toc6476918)

[III. SOQ FORMAT, REQUIRED DOCUMENTS AND DELIVERY 23](#_Toc6476919)

[About This Section 23](#_Toc6476920)

[Pricing/Rates Information 23](#_Toc6476921)

[Required Format For An SOQ 23](#_Toc6476922)

[Number Of Copies 23](#_Toc6476923)

[Packaging And Labeling 23](#_Toc6476924)

[Preferred Method For Delivery 24](#_Toc6476925)

[SOQ Organization 24](#_Toc6476926)

[Section 1: Administrative Response 24](#_Toc6476927)

[Section 2: Minimum Requirements 24](#_Toc6476928)

[Section 3: Technical Response 24](#_Toc6476929)

[IV. EVALUATION Criteria and SelEction Process 36](#_Toc6476930)

[Selection Process Steps 36](#_Toc6476931)

[Administrative And Completeness Screening Criteria (Mandatory) 36](#_Toc6476932)

[Grounds To Reject A SOQ 37](#_Toc6476933)

[Evaluation Criteria and Scoring Process 37](#_Toc6476934)

[Evaluation Criteria Worksheet and Scoring Scale 37](#_Toc6476935)

[Scoring Scale 38](#_Toc6476936)

[SOQ Evaluation Scoring Worksheet 38](#_Toc6476937)

[Ranking an SOQ 40](#_Toc6476938)

[Firm Selection and Noticing Process 40](#_Toc6476939)

[Notice Of Firms Selected For Discussions 40](#_Toc6476940)

[Discussions 41](#_Toc6476941)

[Notice of Selection 41](#_Toc6476942)

[Negotiations 41](#_Toc6476943)

[Notice of Proposed Award 42](#_Toc6476944)

[V. Business Participation Programs 43](#_Toc6476945)

[No DVBE Participation Compliance or Business Participation Programs Requirement 43](#_Toc6476946)

[VI. ADMINISTRATION 44](#_Toc6476947)

[RFQ Defined 44](#_Toc6476948)

[Definition of Key Words 44](#_Toc6476949)

[SOQ Production Requirements 45](#_Toc6476950)

[SOQ Development Costs 45](#_Toc6476951)

[Printing Services 45](#_Toc6476952)

[Confidential Information 45](#_Toc6476953)

[Darfur Contracting Act of 2008 45](#_Toc6476954)

[Iran Contracting Act of 2010 46](#_Toc6476955)

[California Civil Rights Laws 46](#_Toc6476956)

[RFQ Cancellation and Amendments 46](#_Toc6476957)

[Errors 46](#_Toc6476958)

[Modifying or Withdrawal of SOQ 47](#_Toc6476959)

[Immaterial Defect 47](#_Toc6476960)

[Firm Documentation and Responsibilities 47](#_Toc6476961)

[Disposition of Firm’s Documents 47](#_Toc6476962)

[Firms’ Admonishment 47](#_Toc6476963)

[Agreement Requirements 47](#_Toc6476964)

[No Contract Until Signed & Approved 47](#_Toc6476965)

[Contract Amendment 47](#_Toc6476966)

[Conflict of Interest 48](#_Toc6476967)

**VII. ATTACHMENTS:**

|  |  |
| --- | --- |
| Contractor Status Form | Attachment 1 |
| Darfur Contracting Act Form | Attachment 2 |
| DVBE Declarations Form STD. 843 (if applicable) | Attachment 3 |
| DVBE Bidder Declaration Form GSPD-05-105 (if applicable) | Attachment 4 |
| Contractor Certification Clauses | Attachment 5 |
| Standard Agreement Example | Attachment 6 |
| Client References | Attachment 7 |
| Certification Regarding Conflicts of Interest | Attachment 8 |
| Conflict of Interest Provisions | Attachment 8a |
| Iran Contracting Act Form | Attachment 9 |
| Third Party Beneficiaries Form | Attachment 10 |
| Project Team Qualifications | Attachment 11 |
| DCBO Best Management Practices Guide | Attachment 12 |
| California Civil Rights Laws Certification | Attachment 13 |

# I. INTRODUCTION

## Background Summary

The Warren-Alquist Act (Public Resources Code sections 25000 et. seq.) grants the California Energy Commission (Energy Commission) exclusive jurisdiction to regulate the construction, operation, modification and closure of thermal power plants 50 megawatts or greater. To begin the construction or modification process the Project Owner submits to the Energy Commission either an Application for Certification (AFC) or a Petition to Amend (PTA). The Energy Commission’s approval process culminates with the issuance of a Final Decision (Decision). The Decision utilizes new or amended conditions of certification to ensure that the power plant will be constructed or modified in accordance with all Energy Commission requirements and all applicable laws, ordinances, regulations and standards (LORS). To aid with the construction or amendment process, the Energy Commission’s Siting, Transmission, and Environmental Protection (STEP) Division assigns a Compliance Project Manager (CPM) to assist Energy Commission staff with monitoring all conditions of certification and LORS compliance, including the California Building Standards Code (CBSC).

The CBSC is comprised of many code sections applicable to power plant construction or modification including the California Building Code (CBC). The CBC authorizes and directs a Chief Building Official (CBO) to enforce all CBSC provisions (CBC § 104.1). The Energy Commission functions as the CBO for all jurisdictional power plants, and per the code the CBO can designate a Delegate CBO (DCBO) to aid with CBO responsibilities. The DCBOs carry out the design review and construction inspections on behalf of the Energy Commission. The DCBO performs this responsibility through 1) engineering plan and technical specification review, analysis and calculation; and 2) DCBO staff or a certified third party for field inspections for code and LORS compliance, and testing procedures, including a Condition-required independent Safety Monitor. The DCBO also works with Energy Commission staff to enforce local building codes, the Facility Design, Geology and Transmission System Engineering conditions of certification, the Storm Water Pollution Prevention Plan (SWPPP), Erosion Control Plan and the Drainage, Erosion, and Sediment Control Plan (DESCP), as well as other applicable project LORS to ensure public health and life/safety.

A power plant’s conditions of certification define the various design and construction compliance tasks imposed on a Project Owner by the Energy Commission. These tasks may involve the performance of work not typically required by other jurisdictional agencies for other construction projects. The conditions of certification are the compliance road map followed by a power plant project team; it defines how a project is to proceed to completion and subsequently to begin or resume operation. conditions of certification vary from project to project, and the DCBO must understand this fact and become familiar with the site specific conditions of certification applicable to each project. Although the DCBO’s oversight is instrumental for Condition and LORS compliance, the Energy Commission always retains final authority to ensure the project is built accordingly, and the DCBO has no authority to alter or substitute any conditions of certification.

It is the DCBO’s responsibility to ensure design document compliance is achieved by a thorough review of: engineered plans; project specifications; and the design document calculations provided by California-licensed plan review engineers. The DCBO’s lead plan reviewers must have verifiable knowledge and experience reviewing high voltage power generating facility and/or complex industrial\* facility construction documents in California.

Lastly, the Owner’s Resident Engineer (RE) shall monitor the development, progress and quality of submittal for documentation produced by the Engineers of Record, to include those from engineering companies, suppliers/fabricators and construction companies. The RE shall communicate closely with the DCBO when setting priorities for DCBO document review service and DCBO acceptance of test procedures/protocols for construction purposes. The DCBO shall coordinate with the RE to help minimize project delays.

The DCBOs are also delegated the authority to conduct project site field inspections. In this capacity, the DCBOs will inspect, write corrections if applicable, and eventually approve and document all CBSC required inspections. This is achieved by providing high quality, certified lead building inspectors that have verifiable experience performing complex industrial[[1]](#footnote-2) facility inspections in California.

A project’s conditions of certification will also require that qualified special inspectors be assigned to oversee work that requires special inspections by the applicable LORS. The DCBO reviews and approves the project’s special inspection program. This review will ensure that the CBSC’s special inspection requirements are met. The DCBO will review and approve any potential special inspector proposed, and will oversee the special inspection program for the life of the resulting contract to ensure all requirements are met.

In addition, the conditions of certification require that the Project Owner make payments to the DCBO for the services of a Safety Monitor. The Safety Monitor will be selected by, and report directly to, the DCBO and will be responsible for verifying that the Construction Safety Supervisor, as required by other conditions of certification, is implementing all Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, and Energy Commission-required safety requirements. The DCBO must provide a Safety Monitor certified from a recognized state, national or international organization as a Safety Professional. The Safety Monitor will be in addition to normal on-site inspection personnel.

Energy Commission staff recognize that power plant construction or modification can be complex, due in part to the fast-track, design-build nature of such projects, and the potential for worksite hazards. This complexity also requires the DCBOs to use their independent judgment to ensure compliance with a vast array of conditions of certification and LORS. Thus, adequately qualified DCBO Firms require a team of uniquely experienced, licensed and certified professionals with highly technical qualifications specific to high voltage electricity infrastructure. The term “Firm”, “Contractor” or “DCBO” used in this Request for Qualification (RFQ) all refer to the company or entity submitting a Statement of Qualifications (SOQ).

The Applications for Certification for each of the six geothermal power plants were filed during the late 1970’s and early 1980’s. The Final Decisions were certified as follows:

Quicksilver, Unit 16; September 30, 1981

Lakeview, Unit 17; September 20, 1979

Socrates, Unit 18; May 7, 1980

Calistoga, Unit 19; February 1, 1982

Grant, Unit 20; February 9, 1983

Sonoma, Unit 03; March 25, 1981

The unified contact address for all Geysers geothermal plants is 10350 Socrates Mine Road, Middletown, California. The generating facilities are located on a ridgeline in the mountainous area straddling the Sonoma and Lake County lines, approximately 15 miles north west of Middletown, and ten miles west of Clearlake. The estimated start of construction would coincide with the conclusion of the recommissioning process, which could approximate the fourth quarter of 2019.

Additional information regarding the specific power generation equipment and linear facilities required for the Geysers geothermal power plantscan be found at each of the six plants’ individual web sites:

[Quicksilver, 79-AFC-05C](https://www.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd208dsasjd5598fhajkhs)

https://www.energy.ca.gov/sitingcases/pre1999\_page/index.php?xkm=ajdkha2385duhkasd208dsasjd5598fhajkhs

[Lakeview, 79-AFC-01C](https://www.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd213dsasjd5598fhajkhs)

https://www.energy.ca.gov/sitingcases/pre1999\_page/index.php?xkm=ajdkha2385duhkasd213dsasjd5598fhajkhs

[Socrates, 79-AFC-03C](https://www.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd211dsasjd5598fhajkhs)

https://www.energy.ca.gov/sitingcases/pre1999\_page/index.php?xkm=ajdkha2385duhkasd211dsasjd5598fhajkhs

[Calistoga, 81-AFC-01C](https://www.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd201dsasjd5598fhajkhs)

https://www.energy.ca.gov/sitingcases/pre1999\_page/index.php?xkm=ajdkha2385duhkasd201dsasjd5598fhajkhs

[Grant, 82-AFC-01C](https://www.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd197dsasjd5598fhajkhs)

https://www.energy.ca.gov/sitingcases/pre1999\_page/index.php?xkm=ajdkha2385duhkasd197dsasjd5598fhajkhs

[Sonoma, 80-AFC-01C](https://www.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd204dsasjd5598fhajkh)

https://www.energy.ca.gov/sitingcases/pre1999\_page/index.php?xkm=ajdkha2385duhkasd204dsasjd5598fhajkhs

## Purpose Of This RFQ

The purpose of this RFQ is to initiate a competitive bid process to select a highly qualified DCBO for the Geysers Recommissioning repairs/upgrades. With the DCBO’s assistance, the Compliance Office can ensure that the Geysers Recommissioning is completed on schedule and in accordance with all conditions of certification, fire code requirements and other applicable LORS.

In consideration of both energy infrastructure resilience and the potential for reducing wildlands fires, Energy Commission staff and Calpine or GPC personnel are recommissioning each plant. Recommissioning is the process of assessing the individual plants’ current fire protection needs, and then recommending and implementing modifications and repairs to meet the updated basis of design (BOD), to satisfy fire code requirements and LORS.

The Energy Commission is seeking one team of technical specialists led by a Contractor. A single Firm, and not a group of representatives from different companies, must submit an SOQ as the prime Contractor. The prime Contractor will be responsible for all contract administrative duties, analysis, project management, report preparation, quality assurance, graphics support services, direction of team members in all contract provisions, and participation in technical work assignments. The Contractor and the resulting team can be from the same pre-existing organization, such as a full service consultant Firm, or the team can be from separate organizations (or self-employed) and form a partnership that can successfully work together for purposes of this RFQ.

## Key Activities And Dates

For the definition of key words, please see Section VI, Administration.

Key activities including dates and times for this RFQ are presented below. An addendum will be released if the dates change for the asterisked (\*) activities.

| **Activities** | **Action Date** |
| --- | --- |
| RFQ Release | May 17, 2019 |
| Pre-Bid Conference\* | May 29, 2019 |
| Written Question Submittal Deadline by 5:00 p.m. PST | May 29, 2019 |
| Distribute Questions / Answers and Addenda (if any) | June 3, 2019 |
| **Deadline to submit SOQ by 5:00 p.m.\* PST** | June 17, 2019 |
| SOQ Discussions with Firms | Week of June 24, 2019 |
| Notice of Selection | July 10, 2019 |
| Cost Negotiations | Week of July 15, 2019 |
| Notice of Proposed Award | July 29 2019 |
| Energy Commission Business Meeting | August 14, 2019 |
| Contract Start Date | August 15, 2019 |
| Contract End Date | August 15, 2022 |

## Contract amount

The contract amount between the Energy Commission and the selected DCBO Firm will be zero dollars. The DCBO Firm will be reimbursed through a separate agreement with the Project Owner. The Energy Commission will be an expressly named third-party beneficiary to the agreement between the DCBO Firm and the Project Owner.

## Firm Eligibility

This solicitation is restricted to public and private entities that can meet the requirements of this solicitation and agree to the attached terms and conditions that will be included in the resulting agreement. The Energy Commission reserves the right to modify the terms and conditions prior to executing the Agreement.

All corporations, limited liability companies (LLCs) and limited partnerships (LPs) are required to register and be in good standing with the California Secretary of State to enter into an agreement with the Energy Commission. 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/)

## 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) 654-4381 or refer to the [Energy Commission's website](http://www.energy.ca.gov/contracts/consultant_reports/) at www.energy.ca.gov/contracts to confirm the date and time.

May 29, 2019

1:30 p.m.

California Energy Commission

Rosenfeld Hearing Room

1516 9th Street

Sacramento, CA 95814

Telephone: (916) 653-2405

### Participation By Webex

To participate in the meeting using the WebEx onscreen and audio functions, please go to the following URL in your web browser on the date and time of the meeting:

#### To join the meeting on-line (now for mobile devices)

1. Go to https://energy.webex.com/
2. Enter the unique meeting number: **920 486 622**
3. When prompted, enter your information and the following meeting password: **NO PASSWORD REQUIRED**

#### To join the audio conference only (no computer access)

1. **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above.
2. International callers can select their number from [WebEx](https://energy.webex.com/energy/globalcallin.php?serviceType=MC&ED=536115607&tollFree=1) (https://energy.webex.com/energy/globalcallin.php?serviceType=MC&ED=536115607&tollFree=1)
3. Toll-Free dialing [restrictions](https://www.webex.com/pdf/tollfree_restrictions.pdf): https://www.webex.com/pdf/tollfree\_restrictions.pdf

#### TECHNICAL SUPPORT

\* Go to WebEx [technical support](https://energy.webex.com/energy/mc) at https://energy.webex.com/energy/mc and in the left navigation column look under the "Support" heading.

\* To check your computer's compatibility, please see [system requirements](https://support.webex.com/MyAccountWeb/systemRequirement.do?root=Tools&parent=System) at https://support.webex.com/MyAccountWeb/systemRequirement.do?root=Tools&parent=System and refer to the WBS 28 section.

\* To check whether you have the appropriate players installed for UCF (Universal Communications Format) rich media files, visit [system diagnosis](https://energy.webex.com/energy/systemdiagnosis.php) at https://energy.webex.com/energy/systemdiagnosis.php.

[Add this meeting](https://energy.webex.com/energy/j.php?MTID=m40560cec376a37291f3f350c23729d65) to your calendar program (for example Microsoft Outlook):

https://energy.webex.com/energy/j.php?MTID=m40560cec376a37291f3f350c23729d65

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#### CALENDAR

To [add this meeting](https://energy.webex.com/energy/j.php?MTID=m40560cec376a37291f3f350c23729d65) to your Microsoft Outlook or compatible calendar program, visit the WebEx meeting site or copy the link and paste it into your Web browser:

https://energy.webex.com/energy/j.php?MTID=m40560cec376a37291f3f350c23729d65

#### Please be aware that the workshop's WebEx audio and onscreen activity will be recorded.

Questions

During the RFQ process, questions of clarification about this RFQ must be directed to the Commission Agreement Officer (CAO) listed in the following section. Potential Firms shall carefully examine the qualifications and specifications of this RFQ. You may submit written questions via mail, electronic mail, and by FAX. All questions must be received by 5:00 pm on the date indicated in the Key Activities and Dates section.

The questions and answers will be posted on the [Energy Commission’s website](http://www.energy.ca.gov/contracts/index.html): http://www.energy.ca.gov/contracts/index.html.

Any verbal communication with an Energy Commission employee concerning this RFQ is not binding on the State and shall in no way alter a specification, term, or condition of the RFQ. Therefore, all communication should be directed in writing to the CAO listed below.

Contact Information

Brad Worster

Commission Agreement Officer

California Energy Commission

1516 Ninth Street, MS-18

Sacramento, California 95814

E-mail: [Brad.Worster@energy.ca.gov](mailto:Brad.Worster@energy.ca.gov)

## Responses To This Rfq

Responses to this solicitation shall be in the form of a Statement of Qualifications (SOQ) according to the format described in this RFQ. The SOQ shall detail the Firm’s qualifications to perform the tasks outlined in the Scope of Work.

## Project Specific DCBO Reference Documents

Firms responding to this RFQ must familiarize themselves with the BSPP and the DCBO Best Management Practices Guide (“Guide”), which is included as **Attachment** **12 (Exhibit H)** of this RFQ package. The Guide provides the Energy Commission’s expectations in the performance of the resulting contract and will become part of the final contract. The Guide is solely applicable to the contract between the Energy Commission and the selected Firm. Please see **Attachment 12 (Exhibit H)** of the RFQ packet.

The following documents are posted with the RFQ and should be reviewed prior to responding to this RFQ. The Basis of Design for each facility will be posted with the RFQ once they are available:

Quicksilver, 79-AFC-05C

Unit 16 Final Commission Decision

Unit 16 Compliance Plan

Unit 16 Basis of Design

Lakeview, 79-AFC-01C

Unit 17 Final Commission Decision

Unit 17 Compliance Plan

Unit 17 Basis of Design

Socrates, 79-AFC-03C

Unit 18 Final Commission Decision

Unit 18 Compliance Plan

Unit 18 Commission Compliance Plan

Unit 18 Basis of Design

Calistoga, 81-AFC-01C

Unit 19, Final Commission Decision

Unit 19 Compliance Plan

Unit 19 Basis of Design

Grant, 82-AFC-01C

Unit 20 Final Commission Decision

Unit 20 Compliance Plan

Unit 20 Basis of Design

Sonoma, 80-AFC-01C

Unit 03 Final Commission Decision

Unit 03 Compliance Plan

Unit 03 Basis of Design

Additionally, the DCBO Firm should be familiar with the following publications available on-line and at the Energy Commission Library:

[Warren‐Alquist State Energy Resources Conservation and Development Act](https://www.energy.ca.gov/reports/Warren-Alquist_Act/), Public Resources Code Section 25000 et seq.:

https://www.energy.ca.gov/reports/Warren-Alquist\_Act/

[Rules of Practice and Procedure Power Plant Site Certification Regulations](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I6BD74060D44E11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=%28sc.Default%29), California Energy Commission, Publication No. 800-00-006, August 2000 California Code of Regulations, Title 20, Public Utilities and Energy, Division 2, State Energy Resources Conservation and Development Commission: https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I6BD74060D44E11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=%28sc.Default%29

Energy Facility Licensing Process - [Developers Guide of Practices & Procedures](http://www.energy.ca.gov/siting/documents/2000-12-07_700-00-007.PDF), California Energy Commission, Publication No. 700-00-007, November 2000: http://www.energy.ca.gov/siting/documents/2000-12-07\_700-00-007.PDF (Developer’s Guide)

Delegate Chief Building Official [Best Management Practices Guide](https://www.energy.ca.gov/contracts/RFQ-18-703/Attachment-12_DCBO_BMP_Guide.docx). See **Attachment 12 (Exhibit H)** of this RFQ:

https://www.energy.ca.gov/contracts/RFQ-18-703/Attachment-12\_DCBO\_BMP\_Guide.docx

# II. SCOPE OF WORK

About This Section

In this section, the Energy Commission describes the tasks the DCBO Firm will be asked to perform under the direction of the Energy Commission’s CPM. This section also describes the work assignment process and deliverables.

## DCBO Work Requirements

The Energy Commission utilizes the California Code of Regulations, Title 24, Parts 1 through 12, herein referred to as the California Building Standards Code (CBSC) for jurisdictional power plants. The design and construction of all civil, structural, mechanical (except process piping), electrical, and fire prevention facilities must comply with the CBSC, so these codes apply to all power plant construction, modification or closure. Energy Commission DCBOs are required to have familiarity with and experience applying them. The CBSC includes the following code parts relevant to power generation facilities and their commonly referenced names:

* Part 1 - California Building Standards Administrative Code
* Part 2 - California Building Code (Volumes 1 and 2)
* Part 3 - California Electrical Code
* Part 4 - California Mechanical Code
* Part 5 - California Plumbing Code
* Part 6 - California Energy Code
* Part 7 - no longer in use
* Part 8 - California Historical Building Code
* Part 9 - California Fire Code
* Part 10 - California Existing Building Code (formally - California Code for Building

Conservation)

* Part 11 - California Green Building Code
* Part 12 - California Reference Standards Code

A properly designed, constructed or modified power plant will meet or exceed all applicable LORS. Some of the applicable LORS include, but are not limited to, the list below. Energy Commission DCBOs must have complete familiarity with all applicable LORS.

* American National Standards Institute (ANSI)
* American Petroleum Institute (API)
* American Society of Civil Engineers (ASCE)
* American Society of Mechanical Engineers (ASME)
* American Society for Testing and Materials (ASTM)
* Institute of Electrical and Electronics Engineers (IEEE)
* National Fire Protection Association (NFPA)
* Underwriters Laboratories (UL)
* American Welding Society (AWS)
* National Electrical Code (NEC)
* National Electrical Safety Code

Additional LORS of note include, but are not limited to, the California Professional Engineers Act (Business and Professions Code sections 6700-6799), California Professional Land Surveyors’ Act (Business and Professions Code sections 8700-8805) and California contractor’s license laws.

## DCBO Tasks And Work Performance

This section contains a generalized version of the roles, responsibilities, and varied tasks expected of a DCBO Firm. Please note that although the DCBO functions as the Energy Commission's delegate, the Energy Commission has the final authority and responsibility to ensure that each power generating facility certified is built or modified in accordance with the Energy Commission’s Decision and the applicable LORS.

As an Energy Commission delegate, the DCBO must abide by any interpretation of the CBSC and any other applicable LORS, made by the Energy Commission. In addition, all DCBO team members must be approved by Energy Commission staff, including additions or replacement team members.

The DCBO will perform contract administration functions, complete a series of specific plan review, site-inspection, and construction-monitoring and reporting tasks, and provide technical/interpretive support services when necessary. Required DCBO tasks include Tasks 1‑7, below.

### Task 1 – Project Team Management (DCBO Infrastructure) and Quality Control

The DCBO shall:

* Understand and become familiar with the Project’s conditions of certification.
* Attend and participate in Energy Commission team meetings as requested by the CPM.
* Work with the CPM to ensure all pre-construction submittals, if applicable, are complete before issuance of a Notice to Proceed.
* Use a password-protected, project-specific website for the posting of the PCR reports and other project documents. The documents on the website must be posted in an MS Word- or Excel-compatible format, and applicable submittals must be converted to .pdf files for the Periodic Compliance Reports (PCRs).
* Provide document security and backup methods to the CPM for review and approval to ensure that the electronic submittal process is secure and data can be re-established if it is lost or damaged.
* If requested by the CPM, develop and provide an initial hard copy, and an easily referenced and updateable on-line copy, of the “Project-Specific DCBO Project Guide”. The DCBO must update the Guide to include new or updated information that assists with the Energy Commission’s compliance requirements. The project-specific DCBO Project Guide shall include the following:
  + Table of Contents, pagination, an acronym list, and a list of references;
  + Organizational Chart with photo identification and contact information for all staff and contractors responsible for code and regulatory compliance, including specializations and current trainings/certifications and project-specific team assignments;
  + DCBO work flow chart (including a timeline provided by the Project Owner);
  + A color-coded CBO/DCBO Conditions verification spreadsheet (provided by project owner) with submittal deadlines for preconstruction, construction, and commissioning stages;
  + Detailed list of CBO/DCBO pre-construction documentation submittal requirements (provided by project owner) including schedules, master lists, site plans, general submittals, and transmission system engineering conditions of certification;
  + Detailed list of DCBO quality control program elements to work in conjunction with the Project Owner’s quality controls for design and plan review;
  + Summary overview of the CBSC Structural Engineering, Piping, Fabrication Inspection, and Special Inspection guidelines applicable to the project;
  + Summary overview of the DCBO’s on-line document repository, including a file-naming protocol consistent with the Energy Commission’s Condition; and
  + Summary overview of the DCBO’s Document Submittal and Tracking System (DSTS) used to track document submittals, revisions, and inspections; and to ensure design and plan consistency between field crews and engineering and project management staff (see Task 2 below).
  + Maintain a site presence as directed by the CPM;
  + Issue as necessary correction notices and non-conformance reports to ensure Condition and LORS compliance;
* Select a DCBO Lead Engineer from one of the approved Lead Plan Review Engineers, as directed by the CPM, to oversee engineering construction compliance;
* Include all the components listed below in a PCR with an easily-navigable format. Provide the PCRs to the CPM via email or web posting, and include:
  + List of DCBO staff onsite and their duties;
  + Executive summary of current construction activities.
  + Compliance issues with applicable LORS and all conditions of certification;
  + List of issued or potential non-conformance reports;
  + List and status of submitted plans;
  + Status of fire water interconnections;
  + A 3 week look ahead schedule or scheduling forecast for construction progress;
  + A site map (including a scale bar and directional key) and at least five date-stamped project photographs identifying construction activities with a brief description broken down by facility design engineering elements;
  + List of field inspections performed (inspection reports shall be posted for CPM review no later than 3 days after inspection was done); and
  + List of any job-related accidents whether Occupational Safety and Health Administration (OSHA) recordable or not.
* Provide initial and periodic refresher training support to Energy Commission staff and the CPM on the DCBO’s Document Submittal and Tracking System (DSTS);
* Maintain, via a Document Control Manager (DCM), a log of all email correspondence pertinent to all document submittals, and inspection activity issues; and
* Provide and maintain an easily referenced and on-line copy of the invoices submitted to the Project Owner.

In addition to the contract administration duties contained in this Task, the DCBO will assist with code interpretation and enforcement, plan review, engineering and construction monitoring support, and potential plan amendment analyses to facilitate the construction of the power plant.

**Deliverables:**

The following deliverables shall be submitted through the DCBO’s Document Submittal and Tracking System (DSTS):

1. Project-Specific DCBO Project Guide; and
2. Invoices submitted to the Project Owner.

Also see Task 2, 3, 4, and 5 for additional deliverables that must be submitted through the DSTS.

### Task 2 – Project Coordination and Communication Protocols

Power plant development projects typically involve concurrent design and construction efforts. This “fast-track” approach requires well-organized processes in place to name and track all submittals in their various stages of development and review. Conversely, especially during the design phase, significant time may pass between subsequent submittals of the same package. To keep all parties on track, it is important that all DCBO comments are well documented, and that a standardized electronic file-naming protocol is used.

The DCBO shall:

* Track and maintain power plant project submittals on a web-based electronic Document Submittal and Tracking System (DSTS), designed to minimize hard-copy transmittals, that includes but is not limited to the following:
  + Username and password protection to restrict access to submittals.
  + The DSTS must provide submittal associative links to review comments, document approvals, inspection requests, and construction approvals.
  + File names that include:
    - The condition of certification technical section abbreviation and number (i.e. “STRUC-1”);
    - A short but recognizable description of the submittal type and document contents; and
    - The version or revision number, including the date received and the date returned or approved.
  + A multi-level file structure that can organize the submittals by various document characteristics and allow the user to easily identify the status of the submittal through the approval process. For example, using a query function, the user should be able to identify and/or review:
    - The condition of certification technical section requiring the submittal;
    - Chronological order and date of the submittal;
    - Approval status of the submittal, including partial approvals;
    - Time anticipated (due date) for completion of the DCBO’s review;
    - Document review comments;
    - Subsequent re-submittal of the corrected documents;
    - Approval signature by the DCBO Firm;
    - A separate file for the latest approved revision and another file for all the previous revisions (i.e, if the latest approved revision is number 5, then that revision should have its own file. Revisions 1-4 should be together in another file to be used if needed);
    - Construction inspection requests;
    - Notices of non-conformance;
    - Inspection comments, rejections, and approvals;
    - Special inspections; and
    - Safety Inspections.
  + A query function to locate and determine the status of every submittal, drawing, inspection, report, or other document. The query function must have the capability to link with the submittal and to gather data relating to the various sections within the Condition. For example, an authorized individual should be able to query a list of all STRUC-1 compliance submittals.
* Maintain a DSTS log that follows the file structure logic to track submittals from original receipt through final inspection. The submittal log should provide a means to identify:
  + Which documents are contained within a submittal;
  + Which documents have been approved;
  + Which documents have been revised; and
  + The current document revision number.
* Maintain an accessible historical DSTS document archive of all documents submitted to the DCBO for access by project staff and Energy Commission staff. Simply having the most current version of a document in the document tracking system does not provide an adequate record of the submittal history.
* Maintain the minimum types of project documents including but not limited to: construction drawings; supporting calculations; construction specifications; inspections; special inspections; worker safety records; and when applicable, environmental monitoring records.
  + Documents submitted to the DCBO must be in an Adobe Acrobat® .pdf, secure, electronic file format, and if an Engineer of Record (EOR) is associated with the submittal, it must include a digital signature.

If approved by the CPM, minor variations to the document tracking structure described herein, and alternative methods of saving documents within a traditional, multi-level file structure may be acceptable, provided they function in a similar manner. Database and/or document tracking systems are acceptable, provided they are organized with a search engine that locates submittals and documents in the same logical fashion as would be done within a traditional data file-server structure.

**Task 2.1 –** **DCBO’s Document Submittal and Tracking System (DSTS) Training** DCBO shall provide an initial and a periodic refresher training support to Energy Commission staff and the CPM on the DCBO’s Document Submittal and Tracking System (DSTS).

#### Task 2.2 – Kick Off and Coordination Meeting(s)

As directed by the CPM, the DCBO shall attend project-specific coordination meetings and be prepared to provide information regarding the timing, schedule, and critical path issues for condition of certification compliance and monitoring.

**Deliverables:**

The following deliverables shall be submitted through the DCBO’s online, password protected Document Submittal and Tracking System (DSTS):

1. Periodic Status Reports (PCRs), and;
2. Draft (and later updated) versions of MS Project or other proprietary project construction tracking spreadsheets.

### Task 3 – Pre-Construction Compliance Assistance

Any applicable pre-construction submittals must be approved before the Energy Commission can authorize commencement of the repair/upgrade activities, notwithstanding any formal amendments that may be required for certain components of the work. The authorization allows site mobilization for construction to commence. Although the Energy Commission retains the final authority over all matters relating to Condition interpretation, the DCBO does provide certain preliminary document review and pre-construction condition of certification compliance assistance.

The DCBO shall assist, as directed by the CPM, with preliminary document review and pre-construction condition of certification compliance. The DCBO should communicate the amount of time required for these activities to the Project Owner during their contract negotiations.

**Deliverables:**

The following deliverables shall be submitted through the DCBO’s Document Submittal and Tracking System (DSTS):

1. Pre-construction submittals noting the DCBO’s review and approval of pre-construction documents and noting their compliance with the Energy Commission’s conditions of certification, where required.

### Task 4 – Construction Plan Review

The bulk of the work performed by the DCBO involves the review of construction drawings, calculations, and other documents supporting the project’s engineering activities. The DCBO should also anticipate document submittals concurrent with on-going construction.

Project owners often submit multiple documents/drawings within a single submittal. The DCBO shall review the submittal and approve individual documents within a submittal if possible to expedite the document review process. The documents/drawings that require re-work will be allowed to be resubmitted alone as a revision to the original submittal.

The DCBO shall:

* Review, and when found to be in compliance with all applicable LORS, approve the selection of contractors and engineering analysis;
* Ensure that the results of all plan checks and construction inspections are available to the CPM via the Project-Specific website (see Task 1);
* Retain all approved plans, specifications, calculations, and marked-up “as-builts” for 90 days after the project’s construction completion date, after which the DCBO shall deliver them to the Project Owner for long-term retention at the project site or other accessible location (see Task 7); and
* Provide electronic copies of the approved plans, specifications, calculations, marked-up “as-builts,” and other relevant submittals to the CPM, in the form of DVDs, compact discs or a USB memory stick, within 90 days of the project’s construction completion date (see Task 7).

**Deliverables:**

The following deliverables shall be submitted through the DCBO’s Document Submittal and Tracking System (DSTS):

1. Qualifications for all plan check reviewers and their engineering supervisors;
2. Final project submittals as well as previously-reviewed versions (with comments), and;
3. Approved stamped design drawings and calculations.

### Task 5 – Construction Compliance and Field Inspections

The DCBO’s responsibilities also include conducting field inspections and providing condition of certification compliance oversight. In this role, the DCBO is responsible for the inspection of constructed facilities to ensure compliance with the approved construction drawings. The CBSC requires that all plans be reviewed and approved before construction. There are tasks not typically performed by building department inspectors that are a part of the Energy Commission’s DCBO responsibilities. These include, but are not limited to, compliance items identified below and within the project-specific conditions of certification.

The DCBO shall:

* Review, approve, and monitor any of the project’s proposed special inspection programs, approve the qualifications and experience of the proposed special inspectors; monitor the DCBO approved special inspectors work as needed in the field; and review the special inspectors daily reports to ensure all CBC requirements are met.
* Select a Certified Safety Monitor who reports directly to the DCBO and the CPM. The Certified Safety Monitor must be certified from a recognized state, national, or international organization as a Safety Professional. The Certified Safety Monitor’s role will include, but is not limited to conducting on-site (including linear facilities) safety inspections to verify that the Construction Safety Supervisor implements all appropriate Cal/OSHA and Energy Commission safety requirements. The DCBO shall ensure the Safety Monitor does the following:
  + The Safety Monitor will conduct on-site safety inspections during construction at intervals necessary to fulfill those responsibilities.
  + The Safety Monitor will have the authority to issue a stop work order for unsafe conditions found on the work site. The stop work order will be in writing and given to the Construction Safety Supervisor with the necessary conditions to remedy the unsafe condition(s) before work can resume.
  + The Safety Monitor will ensure that the corrective actions have been properly taken by the Construction Safety Supervisor before work can resume.
  + The Safety Monitor shall maintain a log of and document all safety-related issues.
* Provide an inspection notification process that includes independent feedback to the Project Owner’s project team and CPM when multiple or repeated inspection failures have occurred.

**Deliverables:**

The following deliverables shall be submitted through the DCBO’s Document Submittal and Tracking System (DSTS):

1. Qualifications for all special inspectors, including safety personnel;
2. Adopted complaint tracking notification and response process;
3. Adopted project inspection notification process and protocols;
4. Periodic Compliance Reports; and
5. Monthly Status Updates.

### Task 6 – Non-Compliance and Incident Reporting and Resolution

The primary responsibility of the DCBO is to ensure compliance with local building codes; the CBSC; the Facility Design, Geology and Transmission System Engineering, and Workers Safety, Fire Protection conditions of certification, the SWPPP, the DESCP, and other applicable LORS. As per Task 1 above, if a non-conformance report is issued, it must be reported to the CPM (on a per incident basis or in the next PCR). The non-conformance report should only be issued after all other measures are exhausted (i.e. correction notices, discussion with CPM, etc.) to seek compliance.

The DCBO shall:

* Communicate any concerns regarding a Project Owner’s design and quality assurance/quality control (QA/QC) process and documentation to the CPM for issue resolution.
* Take any action allowed by the California Code of Regulations, the CBSC and LORS to ensure that the Energy Commission’s interests are properly addressed and protected.
* Seek the cooperation and assistance of the CPM prior to initiating a stop-work order. For emergency situations, the DCBO may initiate a stop-work prior to notifying the CPM or the Compliance Office Manager if the CPM is not available. For any action taken under emergency conditions, the CPM must be notified within 4 hours of the action.

**Deliverables:**

1. Notification to CPM of intention to initiate stop-work order, due 24 hours before initiation except as described in item 2 below; and
2. Notification to CPM of emergency stop-work order, within 4 hours of action.

### Task 7 – “As-Built” Document Package and Archiving

The DCBO is responsible for the oversight/development of the as-built document package within 90 days of project/amendment construction completion. The as-built drawings originate from redlined construction drawings and these drawings are maintained by the project development team at the power plant site. The DCBO construction inspectors will ensure that the project development team captures field changes. The DCBO will receive the revised construction drawings from the project development team’s Engineer of Record (EOR) and combine them with the project supporting documents to create the as-built document package. The submittal of the as-built document package to the Energy Commission is for document archival purposes as required by the conditions of certification.

The DCBO shall:

* Ensure that the project development team captures field changes for the as-built document package.
* Receive the project development team’s revised construction drawings from the EOR and combine them with the project supporting documents to create the as-built document package.
* Develop and submit as-built electronic file package consisting of construction drawings and supporting documents including, but not limited to, the following:
  + Construction drawings;
  + Supporting calculations;
  + Construction specifications;
  + Inspection records;
  + Special inspection records; and
  + Worker safety records, etc.
* Submit one copy to the Energy Commission and one copy to the Project Owner of all volumes of the as built document package on CD-ROM, DVDs or USB memory stick, saved in Adobe Acrobat® .pdf file format, and organized by Condition section:
  + General - GEN;
  + Civil – CIVIL;
  + Structural – STRUC;
  + Mechanical – MECH;
  + Electrical – ELEC; and
  + Transmission Systems Engineering– TSE.

The DCBO is responsible for verifying the completeness of this package, which should include any additional related facilities[[2]](#footnote-3) within the Energy Commission’s jurisdiction that are not included in the six facility design elements above.

The Energy Commission must ensure that the project is designed, constructed, and operated in conformity with their Final Decisions; the CBSC; the Bureau of Land Management, the local building codes adopted by Lake and/or Sonoma counties, and all other applicable LORS.

Additionally, any work undertaken by DCBO prior to the execution of the resulting contract with the Energy Commission shall be performed at the sole risk of DCBO.

**Deliverables:**

Within 90 days of construction completion, the DCBO shall provide to the CPM, electronic copies of the approved plans, specifications, calculations, marked-up “as-builts”, and other relevant submittals, in the form of DVDs, compact discs or a USB memory stick, including an executed Certificate of Occupancy.

# III. SOQ FORMAT, REQUIRED DOCUMENTS AND DELIVERY

## About This Section

This section contains the format requirements and instructions on how to submit an SOQ in response to this RFQ. The format is prescribed to assist the Firm in meeting State requirements and to enable the Energy Commission to evaluate each SOQ uniformly and fairly. Firms must follow all SOQ format instructions, answer all questions, and supply all requested data.

## Pricing/Rates Information

Do not submit any price quotes or bids in your SOQ since this will be negotiated with the top-rated firm.

## Required Format For An SOQ

All SOQs submitted under this RFQ must be typed or printed using a standard 12‑point font, singled-spaced and a blank line between paragraphs. SOQ Section 3 Technical Response must be no more than 30 pages (printed double-sided on 15 pieces of 8 1/2 x 11 paper). Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged.

## Number Of Copies

Firms must submit the original and 5 copies of the SOQ;

Firms must also submit electronic files of all volumes on CD-ROM, DVD or USB memory stick along with the paper submittal. Only one CD-ROM, DVD or USB memory stick is needed. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Electronic files submitted via e-mail will not be accepted.

## Packaging And Labeling

The original and copies of the SOQ must be labeled "Request for Qualifications, **RFQ-18-704**,”and include the title of SOQ and the appropriate volume number.

Include the following label information and deliver your SOQ, in a sealed package:

|  |  |
| --- | --- |
| Person’s Name, Phone #  Firm’s Name  Street Address  City, State, Zip Code  FAX # |  |
|  | **RFQ-18-704**  Contracts, Grants & Loans Office, MS-18  California Energy Commission  1516 Ninth Street, 1st Floor  Sacramento, California 95814 |

## Preferred Method For Delivery

A Firm may deliver an SOQ by:

* U.S. Mail, FedEx, UPS (or similar mail service);
* In person; or
* Messenger service.

SOQs must be delivered **no later than 5:00 p.m**., (PST) on **June 17, 2019** to the Energy Commission’s Contracts, Grants and Loans Office during normal business hours and prior to the deadline specified in this RFQ (Section I). Any SOQ received after the specified date and time are considered late and will not be accepted. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

## SOQ Organization

### Section 1: Administrative Response

|  |  |
| --- | --- |
| Cover Letter |  |
| Table of Contents |  |
| Contractor Status Form | Attachment 1 |
| Darfur Contracting Act Form | Attachment 2 |
| DVBE Declarations Form STD 843 (if applicable) | Attachment 3 |
| DVBE Bidder Declaration Form GSPD-05-105 (if applicable) | Attachment 4 |
| Contractor Certification Clauses | Attachment 5 |
| Standard Agreement Example | Attachment 6 |
| Conflict of Interest Provisions | Attachment 8a |
| Iran Contracting Act Form | Attachment 9 |
| California Civil Rights Laws Certification | Attachment 13 |

### Section 2: Minimum Requirements

|  |  |
| --- | --- |
| Certification Regarding Conflicts of Interest | Attachment 8 |
| Third Party Beneficiaries Form | Attachment 10 |
| Project Team Qualifications | Attachment 11 |
| DCBO Best Management Practices Guide | Attachment 12 |

### Section 3: Technical Response

|  |  |
| --- | --- |
| 1. Project Team Management and Quality Control Experience |  |
| 1. Project Team Organizational Structure |  |
| 1. Project Team Relevant Experience and Qualifications |  |
| 1. Approach to Tasks in Scope of Work |  |
| 1. Analytical Tools |  |
| 1. Client References | Attachment 7 |

#### Minimum Requirements

In order for a Firm’s SOQ to be accepted and scored on the technical substance, the Firm must meet the Project Team Minimum Requirements. The Energy Commission will determine if the Firm meets the minimum requirements. If not, the Firm shall be eliminated and the SOQ will not be evaluated and scored.

##### Conflict of Interest Minimum Requirements

The Firm must meet the conflict of interest minimum requirements described in this section. First, the Firm must be Available to Work on the power plant project. Second, the Firm must certify that it has a team that is Available to Work that can cover every position listed on Table 1, Project Team Minimum Requirements. “Available to Work” is defined in each section below.

Minimum Requirements for the Firm

The Firm must be Available to Work on the power plant project. A Firm is Available to Work on the power plant project if:

* The Firm has not worked on behalf of the Project Owner on the power plant Application that is the subject of this RFQ and has not received income from the power plant Project Owner within the twelve months prior to the start of work for the Energy Commission under the agreement resulting from this RFQ, except income received from the Project Owner pursuant to a Memorandum of Understanding between the Energy Commission and the Firm for work as the Energy Commission’s DCBO.
* The Firm’s subcontractors have not worked on behalf of the Project Owner on the power plant Application that is the subject of this RFQ and have not received income from the power plant Project Owner within the twelve months prior to the start of work for the Energy Commission under the agreement resulting from this RFQ, except income received from the Project Owner pursuant to a Memorandum of Understanding between the Energy Commission and the Firm for work as the Energy Commission’s DCBO.

Minimum Requirements for the Team

The Firm must certify that it has a team that is Available to Work that can cover every position listed on Table 1, Project Team Minimum Requirements. To cover every position, the Firm must certify that it has at least one team member for each position who is Available to Work on the power plant project. “Available to Work” means that the team member has no conflicts of interest associated with the power plant project. A team member is Available to Work on the power plant project if:

* The person has not previously worked on behalf of the Project Owner on the power plant Application that is the subject of this RFQ except for income received from the Project Owner pursuant to a Memorandum of Understanding between the Energy Commission and the Firm for work as the Energy Commission’s DCBO.
* The person has no financial interest in the Project Owners or Project Entities identified below, except for income received for performing work as DCBO on behalf of the Energy Commission.

Please use Attachment 8, *Certification Regarding Conflicts of Interest*, to help you determine whether a team member is Available to Work. Please use the Power Plant Project Owner and Project Entities List below for your answers to Section 3 of Attachment 8.

**Power Plant Project Owner and Project Entities List**

**Name of Power Plant: Geysers geothermal plants**

**Project Owner(s)**:

* Calpine Corporation
* Geysers Power Company, Inc.

**Project Entities**:

* Western States Fire Protection Co.
* Jacobs Engineering (formerly CH2MHill)
* Atmospheric Dynamics
* SCS Engineers
* ERM

##### Project Team Minimum Requirements Form (Attachment 11):

##### For each expertise/position listed in Table 1, the Firm must submit the name of the team member, a short description of the person’s qualifications, experience, and education/license/certification, and a copy of those licenses and certifications.

* The Firm must have at least one team member for each of the delegated positions with at least the minimum qualifications, experience, and education as identified in Table 1. The firm must identify at least one name for each position in Attachment 11. If the Firm fails to satisfy all of the Project Team Minimum Requirements at the time of SOQ submission the Firm shall be eliminated and the SOQ will not be evaluated and scored. The successful Firm must continue to satisfy all of the Project Team Minimum Requirements throughout the term of the contract resulting from this RFQ. One person may fulfill multiple positions as long as that person meets the minimum requirements for each position.

**Table 1: Project Team Minimum Requirements**

| **Delegated**  **Position** | **Qualifications** | **Experience** | **Education/ License/ Certification Requirements** |
| --- | --- | --- | --- |
| Chief Building Official (CBO) | Verifiable experience as a Chief Building Official on complex industrial facilities in California | Minimum 2 years as a CBO on a complex industrial facility\* | Minimum Combination Building Inspector, from a recognized state, national or international organization |
| Deputy Chief Building Official | Verifiable experience as a Deputy Chief Building Official on complex industrial facilities in California | Minimum 2 years, as a Deputy CBO for complex industrial facilities\* | Minimum Building Inspector, but desired Combination Inspector, from a recognized state, national or international organization |
| Fire Marshall | Certified California Fire plan reviewer and certified California fire inspector with verifiable experience as a Fire Marshall on complex industrial facilities in California | Minimum 2 years, reviewing fire plans for a complex industrial facility\* | Minimum Fire Marshall and Fire Plans Reviewer from a recognized state, national or international organization |
| Fire Protection Engineer | California licensed fire protection engineer with verifiable knowledge and experience in fire protection engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial facilities. | Minimum 2 years, reviewing plans for complex industrial\* facilities. | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Structural Plan Review Engineer | California licensed structural engineer or California licensed civil engineer with verifiable knowledge and experience in structural engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial facilities and structures and equipment supports in California | Minimum 2 years, reviewing plans for complex industrial facilities\* | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Electrical Plan Review Engineer | California licensed electrical engineer with verifiable knowledge and experience in electrical engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial facilities and electrical systems that include low, medium and high voltages | Minimum 2 years, reviewing plans for complex industrial facilities\* | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Mechanical Plan Review Engineer | California licensed mechanical engineer with verifiable knowledge and experience in mechanical engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial facilities and mechanical systems that include but are not limited to tracking mechanisms; potable water; piping; and fire protection | Minimum 2 years, reviewing plans for complex industrial facilities\* | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Civil/Geology Plan Review Engineer | California licensed civil engineer with verifiable knowledge and experience in civil engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial facilities that include but are not limited to: foundation investigations; geotechnical/ soils reports; site preparation; excavation; compaction; secondary containment; foundations; erosion and sedimentation control structures; drainage facilities; underground utilities; culverts; site access roads and sanitary sewer systems | Minimum 2 years, reviewing Civil plans for complex industrial facilities\* | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Building (Life/Safety) Plan Reviewer | Certified commercial building plan reviewer with verifiable knowledge and experience reviewing plans for life/safety compliance on complex industrial facilities in California. Experience should include but not be limited to reviewing: Occupancy classification; type of construction; allowable square footage; fire separations; elevators; ADA; building egress; and Green Building, including planning and design, energy efficiency, water efficiency, resource efficiency and environmental quality | Minimum 2 years, Reviewing Life/Safety Plans for complex industrial facilities\* | Certification from a recognized state, national or international organization as a commercial plan reviewer |
| Mechanical Plan Review Engineer | Mechanical engineer with verifiable experience and knowledge, that with supervision from the lead mechanical plan review engineer, is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial facilities, mechanical systems that include but are not limited to tracking mechanisms; chemical conveying systems; potable water; fire protection; pressure vessels; steam piping; and high pressure gas lines | 1 Year Reviewing Plans for complex industrial facilities\* | Engineering Degree |
| Electrical Plan Review Engineer | Electrical engineer with verifiable experience and knowledge, that with supervision from the lead electrical engineer is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial facilities and electrical systems that include low, medium and high voltages | 1 Year Reviewing Plans for complex industrial facilities\* | Engineering Degree |
| Structural Plan Review Engineer | Structural engineer or civil engineer with verifiable experience and knowledge, that with supervision from the lead structural plan review engineer is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial facilities and, structures and equipment supports in California | 1 Year Reviewing Plans for complex industrial facilities\* | Engineering Degree |
| Lead Onsite Inspector | Certification from a recognized state, national or international organization as a combination Building Inspector with verifiable experience as a lead inspector on complex industrial facilities in California | Minimum 2 years, as a lead inspector on high-voltage in California | Certification from a recognized state, national or international organization as a Building (Life/Safety), Electrical, Mechanical and Plumbing inspector |
| Onsite Inspector | Certification from a recognized state, national or international organization as a combination Building Inspector with verifiable knowledge and experience as an inspector on complex industrial facilities in California | 1 year as an inspector on complex industrial facilities\* in California | Certification from a recognized state, national or international organization as a Building (Life/Safety), Electrical, Mechanical and Plumbing inspector |
| Worker Safety Monitor | Verifiable experience as a safety representative on complex industrial\* facilities | 2 years as a Safety Professional on complex industrial facilities\* | Certification from a recognized state, national or international organization as a Safety Professional |
| Document  Control | Verifiable experience to include but not be limited to; collecting, maintaining and distribution of all documents necessary for successful project delivery; management, tracking and distribution of engineering documents; tracking of review deadlines; distribution of tasks including inspection requests, engineering document review requests and other miscellaneous project requirement due dates; compilation of project documents; and review and editing of inspection reports, engineering letters, etc. | Minimum 1 year |  |
| Project  Assistant | Verifiable experience to include but not be limited to; assisting field and office staff with the creation of project deliverables; coordinate office and field supply requirements for specific assignments; perform clerical duties to generate and revise documents as necessary; performing technical writing duties as assigned; and website maintenance (upload/download documentation) as necessary. Should be proficient in the following: Microsoft Word, Excel, PowerPoint; presentation development; technical writing; editing; process implementation; and must have excellent communication skills with attention to detail | Minimum 1 year |  |

\* Complex industrial facility is defined as having similar systems as a high-voltage power generating facility that include but are not limited to: high pressure gas system; high pressure steam, chemical carrying pipeline systems, etc

#### Technical Response

##### Project Team Management and Quality Control Experience

* Describe how the Firm would initiate, schedule, and manage the project team for a complex construction project, including a narrative of the team’s communication protocol among the Firm’s team members (including subcontractors), the Project Owner’s team members, and the CAM.
* Describe the Firm’s approach to the contract management and administration of this agreement. Identify the contract management team members.
* Describe the Firm’s code interpretation and conflict resolution processes with contractors, local jurisdictions, and the public.
* Describe the Firm’s approach to provide quality assurance for each team member’s performance, and to identify and resolve performance problems effectively.
* Describe the Firm’s approach to minimize turnover and provide a stable professional team for the duration of the agreement, including the ability to effectively and efficiently add and train new team members as needed.

##### Project Team Organizational Structure

* Describe the composition and organizational structure of the Firm, including providing an organizational chart of the entire team. In addition, provide the following:
* Identify all responsible engineering team members and supervisorial/senior monitoring team members, with photo identification (See Task 1);
* Identify senior team members familiar with the facility types specific to the Energy Commission’s jurisdiction; and
* Provide the number of employees in the Firm and the number of years the Firm has been in business.
* Describe the composition and organizational structure of each subcontractor, including providing an organizational chart for each subcontractor. In addition, provide the following:
* The number of employees;
* The number of years in business; and
* Key team members.
* Identify the primary contact person for the Firm and each subcontractor. The primary contact person for the Firm must attend the discussion described in Section IV Evaluation Criteria and Selection Process. Additionally, at least one individual representing the team’s expertise in each of the technical areas of your SOQ is encouraged to attend the discussion.
* Identify the locations of the Firm’s and each subcontractor’s headquarters and/or satellite office(s).
* Provide a short description of each subcontractor and key members of the team. Describe the relationship between the Firm and the subcontractors on your team. Indicate any history of a working relationship between the team members noting any significant success stories.
* Describe the Firm’s ability to pay subcontractors on a timely basis.

##### Project Team Relevant Experience and Qualifications

* Identify and list all of the Firm’s staff and subcontractors (all team members) who will be committed to the tasks. Describe their roles and familiarity with the technical areas pertinent to the tasks identified in the Scope of Work. Include job classifications, relevant experience, education level, and academic degrees (as applicable).
* Identify which, if any, of the Firm’s project team is a subcontractor and what their tasks will be.
* Provide a brief description of the Firm’s familiarity with the Energy Commission’s PTA processes and conditions of certification, in conjunction with the scope of the DCBO’s duties and responsibilities.
* Identify the percentage of time each team member will be available throughout the contract term.
* Describe any professional awards of the Firm and each subcontractor.
* Highlight any awards, specialized facility compliance experience, or current certifications of the project team that are applicable to the tasks in the Scope of Work.
* Provide a description of the project team’s experience evaluating code compliance for projects with a significantly large and varied array of conditions of certification for approval.
* Provide a description of the project team’s experience on past power plant projects under the Energy Commission’s jurisdiction or complex industrial facilities (as defined in Table 1) as applicable.
* Identify the project team’s qualified experts in plan review and in construction inspection and monitoring.
* Include a current set of qualifications for all project team members expected to conduct plan review services.
* Provide a current resume for all team members listed:
* Include relevant documentation, qualifications, and technical certifications; and
* Include all third party plan review service providers, and the relevant documentation, qualifications, and technical certifications for the subcontractors.
* Provide a list of projects completed in the last five years by the project team that demonstrate familiarity with these elements of energy facility compliance plans:
* Energy Commission conditions of certification (including Facility Design, Hazardous Materials, Worker Safety, Fire Protection, Soil and Water, and Transmission Safety Engineering);
* Construction and operational safety and health programs;
* Injury and illness prevention programs; and
* Emergency action and fire prevention plans.
* Provide a list of projects completed by the project team in the last five years that demonstrate engineering plan-review experience with the following:
* Facility design review (i.e., civil and structural, electrical, and mechanical engineering);
* Pipeline safety;
* Storm water management;
* Geology and seismic safety experience; and
* Identify any work done in the last five years with any thermal power plant developer or owners that have projects in California.
* Include relevant documentation, qualifications, and technical certifications; and
* Include all third party plan review service providers, and the relevant documentation, qualifications, and technical certifications for the subcontractors.

##### Approaches to Tasks in Scope of Work

Describe the Firm’s general and specific proposed approaches to providing the services listed in the Scope of Work, highlighting outstanding features, qualifications, and experience of the team.

* TASK 1 – Project Team Management and Quality Control
  + Contract Management, Administrative Duties, and Project Coordination
  + Document Submittal and Tracking System
* TASK 2 – Project Coordination and Communication Protocol
* TASK 3 – Pre Construction Compliance Assistance
* TASK 4 – Construction Plan Review
* TASK 5 – Construction Compliance and Field Inspections
* TASK 6 – Non-compliance and Incident Reporting and Resolution
* TASK 7 – “As-Built” Document Package and Archiving

##### Analytical Tools

* Describe capability to use computers and/or analytical tools to accomplish the tasks listed in the Scope of Work and what types of computers and/or analytical tools will be used.
* Describe any technical capabilities that would facilitate communication with the Energy Commission.

##### Client References

The Firm and each subcontractor shall complete a Client Reference Form (Attachment 7). Three client references are required for the Firm and three client references are required for each subcontractor.

# IV. EVALUATION Criteria and SelEction Process

## Selection Process Steps

This section contains the Energy Commission’s evaluation and selection process. After passing an initial screening the Energy Commission will organize a committee (the Evaluation Committee) whose members have expertise in the evaluation of architectural and engineering services. The Evaluation Committee will evaluate, score, and rank the SOQs, and ultimately select the highest ranked Firm.

## Administrative And Completeness Screening Criteria (Mandatory)

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

* SOQ must be received no later than time and date set for receipt of SOQs.
* SOQ must include properly executed Contractor Certification Clauses.
* SOQ must include a properly executed Darfur Contracting Act Form.
* SOQ must include a properly executed Iran Contracting Act Form.
* SOQ must include a properly executed Civil Rights Laws Certification Form.
* SOQ must not contain false or intentionally misleading statements or references that do not support an attribute or condition contended by the Firm.
* SOQ must not be intended to erroneously and fallaciously mislead the State in its evaluation of the SOQ and the attribute, condition, or capability is a requirement of this RFQ.
* SOQ must demonstrate there is no conflict of interest as stated in this RFQ.
* SOQ must not contain confidential information or contain any portion marked confidential.
* Firm must agree to the terms and conditions as attached to the solicitation. Firm must sign the Contractor Status Form indicating acceptance with the terms and conditions. Firm must not state anywhere in the SOQ that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

#### In addition to the Administrative Screening Criteria, in order for a Firm’s SOQ to be accepted and scored on the technical substance the Firm must meet the Conflict of Interest and Project Team Minimum Requirements set forth in Section III. The Energy Commission will determine if the Firm meets the minimum requirements. If not, the Firm shall be eliminated and the SOQ will not be evaluated and scored.

## Grounds To Reject A SOQ

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

* The SOQ is unsigned.
* The SOQ is not prepared in the format described.
* The Firm has submitted multiple SOQ’s.
* The Firm does not meet the minimum qualifications found in Table 1.
* The SOQ does not literally comply or contains caveats that conflict with the RFQ and the variation or deviation is material, or it is otherwise non-responsive.
* The Firm 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.
* The Firm must meet the Conflict of Interest requirements.

## Evaluation Criteria and Scoring Process

The Evaluation Committee will review and score all remaining SOQs based on the Evaluation Criteria in this RFQ. The preliminary technical score for each SOQ will be the average of the combined scores of all Evaluation Committee members.

## Evaluation Criteria Worksheet and Scoring Scale

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described in the Evaluation Criteria Worksheet below.

### Scoring Scale

|  |  |  |
| --- | --- | --- |
| **% 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 Firm’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 Firm’s response or proposed solution. Firm 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 Firm’s response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

### SOQ Evaluation Scoring Worksheet

| **Evaluation of Statement of Qualifications - Criteria** | **Points Possible** |
| --- | --- |
| **WRITTEN EVALUATION CRITERIA** |  |
| 1. **Project Team Management and Quality Control Experience** |  |
| * 1. Ability of the Firm to initiate, schedule, and manage the project team for a complex construction project, and effectiveness of communication protocol among the Firm’s team members (including subcontractors), the Project Owner’s team members, and the CAM. | 75 |
| * 1. Ability of the Firm to perform its prime contract management and administration duties. | 20 |
| * 1. Effectiveness of the Firm’s code interpretation and conflict resolution processes. | 60 |
| * 1. Ability of the Firm to provide quality assurance for each team member’s performance, and to identify and resolve performance problems effectively. | 80 |
| * 1. Ability of the Firm to minimize turnover and effectively and efficiently recruit and train new team members as needed. | 20 |
| 1. **Project Team Organizational Structure** |  |
| * 1. Effectiveness of project team organization. | 25 |
| * 1. Depth of knowledge of senior team members with the facility types specific to Energy Commission jurisdiction. | 80 |
| * 1. Ability of the Firm to create and maintain a positive working relationship with subcontractors. | 20 |
| * 1. Ability of the Firm to pay subcontractors on a timely basis. | 20 |
| 1. **Project Team Relevant Experience and Qualifications** |  |
| * 1. Depth of experience of team members, including awards, specialized experience, current certifications, and overall team qualifications. | 50 |
| * 1. Team members’ familiarity with Energy Commission’s AFC/PTA processes and conditions of certification. | 20 |
| * 1. Depth of team members’ code compliance experience for projects with a significantly large and a varied array of conditions for approval.      1. Expertise in plan review and construction inspection and monitoring.      2. Experience on past power plant projects under the Energy Commission’s jurisdiction. | 90 |
| * 1. Knowledge of the following elements of energy facility compliance plans:      1. Energy Commission conditions of certification (including Facility Design, Hazardous Materials, Worker Safety, Fire Protection, Soil and Water, and Transmission Safety Engineering);      2. Construction and operational safety and health programs;      3. Injury and illness prevention programs; and      4. Emergency action and fire prevention plans. | 60 |
| * 1. Demonstrates engineering plan-review experience with the following:      1. Facility design review (i.e., civil and structural, electrical, and mechanical engineering);      2. Pipeline safety;      3. Storm water management;      4. Fire protection commissioning and testing;      5. Geology and seismic safety experience. | 80 |
| 1. **Approach to Tasks in Scope of Work**   Describes the Firm’s general and specific proposed approaches to providing the services listed in the Scope of Work, highlighting outstanding features, qualifications, and experience of the team. |  |
| a. Task 1 – Project Team Management and Quality Control | 20 |
| * 1. Task 2 – Project Coordination and Communication Protocols | 20 |
| * 1. Task 3 – Pre Construction Compliance Assistance | 20 |
| * 1. Task 4 – Construction Plan Review | 25 |
| * 1. Task 5 –Construction Compliance and Field Inspections | 35 |
| * 1. Task 6 – Non-Compliance and Incident Reporting and Resolution | 25 |
| * 1. Task 7 – “As Built” Document Package and Archiving | 25 |
| 1. **Analytical Tools** |  |
| * 1. Ability of Firm to use computers and/or analytical tools to accomplish the tasks listed in the Scope of Work and what types of computers and/or analytical tools will be used.   2. Technical capabilities of Firm that would facilitate communication with the Energy Commission. | 20 |
| 1. **Client References** |  |
| Quality of the Client References for the Firm and each sub-contractor. | 10 |
| **Written Evaluation Maximum Points Possible** | **900** |
| *Written SOQ Evaluation Minimum Passing Score (75%) \** | *675* |
| **Discussion Evaluation Criteria** | **Points Possible** |
| 1. **Discussion** |  |
| * 1. Quality of presentation. | 25 |
| * 1. Clean and concise responses to questions. | 25 |
| * 1. Demonstrated knowledge of the subject/issues. | 25 |
| * 1. Demonstrated ability to anticipate and resolve problems. | 25 |
| **Discussion Evaluation Maximum Points Possible** | **100** |
| **Maximum Points (Written SOQ and Discussion)** | **1000** |
|  |  |

\*Firms that do not pass the minimum passing score will not be invited for a discussion with the Energy Commission.

### Ranking an SOQ

After each SOQ is scored, it will be placed on a list, in rank order, with the highest scoring SOQ placed first and the remainder in descending order based on score.

## Firm Selection and Noticing Process

### Notice Of Firms Selected For Discussions

Approximately 5 business days before the time scheduled for discussions, the Energy Commission will notify all Firms indicating whether they will be invited to participate in the discussions.

### Discussions

The Evaluation Committee shall conduct discussions during the Evaluation Process with no fewer than three Firms (unless fewer than three Firms have submitted a passing SOQ) regarding qualifications and methods for furnishing the required services. Firms invited to participate in the Discussion will be scored by the Evaluation Committee on their response. The Evaluation Committee may use patterned questions and/or questions specific to an SOQ to conduct these discussions. The Evaluation Committee may provide the Firms with a copy of the questions and/or issues to be addressed and a format for structured discussions.

Firms should anticipate travel to the Energy Commission Headquarters for the discussions. The Firm is responsible for any travel costs associated with participating in discussions. At the discretion of the CPM, discussions may be held via conference call or web-ex. The project lead and at least one person from each technical area is encouraged to participate in the discussion.

Upon completion of the discussions the Evaluation Committee may make adjustments to the preliminary scores and re-rank the Firms. From the Firms with which discussions are held, the Evaluation Committee shall select no fewer than three (unless fewer than three Firms have submitted a passing SOQ), in order of preference, based upon the established criteria, who are deemed to be the most highly qualified to provide the required services.

### Notice of Selection

Subsequent to the SOQ evaluations and the discussions with Firms, the Energy Commission will post a “Notice of Selection” of the top-scoring Firm at the Energy Commission’s headquarters in Sacramento, and on the Energy Commission’s [website](https://www.energy.ca.gov/) (www.energy.ca.gov).

## Negotiations

Pursuant to Title 20, California Code of Regulations (CCR), section 2565 and Public Contract Code (PCC) 6106, within 14 days after posting the Notice of Selection, the Energy Commission will begin negotiations with the top ranked Firm for an acceptable fee.

The top ranked Firm will be required to submit:

1) Proposed percentage that the Firm will markup on any direct costs incurred, if any.  Direct cost items, such as equipment purchase or rental, copying, etc. must be charged to the Project Owner at the same actual cost that the Firm is charged by outside vendors or subcontractors, or the same cost the Firm charges other customers.  The Energy Commission will negotiate with the Firm on any markup that the Firm proposes to charge, if any, on top of the actual cost of the item.

2) A list of rates for people listed in the SOQ, after written notification of selection. The Energy Commission may consider negotiating rates for a person that the Firm did not include in the SOQ. However, because the additional person might affect the Firm’s score or take additional time that the Energy Commission does not have or does not want to spend, the Energy Commission reserves the right to do any of the following, along with any other existing rights:

* Assess how the new person might affect the Firm’s score, including possibly rescoring its SOQ;
* Refuse to add the new person;
* Add the new person.

If the Energy Commission determines that it will not accept a new person or hourly rate that the Firm proposes for a particular person, the Energy Commission will stop rate negotiations for that person, and proceed with negotiations for the remainder of the people. Firms are cautioned that they should include all team members in their SOQ.  The Energy Commission does not want to be in the position of assessing additional persons during rate negotiations.

If negotiations with the top ranked Firm fail, the Energy Commission will enter into negotiations with the next highest scoring Firm, and so on.

## Notice of Proposed Award

Subsequent to the negotiations, the Energy Commission will post a “Notice of Proposed Award” at the Energy Commission’s headquarters in Sacramento, and on the Energy Commission’s website.

California Energy Commission

Contracts Office, MS-18

1516 Ninth Street

Sacramento, CA 95814

The Evaluation Committee may reject all Firms and SOQs if none are considered to be in the best interest of the Energy Commission.

# V. Business Participation Programs

## No DVBE Participation Compliance or Business Participation Programs Requirement

* This RFQ is not subject to any Business Participations Programs including the mandatory certified DVBE participation program. Firms are not required to include DVBEs as part of the contract team; however, Attachment 3 and Attachment 4 are still included in this RFQ to allow the Firm to disclose DVBE participation voluntarily.

# VI. ADMINISTRATION

## RFQ Defined

The competitive method used for this procurement of services is an RFQ. An SOQ submitted in response will be scored and ranked based on the criteria in this RFQ. Every SOQ must establish in writing the Firm’s ability to perform the RFQ’s tasks. The Energy Commission shall conduct discussions and then select the most qualified Firm. The Energy Commission will negotiate an Agreement with the selected Firm for compensation that the Energy Commission determines to be fair and reasonable.

## Definition of Key Words

Important definitions for this RFQ are presented below:

|  |  |
| --- | --- |
| **Word/Term** | **Definition** |
| AFC | Application for Certification |
| State | State of California |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Office |
| CBC | California Building Code |
| CBO | Chief Building Official |
| CBSC | California Building Standards Code |
| CPM | Compliance Project Manager |
| CSCR | California State Contracts Register |
| DCBO | Delegate Chief Building Official |
| DCM | Document Control Manager |
| Decision | Original or Amended Energy Commission Final Decision |
| DESCP | Drainage, Erosion, and Sediment Control Plan |
| DGS | Department of General Services |
| DSTS | Document Submittal and Tracking System |
| DVBE | Disabled Veteran Business Enterprises |
| EOR | Engineer of Record |
| Energy Commission | California Energy Commission |
| Firm | Respondent to this RFQ |
| LORS | Laws, Ordinances, Regulations and Standards |
| OSDS | Office of Small Business and DVBE Services |
| PMPD | Presiding Members Proposed Decision |
| PTA | Petition to Amend |
| QA/QC | Quality assurance/Quality control (QA/QC) |
| RE | Resident Engineer |
| RFQ | Request for Qualifications, this entire document |
| SOQ | Statement of Qualifications, formal written response to this document from Firm |
| STEP | Siting, Transmission and Environmental Protection Division |
| SWPPP | Storm Water Pollution Prevention Plan and Erosion Control Plan |

## SOQ Production Requirements

### SOQ Development Costs

The Firm is responsible for the cost of developing an SOQ and this cost cannot be charged to the State. The Firm is also responsible for any travel costs associated with participating in this RFQ.

### Printing Services

Per Management Memo 07-06, State Agencies must procure printing services through the Office of State Publishing (OSP). Firms shall not include printing services in their SOQs.

### Confidential Information

The Energy Commission will not accept or retain any SOQs 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 an SOQ 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 SOQ to a State agency. **(See # 1 on Attachment 2)**

A scrutinized company may still, however, submit a bid or SOQ 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 13.

## RFQ Cancellation and Amendments

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

* Cancel this RFQ,
* Amend this RFQ as needed, or
* Reject any or all SOQs received in response to this RFQ

If the RFQ is amended, the Energy Commission will send an addendum to all parties who requested the RFQ and will also post it on the Energy Commission’s [website](http://www.energy.ca.gov/contracts/index.html): http://www.energy.ca.gov/contracts/index.html and [Department of General Services’ website](https://caleprocure.ca.gov/pages/LPASearch/lpa-search.aspx): https://caleprocure.ca.gov/pages/LPASearch/lpa-search.aspx.

### Errors

If a Firm discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ, the Firm shall immediately notify the Energy Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications resulting from this notice will be posted on the Energy Commission’s website 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 SOQ

A Firm may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted SOQ before the deadline to submit an SOQ. An SOQ cannot be modified after that date and time, but an SOQ may still be withdrawn. An SOQ cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the RFQ: “This SOQ is valid for 60 days.”

### Immaterial Defect

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

## Firm Documentation and Responsibilities

### Disposition of Firm’s Documents

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

### Firms’ Admonishment

This RFQ contains the instructions governing the requirements for an SOQ to be submitted by interested Firms, 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 Firm responsibilities. Firms must take the responsibility to carefully read the entire RFQ, 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 RFQ are followed and appropriately addressed, and carefully reread the entire RFQ before submitting an SOQ.

### Agreement Requirements

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

### No Contract Until Signed & Approved

No agreement between the Energy Commission and the successful Firm is in effect until the contract is signed by the Contractor, approved at an Energy Commission Business Meeting, and signed by the Energy Commission Contracts Office Manager.

### Contract Amendment

The contract executed as a result of this RFQ 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.

### Conflict of Interest

Any Energy Commission employee who participates in the selection process and any Firm seeking a contract under this RFQ are prohibited from offering, soliciting, or accepting gifts, services, goods, loans, rebates or payments of any kind (such as kickbacks) to or from one another. Except as provided by the terms of the contract, this prohibition extends both to any Energy Commission employee who manages a contract awarded under this RFQ or reviews or approves contractor work products under the contract, and to the Contractor.

1. Complex industrial experience is defined as having similar systems as a high-voltage power generating facility that include but are not limited to: high pressure gas system; high pressure steam, chemical carrying pipeline systems, etc. [↑](#footnote-ref-2)
2. Cal. Code Regs. tit. 20, §1201(r) [↑](#footnote-ref-3)