REQUEST FOR QUALIFICATIONS

**SITING, TRANSMISSION, AND**

**ENVIRONMENTAL PROTECTION**

**PEAK WORKLOAD**



RFQ-17-702

www.energy.ca.gov/contracts/

State of California

California Energy Commission

November 2017

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|  |
| --- |
| **Attachments** |
| 1 | Contractor Status Form |
| 2 | Darfur Contracting Act Form |
| 3 | DVBE Std 843 Form |
| 4 | Bidder Declaration form GSPD-05-105 |
| 5 | Contractor Certification Clauses |
| 6 | Standard Agreement Example (informational, no form required in Statement of Qualifications) |
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| 8 | Iran Contracting Act Form |
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# I. INTRODUCTION

## Background Summary

The California Energy Commission is responsible for permitting thermal power plants, 50 megawatts (MWs) or larger. Applicants interested in constructing and operating a thermal power plant of 50 MWs or more and any appurtenant facilities (such as, electrical transmission lines and natural gas pipelines) in California must file an application for certification (AFC) with the Energy Commission.

The Energy Commission conducts a comprehensive review of AFCs pursuant to its certified regulatory program that satisfies the requirements of the California Environmental Quality Act (CEQA). If a project receives certification, the Energy Commission monitors the project for compliance with the conditions of certification during the life of the project, including during pre-construction, construction, operation and decommissioning. The Energy Commission is responsible for interpretation and enforcement of the California Building Standards Code (CBSC or CBC) as it applies to power plants. The Energy Commission may delegate its authority to a Delegate Chief Building Official (DCBO). The DCBO performs its plan review and construction inspection duties in accordance with the CBSC and the Energy Commission Decision for the facility. The Energy Commission also prepares technical analysis to inform decision makers regarding petitions to amend or modify project certifications.

The Energy Commission is responsible for designating corridor routes for future transmission lines. The purpose of designating transmission corridor routes is to better link the transmission planning and permitting processes. A transmission corridor can be proposed for designation by the Energy Commission itself or by any person or entity planning to build an electric transmission line in the state. For all transmission corridors proposed for designation in the state, the Energy Commission is the lead agency responsible for preparing an environmental assessment under CEQA. In addition, a corridor proposed for designation must be consistent with the State's needs and objectives as identified in the latest Strategic Transmission Investment Plan adopted by the Energy Commission.

## Purpose of this RFQ

The purpose of this request for qualifications (RFQ) is to select a Prime Contractor (Contractor) to assist in evaluating applications for energy facilities and transmission corridor designations, monitoring compliance for permitted facilities, reviewing petitions to amend or modify permitted facilities, and supporting other activities in the areas of environmental impact assessment, engineering, and related regulatory matters.

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 a statement of qualifications (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, directing team members in all contract provisions, and participating in technical work assignments. The Contractor and the team can be from the same pre-existing organization, such as a full service consultant Firm, or they can be from separate organizations (or self-employed) and form a partnership that can successfully work together for purposes of this RFQ. The term “Firm” is used in this RFQ to refer to the company or entity submitting an SOQ.

## Key Activities and Dates

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 DATES** |
| RFQ Release | November 15, 2017 |
| Pre-Bid Conference\* | November 28, 2017 |
| Written Question Submittal Deadline by 5:00 p.m. | November 28, 2017 |
| Distribute Questions / Answers and Addenda (if any) | December 12, 2017 |
| **Deadline to submit SOQ by 5:00 p.m.\*** | December 27, 2017 |
| SOQ Discussions with Firms  | Week of January 8, 2018 |
| Notice of Selection | January 22, 2018 |
| Cost Negotiations | Week of January 22, 2018 |
| Notice of Proposed Award | February 1, 2018 |
| Energy Commission Business Meeting | February 21, 2018 |
| Contract Start Date | March 1, 2018 |
| Contract End Date | February 28, 2021 |

## Available Funding

There is a maximum of up to $6,128,000.00 available to fund the three-year contract resulting from this RFQ. This is an hourly rate plus cost reimbursement contract with a ceiling on the total contract amount.

Of this amount $1,376,000.00 is immediately available. The remaining balance of $2,376,000.00 from fiscal year (FY) 2018-2019 and $2,376,000.00 from fiscal year 2019-20 may be available contingent upon approval of the Energy Commission’s 2018-2019 and 2019-2020 Budgets. Funding shall be subject to the appropriation and availability for that purpose in the 2018-2019 and 2019-2020 Governor’s Budgets. In the event funds are not available, the Energy Commission shall have no further liability with regard to the agreement.

The Energy Commission reserves the right to reduce the contract amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Energy Commission contracts. In this event, the Contractor and the Energy Commission Contract Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

## Eligible Firms

This is an open solicitation for public and private entities. Each agreement resulting from this solicitation includes terms and conditions that set forth the contractor’s rights and responsibilities. The University of California, California State University, or U.S. Department of Energy National Laboratories must use either the standard or the pre-negotiated terms and conditions at the following website: (<http://www.>dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx). All other entities must agree to use the attached standard terms and conditions (Attachment 6). The Energy Commission will not award agreements to non-complying entities. The Energy Commission reserves the right to modify the terms and conditions prior to executing agreements.

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

## Retainer Contract

Any contract awarded as a result of this RFQ will be a no-fee "retainer" contract. The selected contractor will be held on retainer and will be assigned work via work authorizations. Work authorizations will be assigned by expertise, or project workload. The Energy Commission makes no guarantee that any or all of the funds will be assigned in any given year.

##  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 at [www.energy.ca.gov/contracts](http://www.energy.ca.gov/contracts) to confirm the date and time.

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

November 28, 2017

1:00 p.m.

California Energy Commission

Charles Imbrecht Hearing Room

1516 9th Street

Sacramento, CA 95814

Telephone: (916) 654-4381

**WebEx Instructions:**

## Topic: STEP Peak Workload RFQ Pre-Bid Conference Date: Tuesday, November 28, 2017 Time: 1:00 PM, Pacific Standard Time (San Francisco) Meeting Number: 920 798 432 Password: (This meeting does not require a password.) ------------------------------------------------------- To join the meeting online (Now from mobile devices!) ------------------------------------------------------- 1. Go to [**https://energy.webex.com/energy/j.php?MTID=m428451af42feed1475ffec648214fbc7**](https://energy.webex.com/energy/j.php?MTID=m428451af42feed1475ffec648214fbc7) 2. If requested, enter your name and email address. 3. If a password is required, enter the meeting password: (This meeting does not require a password.) 4. Click "Join". 5. If the meeting includes a teleconference, follow the instructions that appear on your screen. ------------------------------------------------------- To join the audio conference only ------------------------------------------------------- To receive a call back, provide your phone number when you join the meeting, or call the number below and enter the access code. Call-in toll-free number (US/Canada): 1-866-469-3239 Call-in toll number (US/Canada): 1-650-429-3300 Access code:920 798 432 Global call-in numbers: [**https://energy.webex.com/energy/globalcallin.php?serviceType=MC&ED=561912032&tollFree=1**](https://energy.webex.com/energy/globalcallin.php?serviceType=MC&ED=561912032&tollFree=1) Toll-free dialing restrictions: [**https://www.webex.com/pdf/tollfree\_restrictions.pdf**](https://www.webex.com/pdf/tollfree_restrictions.pdf) Questions

During the RFQ process, questions of clarification about this RFQ must be directed to the Commission Agreement Officer listed in the following section. Potential Firms shall carefully examine the qualifications and specifications of this RFQ. You may ask questions at the Pre-Bid Conference, and 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 at: <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 Commission Agreement Officer listed below.

## Contact Information

**Janna Franks**, Commission Agreement Officer

California Energy Commission

1516 Ninth Street, MS-18

Sacramento, California 95814

Telephone: (916) 654-4921

FAX: (916) 654-4423

E-mail: janna.franks@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.

## Reference Documents

Firms responding to this RFQ may want to familiarize themselves with the following documents as they pertain to power plant site certification and designation of transmission corridors:

Warren‐Alquist State Energy Resources Conservation and Development Act, Public Resources Code section 25000 et seq. (available online at <http://www.energy.ca.gov/reports/Warren-Alquist_Act/>)

California Code of Regulations, Title 20, Public Utilities and Energy, Division 2, State Energy Resources Conservation and Development Commission (available online at http://www.energy.ca.gov/title20/index.html)

Energy Facility Licensing Process - Applicants Guide of Practices & Procedures, California Energy Commission, Publication No. 700-00-007, November 2000 (available online at: www.energy.ca.gov/siting/documents/2000-12-07\_700-00-007.PDF) (Applicant’s Guide)

California Energy Commission Staff Cooling Water Management Program Guidelines for Wet and Hybrid Cooling Towers at Power Plants Draft Guidelines, publication # CEC-700-2005-025 (available online at: www.energy.ca.gov/2005publications/CEC-700-2005-025/CEC-700-2005-025.PDF)

Energy Facility Licensing Process: Water Supply information Staff Report / Draft, December 11, 2000 (available online at: www.energy.ca.gov/siting/documents/2000-12-11\_700-00-017.PDF)

Best Management Practices and Guidance Manual: Desert Renewable Energy Projects, Renewable Energy Action Team, REAT-1000-2010-009-F (available online at [www.energy.ca.gov/2010publications/REAT-1000-2010-009/REAT-1000-2010-009-F.PDF](http://www.energy.ca.gov/2010publications/REAT-1000-2010-009/REAT-1000-2010-009-F.PDF)

# II. SCOPE OF WORK

## About This Section

In this section, the Energy Commission describes the tasks the Firm (referred to as “Contractor” in the Scope of Work) will be asked to perform under the direction of the Energy Commission Contract Agreement Manager (CAM). This section also describes the work assignment process, deliverables, and due dates.

## Work Authorizations

This is a "Work Authorization" Agreement and no work shall be undertaken unless authorized by the Energy Commission through a specific written document called a "Work Authorization". The Contract Manager will prepare and issue the written work authorizations that define the scope of work, the schedule of deliverables and the project budget. The amount of Contractor assistance required for each project will vary depending on the availability of Energy Commission staff with expertise in specific areas and the sensitivity of issues associated with the project. Final assignment of tasks and maximum payment on individual projects will be described in work authorizations signed by the Contractor and Energy Commission's Contract Manager.

To ensure the timeliness and success of all work performed under this Agreement, the Contract Manager will work closely with the Contractor to administer the Agreement, and a staff person will be assigned as a Work Authorization Manager to direct and review the work of assigned contractors on individual work assignments throughout all phases of the Agreement. The Energy Commission staff will review all products and deliverables to ensure quality, consistency and compliance with Energy Commission policies.

All Work Authorization must be reviewed by the Energy Commission's Information Technology Services Branch (ITSB) to determine if any information technology (IT) activities or acquisitions are included in the Work Authorization. If it is determined the Work Authorization includes IT activities or acquisitions the Energy Commission's Chief Information Officer or designee must approve the Work Authorization before the Work Authorization can be executed. Activities under the Agreement may include, but may not be limited to using GIS software to produce maps.

No Work Guarantee

All members of the Contractor team, including employees of the Contractor, are eligible to perform and may be assigned technical work. However, there is no guarantee that work will be required in all areas, or that every person or firm listed in this Agreement will receive work during the Agreement period. Additional people or firms may be added during the course of this Agreement, if necessary, upon approval by the Energy Commission staff.

## Workshops & Hearings

All workshops and hearings are sponsored, organized, and facilitated by the Energy Commission. The Energy Commission is responsible for any costs associated with securing the location for a workshop or hearing. Contractor will provide labor only.

## Work Performance

The Energy Commission cannot accurately predict far into the future when work will be required under this Agreement. The need to supplement staff resources with the Contractor’s services will vary in response to submittals by applicants of energy facilities, possible Energy Commission decisions to designate a transmission corridor on its own motion, or a directive from the Governor’s Office to carry out siting-related or designation-related activities. Further, once the need for work is initiated, the work may need to proceed at a quick pace to meet the required analytical and procedural deadlines. Accordingly, the Contractor will need to be able to respond to the Energy Commission’s requests for technical support on a timely basis.

Contractor shall respond to requests for work in accordance with the following pattern:

* The CAM shall provide at least two (2) weeks’ notice that a significant work effort will be required and the Contractor will need to assemble an effective and trained team during that period.
* The Contractor shall provide individual experts to handle specific issues with only two (2) working days’ notice.
* The Contractor shall return telephone calls and e-mails from the CAM and provide an initial response within four (4) hours.
* The Contractor and all team members shall meet the agreed upon product deadlines on the day they are due.
* The Contractor and all team members shall meet the agreed upon event deadlines on the day, hour, and location needed.
* The Contractor shall provide quality assurance on its draft products before delivery to the Energy Commission’s Work Authorization Manager.

## Contractor Activities

In carrying out the Tasks under this Agreement, the Contractor shall perform the following types of activities (bulleted below). These activities are the general types of work the Contractor will perform in order to accomplish the Tasks listed in this Agreement. These are not stand-alone activities but are the types of work required to perform Tasks 1-13 below. All work requested via work authorization will fit within one or more of the 13 Tasks.

* Perform California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) analysis.
* Perform environmental and engineering analysis.
* Develop mitigation for significant effects on the environment and recommendations regarding environmental and engineering issues.
* Prepare written testimony and present oral testimony.
* Write, edit and/or publish technical reports.
* Review and comment on technical reports.
* Identify, review and evaluate data. Develop information requests for data from sources outside of the Energy Commission, such as project applicants, agencies, or other sources with information relevant to permitting electricity infrastructure.
* Conduct literature searches and review existing studies.
* Attend, participate in, facilitate, organize and/or present at meetings, workshops and hearings.
* Conduct surveys and field assessments to collect and analyze information on energy and environmental resources, land use patterns, existing energy facilities, engineering suitability of specific sites for electricity generation and transmission facilities, and related environmental and engineering matters.
* Conduct environmental, engineering, and economic feasibility studies
* Prepare maps and conduct/complete Geographic Information Systems (GIS) analysis
* Monitor and analyze project compliance with conditions of certification (may require site visit verification).
* Investigate incidents and non-compliance with conditions of certification and applicable laws, ordinances, regulations, and standards (LORS). Prepare investigation reports and other supporting documentation.
* Evaluate the effects of existing or proposed LORS of local, state or federal agencies on the permitting and operation of power plants and transmission lines or the designation of transmission corridors.
* Consult with agencies in determining the applicability of their laws and regulations to power plant licensing or transmission corridor designation applications, and in planning for the permitting and development of energy resources and related transmission line infrastructure.
* Evaluate applications for energy facilities for compliance with applicable local, state, and federal LORS.
* Prepare conditions of certification to ensure compliance with applicable local, state, and federal LORS.
* Use complex analytical models and decision support tools related to environmental and engineering matters, including developing high quality model inputs and assumptions.
* Compare the potential environmental impacts, engineering feasibility, potential costs and electricity system impacts of different electric generation technologies or equipment, or transmission project types and configurations, generally or in specific environmental settings.
* Answer Energy Commission staff’s, Commissioners’, Commissioner Advisors’, intervenors’ and public participants’ technical questions about environmental, engineering, and regulatory issues associated with power plants and related facilities, and transmission line corridors.
* Provide the Energy Commission with engineering oversight for the DCBOs responsible for project code compliance during construction and maintenance activities. Review specific DCBO issues, support DCBO performance audits, and develop DCBO-related guidance documents.
* Perform the observation and inspection of construction components to verify that the as-constructed facilities are consistent with the approved construction documents.

##

## Specific Tasks

The Contractor will be required to perform management functions; to complete a series of specific tasks in analyzing Applications for Certification (AFC), Petitions to Amend (or modify) Energy Commission Decisions (Amendments); Small Power Plant Exemptions (SPPEs), and Transmission Corridor Designation (TCD) applications; project monitoring and compliance; and other technical support services.

Upon issuance of a work authorization, Contractor shall:

**Management And Administration**

(Task 1)

The Contractor will be required to perform the following management task.

**Task 1 – Contract Management and Administrative Duties**

The Contractor will be required to perform contract management and administrative duties to manage the Agreement.

The Contractor shall:

* After approval of potential work tasks by the Energy Commission Siting, Transmission, and Environmental Protection Division management, prepare information for work authorization development for the Energy Commission Work Authorization Manager, including proposed task language, schedule of deliverables, and work authorization budget.
* Attend Energy Commission meetings in person or via WebEx to discuss progress and other meetings as directed by Energy Commission staff.
* Prepare and execute agreements with subcontractors that convey all provisions contained in the Agreement and specific work authorizations between the Energy Commission and the Contractor.
* Enforce subcontract provisions, and in the event of failure of the subcontractor to perform satisfactorily, recommend actions to resolve the problem.
* Require subcontractors to provide invoices which correctly identify personnel, rates, actual hours, and direct expenses charged to each task of each work authorization and which provide adequate documentation to justify expenses, including electronic copies of completed deliverables. Maintain electronic record of invoices and invoice documentation, including completed deliverables. For work assignments spanning a lengthy period, the work authorization may be structured to allow billing for completed interim deliverables. Subcontractor invoices will be reviewed by the Contractor and the Energy Commission Work Authorization Manager, technical lead, or CAM for accuracy and completeness.
* Provide monthly progress reports by the tenth of each month to the CAM on the Contractor’s and subcontractors’ progress for work assignments, including a summary of contract expenditures to date.
* Submit monthly invoices by the tenth of each month to the Energy Commission’s Accounting Office with a copy to the CAM. Invoices shall indicate the labor costs, operating expenses, fees and Disabled Veterans Business Enterprise (DVBE) amounts. Invoices shall coincide with the monthly progress report timeframe. Invoices will not list work authorizations not issued at the time of invoice preparation.
* Pay subcontractors for satisfactory products within five working days after payment is received from the Energy Commission.
* Develop and maintain a secure website to share contract-related information with Energy Commission staff and to track the status of all work authorizations.
* For each fiscal year, prepare a Final Report on the work accomplished during that fiscal year and a brief (200 words or less) abstract.

**Incidental Services**

(Task 2)

In addition to Management and Administration duties (Task 1), the Contractor shall provide incidental services to support the environmental and engineering related work of Energy Commission staff and consultant technical specialists.

**Task 2 – Document Production**

The Energy Commission may need to seek prior approval from the Office of State Publishing for any printing type work.

The Contractor shall:

* Produce graphics to support Energy Commission documents and analysis, including GIS maps, and photographic and artistic renderings as directed by Energy Commission staff.
* Write, edit and synthesize technical documents based on technical information from one or more sources to ensure the technical accuracy, correct grammar, style and clarity of Energy Commission documents. Ensure that the written products of staff and the Contractor’s technical specialists clearly convey their intended message to the public and all stakeholders.
* Format and prepare electronic documents for high quality printing and/or binding as directed by Energy Commission staff.

**Power Plant Siting And Transmission Corridor Designation**

(Tasks 3 – 9)

The Contractor will be required to perform the following tasks to support the Power Plant Siting, Compliance, and Transmission Corridor Designation programs. The specific tasks and degree of effort the Contractor performs for each project may vary. Work authorizations for specific applications (AFC, SPPE, Amendments, and TCD) will detail the location of the proposed project and technical area for Contractor’s work. Specific due dates for Contractor’s work will be set pursuant to the project schedule ordered by the Energy Commission Committee for the project application.

Energy Commission staff may direct the Contractor to review TCD applications from applicants or utilities, and/or staff-proposed TCD applications. For a TCD application the Contractor has helped staff to prepare, the Contractor may be directed to represent staff in the TCD proceeding.

**Task** **3 – Data Adequacy Assessment (Applies to AFC/TCD Only)**

The Energy Commission must determine if applications for certification and corridor designations contain the substance of information set forth in Title 20 of the California Code of Regulations. For AFCs, this information is specified in section 1704 and Appendix B, Informational Requirements for an Application. For TCDs, the information requirements are specified in section 2321 and Appendix A, Information Requirements for a Corridor Designation Application. Under section 1709 for an AFC and section 2323 for a TCD application, the Energy Commission staff must make a data adequacy recommendation to the full Commission within 30 days of the filing of the application, and the Energy Commission must act on the recommendation at a public meeting within 45 days of the filing. If the Energy Commission finds that the application is incomplete, it must provide the applicant a written list of deficiencies that must be addressed in a supplemental filing by the applicant, should the applicant choose to continue. The Energy Commission must make any subsequent data adequacy determinations within 30 days of receipt of the supplemental filing.

The Contractor shall:

* Compare the contents of the application with the information requirements.
* Prepare data adequacy worksheets, including identifying any deficiencies.
* If necessary, meet with the applicant in a pre-acceptance workshop and explain the deficiencies and expected information.
* If necessary, assist the Energy Commission’s Siting, Transmission and Environmental Protection Division management in forming a data adequacy recommendation.
* If necessary, participate in a data adequacy hearing. The hearing will be held within 45 days after filing.

The schedule for activities and products varies between AFCs and TCDs. The typical schedule for activities and products during a 12-month AFC or TCD data adequacy review is as follows:

|  |  |  |
| --- | --- | --- |
| **Event** | **Calendar Day** | **Product** |
| Document Received | -0- | Application |
| Pre-acceptance Workshop if needed | 15 | Workshop |
| Staff Data AdequacyRecommendations to ProjectManager (PM) | 20 | Data Adequacy Worksheets |
| Data Adequacy Briefing with Division Management | 25 | Meeting |
| Data AdequacyRecommendations to Executive Office | 28 | Meeting |
| Executive Office Data AdequacyRecommendation | 30 | Recommendation to Energy Commission |
| Business Meeting on Data Adequacy | 45 | Business Meeting Order |
| Note: All days are based upon the date of filing.  |  |  |

**Task 4 – Discovery (Applies To AFC/SPPE/Amendment/TCD)**

During the discovery phase of the project, the Contractor will collect all information necessary to evaluate the project and prepare the analysis in the next task.

The Contractor shall:

* Review the application and other materials and coordinate with appropriate local, state, and federal agencies to determine the significant issues of the project for each technical area and the applicable LORS.
* Prepare data requests and attend publicly noticed workshops to discuss either the requests or the applicant’s responses, if additional information is needed from the applicant.
* Participate in site visits, necessary field surveys/studies and informational hearings.

The schedule for activities and products varies between AFCs, SPPEs, Amendments, and TCDs. The typical schedule during the 12-month AFC or TCD discovery phase is as follows:

|  |  |  |
| --- | --- | --- |
| **Event** | **Calendar Day** | **Product** |
| Written Data Requests to PM | 15 | Data Requests |
| Data Requests to Applicant | 25 | Letter |
| Site Visit/Informational Hearing | 30-45 | Field Trip |
| Data Request Workshop | 35 | Workshop |
| Responses Filed | 55 | Responses |
| Data Response Workshop | 65-75 | Workshop |
| Second Data Requests to PM (if needed) | 70 | Data Requests |
| Second Data Requests to Applicant (if needed) | 80 | Letter |
| Second Data Request Workshop (if needed) | 85 | Workshop |
| Second Set of Responses Filed (if needed) | 100-110 | Responses |
| Second Data Response Workshop (if needed) | 115-120 | Workshop |

Note: All days are based upon the date of data adequacy of an application. Actual schedules may vary based upon the Committee Orders, issues in the case, and type of process.

**Task 5 – Analysis (Applies To AFC/SPPE/Amendment/TCD)**

This task requires the Contractor to prepare a written evaluation of the project for each technical area assigned.

The Contractor shall:

* Identify all federal, state and local LORS, policies or plans that apply to the project.
* Describe the existing conditions at or near the project.
* Assess the direct, indirect and cumulative impacts of the proposed project.
* Evaluate the project’s ability to comply with applicable LORS.
* Evaluate applicant’s proposed measures to eliminate or reduce significant impacts or comply with applicable LORS.
* Recommend additional mitigation/compliance measures if necessary.
* Evaluate the environmental impacts and comparative merits of any feasible alternatives to the project.
* Recommend specific conditions of certification and methods for verifying that conditions have been met.

Analyses will be based upon Contractor’s review of the application, communication with appropriate federal, state and local agencies, attendance at informational hearings and workshops, consideration of various parties’ comments and concerns, public input, participation in site visits and necessary field studies, review of available information, and independent analyses.

The Energy Commission will specify the analysis format of the draft and final analyses. The Contractor will be expected to give consideration to various parties’ comments and concerns, respond to any comments from Energy Commission staff and incorporate changes into the draft or final analyses that do not compromise the Contractor’s professional expert analysis. Workshops may be conducted to discuss the results of the analysis and proposed recommendations (including recommended conditions of certification) with the applicant, intervenors, interested agencies, and the public.

The schedule for activities and products varies among AFCs, SPPEs, Amendments, and TCDs. The typical schedule during the 12-month AFC or TCD analysis phase is as follows:

|  |  |  |
| --- | --- | --- |
| **Event** | **Calendar Day** | **Product** |
| Sections of Preliminary Staff Assessment (PSA) or Draft EIR (DEIR) with no Data Requests  | 70 | PSA or DEIR Section |
| PSA or DEIR Sections for Areas with only one set of Data Requests | 105 | PSA or DEIR Sections |
| All Remaining PSA or DEIR Sections  | 141 | PSA or DEIR Sections |
| PSA or DEIR Filed | 150-165 | PSA or DEIR |
| PSA or DEIR Workshops | 165-180 | Workshops |
| FSA or Final EIR (FEIR) Filed | 200-220 | FSA or FEIR (Testimony) |

Note: All days are based upon the date of acceptance. Actual schedules may vary based upon the Committee Orders, issues in the case, and type of process.

The staff assessment for an SPPE consists of an initial study and separate analysis of power plant efficiency; no LORS analysis is required as is necessary for an AFC. Typically a draft initial study is prepared and submitted for public review and comment, followed by a final initial study. The entire process from application to Commission Decision is only 135 days long.

**Task 6 – Hearings/Decisions (Applies To AFC/SPPE /Amendment/ TCD)**

The Contractor will be required to write expert witness testimony (e.g., Final Staff Assessment and Supplemental Testimony) and present it at evidentiary hearings. The testimony will be based on the initial analysis and any subsequent analysis necessary to respond to comments or a specific issue or Committee request.

The Contractor shall:

* Prior to evidentiary hearings, participate as needed in pre-hearing conferences to determine areas of disagreement between the parties (staff, applicant, or intervenors) for discussion at the evidentiary hearings.
* Prior to evidentiary hearings, prepare rebuttal testimony as necessary and participate in witness preparation with the Energy Commission’s legal counsel assigned to the project.
* During evidentiary hearings, the Contractor shall present expert testimony, answer questions of the Commissioners and legal counsel, and respond to cross-examination.
* Following evidentiary hearings, the Contractor will work with legal counsel to prepare opening and reply briefs, as necessary.
* Following evidentiary hearings, the Committee will prepare the proposed decision. The Contractor shall review the proposed decision in the appropriate subject areas and comment on facts, conclusions and recommendations from staff’s perspective.
* If necessary, the Contractor will appear at hearings on the proposed and final decisions to present staff’s position.

The schedule for hearings and decisions varies among AFCs, SPPEs, Amendments, and TCDs. The typical schedule during the 12-month AFC or TCD hearings/decisions phase is as follows:

|  |  |  |
| --- | --- | --- |
| **Event** | **Calendar Day** | **Product** |
| Pre-hearing Conference (PHC) Statements Filed | 230 | PHC Statements |
| Pre-hearing Conference | 235 | PHC |
| Evidentiary Hearings | 235-245 | Hearing |
| Committee Issues Proposed Decision | 305 | Review Presiding Member’s Proposed Decision |
| Committee Hearing on Proposed Decision | 330 | Hearing |
| Staff Comments on Proposed Decision | 335 | Comments |
| Hearing on Decision | 365 | Hearing |

Hearings on SPPEs and AFC amendments are similar to those above. Note that all Calendar Day listings are approximate.

**Task 7 – Siting Project Management (Applies to AFC/SPPE/TCD)**

The Contactor will be required to provide project management services to support processing AFCs, SPPEs, and TCDs.

The Contractor shall:

* Plan and organize the work of an interdisciplinary team (Energy Commission and Contractor staff) engaged in the review of complex or controversial energy facility siting applications.
* Prepare project-related correspondence and notices.
* Prepare Executive Summary, Introduction, and Project Description sections of staff’s assessments.
* Critically review and propose edits on technical staff’s analyses and legal briefs.
* Compile and publish Staff Assessments, Initial Studies/Negative Declarations, and Environmental Impact Reports.
* Organize and conduct workshops and meetings between the staff, energy facility applicants, intervenors, governmental agencies, private organizations, and the public to discuss environmental issues and other siting concerns.
* Represent the Commission staff at Energy Commission business meetings by making presentations, including data adequacy recommendations and siting project presentations, and at Committee status conferences by answering general questions from the Commissioners.
* Provide expert witness testimony in evidentiary hearings on the executive summary and project description.

**Task 8 – Compliance Project Management, Compliance Monitoring, Analysis Of Amendments, Environmental Monitoring Coordination, DCBO Performance Evaluation And Auditing Services, And Incident Investigations**

The Contractor will be required to provide technical and project management support to the Power Plant Compliance Program. This will include compliance monitoring, Delegate Chief Building Official (DCBO) performance evaluation and auditing, incident investigations, and the analysis of proposed Amendments to Energy Commission Decisions, as detailed below.

The Contractor shall:

* Coordinate with technical staff, power plant owners/operators and relevant state and local agencies to monitor the project’s conformance with applicable laws, ordinances, regulations and standards, and compliance with conditions of certification included in the Energy Commission’s Decision. If compliance-related issues are identified, the Contractor will be required to provide written analyses and recommendations to resolve them.
* Coordinate with power plant owners/operators, relevant agencies, and technical staff to conduct site investigations and inspections. Review periodic compliance reports filed during the construction, operation, and closure phases of a project and conduct site visits to assess whether the project is in compliance. If compliance-related issues are identified, the Contractor will be required to provide written analyses and recommendations to resolve them.
* Review and analyze proposed project amendments, which a project owner/operator may file after a project has been approved by the Energy Commission. Amendments may include changes to conditions of certification affecting the construction or operation of a project, or involve changes to the design, location or operation of project equipment. In conducting the analysis, the Contractor will need to evaluate, in consultation with Energy Commission staff, whether the proposed amendment will result in significant unmitigated environmental impacts or conflict with applicable LORS.
* Coordinate the work of technical specialists preparing written staff analyses, including findings and appropriate recommendations.
* Present staff analysis and testimony at workshops and public hearings and respond to questions and cross examination.
* Provide the Energy Commission with engineering oversight for the DCBOs responsible for project code compliance during construction and maintenance activities. Review specific DCBO issues, support DCBO performance audits, and develop DCBO-related guidance documents.
* Coordinate or assist staff with the coordination of power plant-related incident investigations involving failures of design, equipment, materials, processes, or procedures in which the Energy Commission has an interest. Investigations will often include a “root cause” analysis that investigates and documents the human and causal factors, failure modes and resulting effects. Investigation activities include conducting interviews of personnel with knowledge of the incident, physical data analysis, review of the facility’s applicable personnel safety plans and procedures, and a review of applicable LORS.
* Provide an Environmental Coordinator during power plant site mobilization and construction activities to ensure that the project owner’s environmental monitors (e.g., Designated Biologist(s), Biological Monitors, Cultural Resources Specialist(s), Cultural Resources Monitors, Paleontological Resource Specialists, etc.) are provided advance notification of required monitoring activities (as specified in the conditions of certification), and are present during these activities.

**Task 9 – Preparing Transmission Corridor Designation Applications**

The Energy Commission may, under its own motion, propose the designation of a transmission line corridor. In that event, the staff will file an application to designate the proposed transmission line corridor. The Contractor may be directed to assist staff in preparing one or more applications to designate transmission corridors in support of one or more Energy Commission motions. When directed by staff to assist in preparing an application, the Contractor shall ensure the satisfaction of all informational requirements under Title 20, California Code of Regulations, section 2321 and Appendix A, Information Requirements for a Corridor Designation Application for each technical section assigned by the staff.

The Contractor shall assist staff with the following:

* Prepare a description of the proposed transmission corridor, its location, the region in which it is proposed to be located, and the transmission facilities anticipated to be within the corridor.
* Prepare a description of planning time frame, objectives and conformance of the proposed corridor with the State’s needs and objectives as set forth in the latest adopted Strategic Transmission Investment Plan.
* Prepare a description of a reasonable range of alternative corridors that could meet the basic objectives of the proposed corridor.
* Prepare an environmental assessment of the proposed corridor, including a reasonable range of alternatives and feasible ways to mitigate or avoid foreseeable significant environmental impacts.
* Prepare a description of new generation, energy efficiency and demand reduction measures that are likely to be available during the planning timeframe of the proposed corridor.
* Coordinate with federal, state and local agencies to assure conformance of the corridor with existing laws, ordinances and regulations, existing land use patterns, and growth management plans and policies.
* Assist staff in preparing the transmission line corridor application and supporting appendices.
* Prepare written responses to information requests from parties to the Commission’s corridor designation proceeding.
* Participate in public workshops to present aspects of the application and answer questions.
* Prepare and present written testimony, based on the application, at hearings held by the Commission Committee.

**Environmental Services And Engineering Tasks**

(Tasks 10 – 12)

The Contractor shall support staff in the continuous updating of the Energy Commission’s policies and knowledge base regarding power plant siting and compliance and transmission line corridor designation. This work includes identifying and reviewing laws, ordinances, regulations and standards (LORS), providing technical assistance regarding greenhouse gases, climate change, gas transmission pipeline safety, and providing training on environmental and engineering topics.

**Task 10 – Laws, Ordinances, Regulations and Standards Assistance**

The Contractor shall:

* Identify and review LORS that apply to electricity infrastructure projects subject to the Energy Commission’s power plant certification and transmission corridor designation authority. Applicable LORS are those that apply to the location, design, construction or operation of a proposed facility for certification or designation by the Energy Commission.
* Summarize applicable LORS and compile a compendium for each technical area analyzed in an AFC or TCD application. Update the compendium for each technical area as LORS change.
* Conduct analysis and gather evidence to support Energy Commission rulemakings to implement new, or revise existing, regulations that apply to electricity infrastructure projects subject to the Energy Commission’s certification or designation authority.
* Analyze and report on the effects of U.S. Environmental Protection Agency and State Water Resources Control Board (SWRCB) water quality control actions on section 316 (b) of the Clean Water Act and on the use of coastal and estuarine waters for power plant cooling. Coordinate with federal, state and local agencies and assist in conducting environmental and/or engineering analysis of federal and state environmental impact documents related to section 316 (b) of the Clean Water Act and SWRCB power plant cooling policies. Assist staff in developing alternative analyses to be submitted to state or local agencies for use in developing their cooling water control strategies. Assist staff in conducting analyses of 1) water consumption in the electric generation sector in California and 2) measures for reducing consumption of potable water and/or impacts from the use of seawater. Analyses may address, for example, feasibility, costs, benefits, effects on power plant performance, water and energy supply and consumption, environmental effects and consequences of power plant retrofits.

T**ask 11 – Greenhouse Gases and Global Climate Change Assessment**

The Contractor shall provide engineering and environmental services technical assistance to Energy Commission staff and other stakeholders in assessing greenhouse gas (GHG) emission impacts in Energy Commission power plant licensing cases and compliance assessments.

The Contractor shall:

* Evaluate the effects of GHG reduction programs applicable to California energy facilities, renewable energy generation market penetration, federal and state climate change and GHG rulemaking, and energy efficiency programs. This will establish the baseline conditions and effect of the project on the baseline and existing GHG reduction programs for Energy Commission power plant licensing cases and compliance assessments.
* Review GHG emissions estimate forecasts for Energy Commission energy forecast model inputs and policies and incorporate them into GHG analyses performed for Energy Commission power plant licensing cases and compliance assessments.
* Provide expert testimony for GHG and climate change matters.
* Based on the GHG and Climate Change assessments performed during, and in preparation for, Energy Commission power plant licensing cases and compliance assessments, provide expert testimony in state and federal policy and rulemaking proceedings on global climate change and GHG emissions.

**Task 12 – Natural Gas Pipeline Safety Assessment**

The Contractor shall provide technical engineering assistance to Energy Commission staff and other stakeholders in assessing natural gas pipelines in the Energy Commission’s power plant licensing cases and compliance assessments.

The Contractor shall:

* Monitor changes in LORS regarding gas transmission line safety. Identify and summarize changes and proposed changes to gas transmission line safety related LORS, policies, and best practices applicable to Energy Commission jurisdictional power plants. Conduct a survey of existing Energy Commission jurisdictional power plants’ pipelines and interconnections features, integrity management, maintenance and record keeping status.
* Conduct a review of needs for gas pipeline-related conditions of certification in Energy Commission power plant siting cases.
* Review Energy Commission jurisdictional power plants’ ongoing compliance with related LORS.
* Conduct a review of potential impacts of interconnections to pipeline infrastructure and public safety.
* Provide expert testimony for natural gas matters.
* Based on the natural gas pipeline safety assessments performed during, and in preparation for, Energy Commission power plant licensing cases and compliance assessments, provide expert testimony in state and federal policy and rulemaking proceedings on California power plant natural gas pipeline safety.

**Task 13 – Technical Training**

The Contractor shall provide technical training to Energy Commission staff, commissioners, commissioner advisors, and other stakeholders responsible for environmental protection or transmission system planning. Training will cover environmental and engineering topics associated with electric generation projects and transmission lines; data gathering and analysis; use of computer models and software; and other technical skills needed to review and analyze power plant permitting or transmission corridor designation applications. The Contractor may conduct training sessions with staff at the Energy Commission, at an offsite location, or by teleconference or internet. Work authorizations issued for training will indicate what expenses Contractor will be responsible for, depending on the needs of the particular training session. The work authorization will specify whether Energy Commission or Contractor will cover costs involved in conducting a training session, such as facility rental, equipment, or printing.

# III. Conflict of Interest

## Conflict of Interest Requirements For Different Types of Work

For the purposes of the Agreement resulting from this RFQ, the Energy Commission will be applying two different sets of conflict of interest requirements.

* **Pending or Expected Applications at the Energy Commission:**

The Energy Commission has determined that it is inappropriate for it to contract with a team that continues to enter into new contracts or working relationships, after the start of the Agreement with the Energy Commission, with an applicant who is submitting to the Energy Commission an application for an energy facility, small power plant exemption (SPPE), transmission corridor designation, or amendment of an existing license issued by the Energy Commission (amendment). A Bidding Firm may submit an SOQ even if it, or its team members, have current contracts or working relationships with an applicant who has a current application before the Energy Commission. However, after the start of the Agreement with the Energy Commission, the Bidding Firm and team members must complete the work for the applicant as soon as possible and may not enter into new contracts or relationships with applicants.

* **Previous Work on Applications & Source of Income:**

The Energy Commission has determined that it is inappropriate for team members to work on applications or other work projects on which they have previously worked, or, work on applications from applicants (or other work projects) for whom the team member is currently working or has worked within the twelve months prior to the start of the work for the Energy Commission.

## Conflict of Interest Rules

In order to ensure objectivity during the Energy Commission’s public, open, and objective licensing process, the Prime Contractor and all team members must be free of conflicts of interest created by involvement with any applicant who has filed or is planning to file an application for an energy facility, SPPE, transmission corridor designation or amendment in California. Specifically, a person is not Available to Work on assignments if they are currently employed by any applicant (or any of its agents) who has filed or is preparing to file an application for an energy facility, SPPE, transmission corridor designation or amendment with the Energy Commission.

Team members assigned to the energy facility, SPPE, transmission corridor or amendment related work under the Agreement will be acting in place of Energy Commission staff during these proceedings and must adhere to the same conflict of interest standards as Energy Commission employees. Since the Energy Commission staff is an independent party to the Energy Commission’s proceedings, the Energy Commission must avoid a conflict of interest that could be created by the Energy Commission’s consultants also working for any applicant (directly or indirectly) involved in these type of proceedings.

The Energy Commission does not consider a conflict of interest to exist if a consultant is employed by such an applicant after the term of the Agreement expires, provided that negotiations or any arrangements concerning employment with the applicant do not occur during the term of the Agreement.

In this section, an application means an Application for Certification, a Small Power Plant Exemption, a Petition to Amend an existing license (Amendment), or a Transmission Corridor Designation Application filed or to be filed with the Energy Commission. An applicant means the business entity, project owner or operator that is responsible for filing the application. Applicant includes the business entity submitting the application, all of its parent companies and subsidiaries and investors of the business entity with fifty percent or more ownership interest.

**Bidders are advised to read these rules carefully and review the actual contract term expressing these rules, which is included in Attachment 6, Exhibit H, Conflict of Interest.**

## Rule 1: Eligibility to Submit SOQ

A Bidding Firm is eligible to submit an SOQ whether or not it is currently employed by an applicant (or any of its agents) who has filed an application and is currently seeking approval from the Energy Commission for an energy facility, SPPE transmission corridor designation or amendment, or by an applicant (or any of its agents) that is preparing to file an application with the Energy Commission. A Bidding Firm currently working for such an applicant (or any of its agents), will not be able to count that applicant toward the minimum number of applications required. (See the “Minimum Requirements for Submitting SOQ” section below for more information on minimum requirements.)

The Agreement with the Energy Commission will have a provision that prohibits the contractor during the term of the Agreement from entering into an agreement or working relationship with an applicant (or any of its agents) that is seeking an energy facility license, SPPE, transmission corridor designation or amendment from the Energy Commission or preparing an application for such. This rule ensures that the Contractor’s objectivity is not biased by its financial ties to an applicant.

## Rule 2: Availability to Work on Contract

Summary of the rule: During the term of the Agreement, the Contractor will not be requested or allowed to review an application involving a project or other task on which the Contractor has previously worked. During the term of the Agreement, the Contractor will also not be requested or allowed to review an application from an applicant for whom the Contractor is currently working or has worked within the twelve months prior to the start of review. In addition, Contractor will not be requested or allowed to perform any task that would require Contractor to review the work of someone the Contractor currently works or has worked within the twelve months prior to start of review. For more detailed information on work assignments, and the impact of prior work and income, see the full text of the Agreement term covering work assignments, in Attachment 6, Exhibit H.

This rule is used to determine which projects the Contractor will be assigned to work on. This rule ensures that the Contractor will not be allowed to review its own previous work. While this rule does not prohibit the Energy Commission from signing an Agreement with the Bidding Firm, it affects the availability of the Bidding Firm (Contractor) during the Agreement to work for the Energy Commission on particular projects.

## Minimum Requirements for Submitting SOQ

In order for a Bidding Firm’s SOQ to be accepted and scored on the technical substance, the Bidding Firm must meet the conflict of interest minimum requirements described below in this section. Each Bidding Firm must identify a team that can cover every issue area topic and sub-topic listed on the Potential Conflicts Spreadsheets. (The requirements to cover the issue area topics and sub-topics are described below.) A Bidding Firm that does not cover every issue area topic and sub-topic will not move onto the technical scoring part of the RFQ process.

Definitions used in this section:

Senior Technical Specialist: A Senior Technical Specialist for a topic or sub-topic is defined to be a Team Member that the Bidding Firm identifies as qualified to prepare and submit analysis on the topic or sub-topic directly to Energy Commission staff without requiring further review by other Team Members.

Subcontractor Firm: A subcontractor firm includes a subcontractor entity (such as a partnership or a corporation), and also includes a subcontractor who is a self-employed individual.

Available to Work on a Particular Project: A Senior Technical Specialist is defined in this RFQ to be Available to Work on a Particular Project if he/she has no conflicts of interest associated with working on the project according to the “Availability to Work on Contract” rule (rule 2) (described above). For a person to be considered “Available to Work on a Particular Project”, the person, the Bidding Firm and the Subcontractor Firm (if the person is employed by a Subcontractor Firm) must be free of conflicts of interest associated with the project. For purposes of the SOQ, we will use January 1, 2018 as a hypothetical date that work for the Energy Commission on the project application begins. A person is Available to Work on a Particular Project if:

* The person has not previously worked on the project application.
* The person has not received income from the project applicant within the twelve months prior to the start of work reviewing the application for the Energy Commission.
* The Bidding Firm has not worked on the project application and has not received income from the project applicant within the twelve months prior to the start of work reviewing the application for the Energy Commission
* The Subcontractor Firm (if the person is employed by a Subcontractor Firm) has not worked on the project application and has not received income from the project applicant within the twelve months prior to the start of work reviewing the application for the Energy Commission.

Minimum requirements to Cover Topic or Subtopic (Technical Areas):

A Bidding Firm will meet the minimum requirements to cover a particular topic or sub-topic if all of the following conditions are met:

1. Each Senior Technical Specialist listed for the topic or subtopic is Available to Work on at least fifteen of the projects included in the Projects Table below;

|  |
| --- |
| **PROJECTS TABLE** |
| **Current Projects** |
| **Project Name** | **Project Type (AFC, Petition to Amend, or SPPE)** | **Applicant Name** |
| Mission Rock Energy Center | AFC | Mission Rock Energy Center LLC (Calpine) |
| Puente Power Project | AFC | NRG Oxnard Energy Center, LLC, (NRG) |
| Stanton Reliability Energy Center | AFC | Stanton Energy Reliability Center, LLC (W Power, LLC) |
| Redondo Beach Energy Project | AFC (Suspended) | AES Southland, LLC (AES) |
| Pomona Repower Project | SPPE (Suspended) | AltaGas Pomona Energy Inc. (AltaGas) |
| High Desert Power Project | Petition to Amend | High Desert Power Project, LLC |
| Palomar Energy Project | Petition to Amend | Sempra Energy Resources (SDG&E) |
| Metcalf Energy Center | 2 Petitions to Amend | Calpine |
| Russell City Energy Center | Petition to Amend | Calpine |
| Los Esteros, Critical Energy Facility | Petition to Amend | Calpine |
| Humboldt Bay Generating Station | Petition to Amend | PG&E |
| Argus Cogeneration Expansion project (ACE) | Petition to Amend | Argus Cogeneration Expansion Co. |
| Mountainview Power Plant | Petition to Amend | Southern California Edison |
| El Segundo Energy Center | Petition to Amend | El Segundo Power II, LLC (NRG) |
| NCPA | Petition to Amend | Northern California Power Agency |
| Moss Landing Modernization, Units 1 & 2 | Petition to Amend | Dynegy Moss Landing, LLC (Dynegy) |
| **16 Current Projects** |

This table of anticipated future projects is included for reference only. The Energy Commission would like to alert Firms to the potential of upcoming work. In addition, senior technical specialists support will need to be available for these future projects. When completing Attachments 11, 12, and 13, Firms will not include the information on anticipated future projects.

|  |
| --- |
| **Anticipated Future Projects\*** |
| **Project Type(Technology)** | **Estimated Number of Projects** | **Probable Location** |
| Combined Cycle | 1 | Southern California |
| Geothermal | 2 | Salton Sea |
| Peaker | 3 | Southern California |
| Compressed Air Energy Storage | 1 | Central Valley |
| Concentrated Solar Power | 1 | Mojave Desert |
| Spark Ignition Engine | 1 | Southern California |
| Transmission Corridor Designation | 1 | To be determined |
| **Anticipated Future Projects: 10\*** |
| \*Note: The Anticipated Future Projects Table does not contain estimated future Petition to Amend information. This means that for the RFQ minimum requirements, the Firm is not evaluated based on any potential conflicts related to future amendments. However, the selected contractor must be available to work on Petition to Amend assignments, per the Agreement terms, in Attachment 6, Exhibit H. |

1. For the particular topic or sub-topic, Attachment 11 has identified the minimum number (or more) of Senior Technical Specialists required for the topic or sub-topic. The minimum number of Senior Technical Specialists required for each topic and sub-topic is described on the *Team Member Topic and Sub-Topic Coverage Information Sheet* (see description below);
2. For the particular topic or sub-topic, the Bidding Firm as a whole has Senior Technical Specialists Available to Work on at least 15 of the projects included in the Projects Table. For each topic or sub-topic, a Bidding Firm will be considered to cover a particular project listed in the Projects Table if the Bidding Firm identifies at least one of the topic or sub-topic Senior Technical Specialist that is Available to Work on the project. If more than one Senior Technical Specialists for a topic or sub-topic are Available to Work on a Particular Project, the Bidding Firm as a whole will only get credit once for being Available to Work on the Particular Project for the topic or sub-topic, i.e. no double counting will be allowed for purposes of meeting this requirement.

## Potential Conflicts Spreadsheets

In this section of the SOQ, the Bidding Firm will complete three spreadsheets that will demonstrate the minimum requirements for covering a topic and sub-topic. The spreadsheets in attachments 11, 12, and 13 are collectively referred to as “Potential Conflicts Spreadsheets.” This will determine whether the Bidding Firm has met the minimum requirements to move on to the scoring phase. The spreadsheets will include information on team members Available to Work on a variety of topic and sub-topics (technical areas such as air quality or biology). These spreadsheets are available electronically on the Energy Commission website or by contacting the RFQ Contact Person. Please use the Projects Table in this section for your answers.

Instructions for completing the spreadsheets:

1. ***Team Member Topic and Sub-Topic Coverage Information Spreadsheet (Attachment 11)***
* Complete only one spreadsheet for each SOQ (the Bidding Team as a whole is reflected on one sheet).
* Include the name of the Bidding Firm, which will be the prime contractor if awarded the contract.
* Identify the names of all Senior Technical Specialists proposed to provide service for each Topic and Sub-Topic (this includes all employees of the Bidding Firm and employees of Subcontractor Firms).
* Each Senior Technical Specialist listed must be Available to Work on at least 15 of the Current Projects in the Projects Table.
* The minimum number of required Senior Technical Specialists must be included (the minimum number for each Topic and Sub-topic is listed on this spreadsheet).
* For each topic and sub-topic, the team of Senior Technical Specialists taken together as a whole must be Available to Work on at least 15 of the Current Projects in the Projects Table.
* The team as a whole will be considered Available to Work on a particular topic or sub-topic on a particular project if at least one Senior Technical Specialist is identified and Available to Work on the topic or sub-topic on the project.
1. ***Firm Information Sheet*. (Attachment 12)**

This sheet is used to collect information on the *Bidding Firm and each Subcontractor Firm*:

* Complete one sheet for the Bidding Firm
* Complete one sheet for each Subcontractor Firm.
* Identify whether each firm is the Bidding Firm or a Subcontractor Firm.
* Obtain a signature from an authorized representative of the Bidding Firm and each Subcontractor Firm, and date the sheets.
* Use the Current Projects in the Projects Table in this section as the basis for your answers
* Use January 1, 2017 – December 31, 2017 as the dates to measure income within the prior 12 months
* Complete information requested in the three categories:
* List all current applications that the Firm has ever worked on.
* List all current applicants that have provided the Firm with income within the prior 12 months.
* Indicate any existing agreements between the Firm and current applicants. For each agreement, list the purpose, the source of income (applicant) and the agreement end date.
* NOTE: If you have listed agreements in category 3, for applicants that are also listed on the Projects Table, you may still submit a SOQ. However, for purposes of meeting the Minimum Requirements described in this section, the Energy Commission will not count the Senior Technical Specialist as Available to Work on a Particular Project, for that particular applicant’s projects.
1. ***Team Member Availability Information Sheets*. (Attachment 13)**

These sheets are used to collect information on the *Senior Technical Specialists (team members)* employed by the Bidding Firm and each Subcontractor Firm:

* Complete one sheet for the Bidding Firm.
* Complete one sheet for each Subcontractor Firm.
* You might have multiple pages for each Firm, if you propose more Senior Technical Specialists than can fit on one page.
* Obtain a signature from an authorized representative of the Bidding Firm and each Subcontractor Firm, and date the sheet.
* Add information on each Senior Technical Specialist (one person per row)
* Use the Current Projects in the Projects Table in this section as the basis for your responses.
* Use January 1, 2017 – December 31, 2017 as the dates to measure income within the prior 12 months.
* Complete information requested in the three columns:
* Column 1: List all current applications that the Senior Technical Specialist has ever worked on.
* Column 2: List all current applicants that have provided the Senior Technical Specialist with income within the prior 12 months.
* Column 3: Indicate any existing agreements between the Senior Technical Specialist and current applicants. For each agreement, list the purpose, the source of income (applicant) and the agreement end date.

**Prime Contractor Responsibility and Form 700**

The Prime Contractor selected for the agreement resulting from this RFQ will be responsible for making sure its employees and Subcontractor Firm employees that perform work, or may be called upon to perform work, avoid financial conflicts of interest. This includes having the Prime Contractor submit to the Energy Commission an annual economic interest statement (Form 700 from the Fair Political Practices Commission) from each of the Prime Contractor’s employees or Subcontractor Firms’ employees who are required under the Political Reform Act to submit a Form 700, disclosing all financial interests under the disclosure categories applicable to the comparable staff of the Energy Commission’s Siting, Transmission and Environmental Protection Division. The Energy Commission will hold the Prime Contractor responsible for enforcing these requirements.

## Agreement Terms

The agreement resulting from this RFQ will include the terms on Conflict of Interest and Separation of Duties/Work Assignments. Note that Attachment 6 is the entire sample agreement, and includes the contract terms for conflict of interest in Exhibit H of Attachment 6. Firms must review this language carefully in order to understand the specific rules on conflict of interest for the prime contractor, subcontractors and employees of the contractor/subcontractor firms.

# IV. 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 11‑point font, singled-spaced and a blank line between paragraphs. 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 or USB memory stick** along with the paper submittal. Only one CD-ROM 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-17-701," 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 NameStreet AddressCity, State, Zip CodeFAX # |  |
|  | RFQ-17-702Contracts Office, MS-18California Energy Commission1516 Ninth Street, 1st FloorSacramento, 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.**, to the Energy Commission’s Contracts, Grants and Loans Office during normal business hours and prior to the deadline specified in this RFQ (Section 1). 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.

## Organize Your SOQ as Follows:

### 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 | Attachment 3 |
| Bidder Declaration Form GSPD-05-105 | Attachment 4 |
| Contractor Certification Clauses | Attachment 5 |
| Iran Contracting Act Form | Attachment 8 |
| California Civil Rights Laws Certification | Attachment 9 |

### SECTION 2, Technical Response

|  |  |
| --- | --- |
| 1. Minimum Qualifications
 |  |
| * Team Member Topic and Sub-Topic Coverage Information Sheet
 | Attachment 11 |
| * Firm Information Sheet
 | Attachment 12 |
| * Team Member Availability Information Sheet
 | Attachment 13 |
| 1. Approach to Tasks in Scope of Work
 |  |
| 1. Project Team Organizations Structure & Cost Minimization
 |  |
| 1. Project Team Relevant Experience and Qualifications
 |  |
| 1. Analytical Tools
 |  |
| 1. Client References
 | Attachment 7 |
| 1. Examples of previous Work Products
 |  |

1. **Minimum Qualifications**

In order for a Firm’s SOQ to be accepted and scored on the technical substance, the Firm must meet the conflict of interest minimum requirements described Section III.

1. **Approach to Tasks in Scope of Work**

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

1. Task 1 – Contract Management and Administrative Duties
2. Task 2 – Document Production
3. Task 3 – Data Adequacy Assessment (Applies to AFC/TCD Only)
4. Task 4 – Discovery (Applies To AFC/SPPE/Amendment/TCD)
5. Task 5 – Analysis (Applies To AFC/SPPE/Amendment/TCD)
6. Task 6 – Hearings/Decisions (Applies To AFC/SPPE/Amendment/TCD)
7. Task 7 – Siting Project Management (Applies to AFC/SPPE/TCD)
8. Task 8 – Compliance Project Management, Compliance Monitoring, Analysis of Amendments, Environmental Monitoring Coordination, DCBO Performance Evaluation and Auditing Services, and Incident Investigations
9. Task 9 – Preparing Transmission Corridor Designation Applications
10. Task 10 – Laws, Ordinances, Regulations and Standards Assistance
11. Task 11 – Greenhouse Gases and Global Climate Change Assessment
12. Task 12 – Natural Gas Pipeline Safety Assessment
13. Task 13 – Technical Training
14. **Project Team Organizational Structure & Cost Minimization**

• Describe the organizational structure of the Firm, including providing an organizational chart of the entire contract team.

* Identify the locations of the Firm’s and each Subcontractor’s headquarters and/or satellite office(s) and proposed methods of minimizing cost to the State. Without revealing hourly rates or cost, describe the efforts the Firm will take to minimize costs to the Energy Commission in the successful performance of this Agreement. For example:
* In-State Travel Costs – What policy will the Firm adopt as related to team member time charges when the team member is traveling and/or not working actively on the Agreement?
* Out-of-State Travel Costs – It is the Energy Commission’s intent to reimburse contractor costs for airfare within California. If the Firm and/or team members are located out-of-state, will the Firm and/or team members establish an office in California and/or initiate all travel and related time charges from this California office, and not the out of state office? The Energy Commission is interested in reimbursing for active time spent working on this Agreement, not travel.
* 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 stories.
* Describe professional awards.
* Describe the organization, composition, and functions to be performed by staff members of the Firm and any Subcontractors and how the staff pertains to this Agreement.
* Identify a primary contact person for the Firm and each Subcontractor. The primary contact person for the Firm must attend the discussion session described in Section IV. At least one individual representing the team’s expertise in each of the technical areas of your SOQ is encouraged to attend the discussion session.
* Describe ability to effectively and efficiently recruit additional Subcontractors in response to Energy Commission direction
* Describe the ability of the Firm to pay Subcontractors on a timely basis (ahead of receiving payment from the state)
1. **Project Team Relevant Experience and Qualifications**

1. Firm Only:

* Describe the Firm’s approach to the contract management and administration of this agreement. Identify the Contract management team members
* Describe the qualifications of the Firm, and the planned approach to effectively provide direction, motivation and vision to the team; to provide quality assurance for each team member’s performance; and to minimize turnover and provide a stable professional team, including the ability to quickly add and train new team members as needed
* Describe the ability to organize and manage a team of technical experts to effectively complete statement of work tasks and deliverables in a timely manner.

2. Team Members including Firm:

* Document the project team’s qualifications as they apply to performing the tasks described in the Scope of Work. Describe the nature and scope of recently completed work as it relates to the Scope of Work
* Identify and list all the Firm’s staff and Subcontractors (all team members) who will be committed to the tasks and describe their roles
* Describe job classification, relevant experience, education, academic degrees of these technical staff team members
* Provide a current resume for all team members listed.
* Identify the percentage of time each team member will be available throughout the Agreement.
* Describe each team member’s familiarity with the technical expertise in performing pertinent tasks identified in the Scope of Work.
* Describe the nature and quality of each team member’s recently completed work, such as environmental analysis and impact mitigation, engineering and design, project and construction management and siting trends, and how this expertise will be used.
* Describe each team member’s experience in preparing and reviewing an environmental impact analysis under CEQA, such as Environmental Impact Reports, and NEPA.
* Describe each team member’s experience in developing mitigation and mitigation monitoring plans.
* Describe each team member’s experience on permitting of, or preparing development plans for, industrial projects (not necessarily energy projects) and linear facilities, such as pipelines or transmission lines under CEQA and NEPA.
* Describe each team member’s knowledge of various federal, state, regional, and local governmental organizations and the processes and requirements involved in the planning for, or permitting of, industrial projects and linear facilities under CEQA and NEPA.
* Describe each team member’s experience evaluating the potential impacts of generation and transmission or individual proposed projects and proposing appropriate strategies or mitigation measures to avoid or reduce significant impacts under CEQA and NEPA.
* Describe each team member’s experience evaluating the compliance of projects with all conditions of approval. Describe each team members experience performing investigations and power plant inspections. Describe each team member’s experience presenting findings in public forums.
1. **Analytical Tools**
* Describe any technical capabilities that would facilitate communication with the Energy Commission. Please note the team members must provide their own computers and software and these costs are not reimbursable under the Agreement.
* Describe what types of computers and/or analytical tools will be used to accomplish the tasks listed in the Scope of Work.
* Describe technical capabilities performing GIS and cartography functions required to accomplish the tasks listed in the Scope of Work.
* List the names and editions of all software to be used in accomplishing the tasks listed in the Scope of Work.
1. **Client References**

The Firm and each Subcontractor shall complete a Client Reference Form. Three client references are required for the Firm and three Client references are required for each Subcontractor.

1. **Example of Prior Work (only 1 copy needs to be submitted)**

The Firm and each Subcontractor shall provide one example of a work product that is representative of the services it will provide under the Agreement (it is not necessary to provide more than one copy of each work product example).

If more than one Subcontractor will be providing technical support in a technical expertise area, each Subcontractor shall submit one example product that demonstrates experience in potential work assignments described in this RFQ for the technical expertise area.

Areas of Expertise Required:

1. The Energy Commission is seeking one team of technical specialists led by a Prime Contractor (Contractor). The Contractor and the team can be from the same pre-existing organization, such as a full-service consultant Firm, or they can be from separate organizations (or self-employed) and form a partnership that can successfully work together for the purposes of this RFQ. The Contractor and its team must demonstrate that they can:
* Manage the work of all team members effectively during the Agreement term.
* Interact with the CAM and technical staff professionally and efficiently.
* Respond to the identified workload in a timely manner.
* Consistently meet all product and event deadlines.
* Provide competent and qualified experts in all technical and administrative areas identified in this RFQ.
* Meet the terms of the Agreement in a cost-competitive manner.
* Meet the minimum conflict of interest requirements.
* Support the Energy Commission’s Siting, Transmission, and Environmental Protection Division analyses in the environmental and engineering subject areas listed below. The Contractor team shall have the demonstrated qualifications and ability to apply these areas of expertise to assess AFCs, SPPEs, TCDs, Compliance Amendments, and monitor the construction, operation and closure of power plant projects to ensure they comply with the conditions of certification.
1. Environmental and Engineering Expertise Required

**Air Quality**

* Air Quality Specialist
* Air Quality sub-topic: Greenhouse gas and climate change analysis
* Air Quality sub-topic: Nitrogen Deposition Modeling
* Air Quality sub-topic: Visible, ground-hugging, and thermal plume modeling and analysis
* Air Quality sub-topic: Analysis of criteria pollutant emissions
* Air Quality sub-topic: Windshed modeling and analysis

**Alternatives Assessment**

* + Alternatives Assessment Specialist

**Biological Resources**

* Biological Resources Specialist
* Biological Resources sub-topic: Avian Biology
* Biological Resources sub-topic: Botany
* Biological Resources sub-topic: Fisheries Biology
* Biological Resources sub-topic: Marine Biology
* Biological Resources sub-topic: Wildlife Biology
* Biological Resources sub-topic: Wildlife Corridors and Migration

**Cultural Resources**

* Cultural Resources Specialist
* Cultural Resources sub-topic: Archaeology
* Cultural Resources sub-topic: Architectural History
* Cultural Resources sub-topic: Cultural Anthropology
* Cultural Resources sub-topic: Cultural Resources GIS
* Cultural Resources sub-topic: Geoarchaeology
* Cultural Resources sub-topic: History
* Cultural Resources sub-topic: Historic Architecture

**Facility Design**

* Facility Design Specialist
* Facility Design sub-topic: Civil and Structural engineering
* Facility Design sub-topic: Electrical engineering
* Facility Design sub-topic: Gas transmission pipeline safety
* Facility Design sub-topic: Mechanical engineering

**Geology**

* Geologist Specialist
* Geology sub-topic: Enhanced Oil Recovery/Carbon Sequestration
* Geology sub-topic: Sand dune morphology

**Hazardous Materials Management**

* Hazardous Materials Management Specialist
* Site Security Specialist

**Land Use**

* Land Use Specialist

**Mineral Resources and Paleontology**

* Mineral Resources and Paleontology Specialist

**Noise and Vibration**

* Noise and Vibration Specialist
* Noise sub-topic: Modeling and measurement methods
* Noise sub-topic: Noise and vibration mitigation measures

**Power Plant Efficiency**

* Power Plant Efficiency Specialist

**Power Plant Reliability**

* Power Plant Reliability Specialist

**Public Health**

* Public Health Specialist

**Socioeconomic Resources**

* Socioeconomic Resources Specialist

**Soils**

* Soils Specialist
* Soils sub-topic: Erosion, compaction, and stabilization
* Soils sub-topic: Agriculture, range land, and forest conservation

**Traffic and Transportation**

* Traffic and Transportation Specialist
* Traffic and Transportation sub-topic: Aviation safety
* Traffic and Transportation sub-topic: Ground vehicle safety
* Traffic and Transportation sub-topic: Vehicle Miles Traveled and Level Of Service Calculations
* Traffic and Transportation sub-topic: Glint and Glare analysis

**Transmission Line Safety and Nuisance**

* Transmission Line Safety and Nuisance Specialist

**Transmission System Engineering and Evaluation**

* Transmission System Engineering and Evaluation Specialist

**Visual Resources**

* Visual Resources Specialist
* Visual Resources sub-topic: Landscape Architecture
	+ Visual Resources sub-topic: 3D Photo Simulations
* Visual Resources sub-topic: Glint and Glare analysis

**Waste Management**

* + Waste Management Specialist

**Water Resources**

* Water Resources Specialist
* Water Resources sub-topic: Groundwater impact modeling
* Water Resources sub-topic: Storm water management
* Water Resources sub-topic: Surface and groundwater supply modeling
* Water Resources sub-topic: Wastewater modeling and analysis
* Water Resources sub-topic: Surface water supply
* Water Resources sub-topic: Water quality and treatment
* Water Resources sub-topic: Sea Level Rise and Climate Change effects
* Water Resources sub-topic: Recycled water supply and use analysis
* Water Resources sub-topic: Economic feasibility analysis

**Worker Safety and Fire Protection**

* Fire Protection Specialist
* Worker Safety Specialist

**Other**

* Project Manager
* Compliance Inspector
* GIS Specialist
* Technical Writer/Editor

Expertise Descriptions

A detailed description of each environmental and engineering technical area is provided in **Attachment 10**.

**Project Management:** Project managers for power plant siting and compliance projects provide leadership and direction to the project team, represent the Energy Commission before the public, review staff products for consistency, develop case strategy, organize project records, and make oral and written presentations on a project to the Energy Commission and public. Project managers shall have demonstrated knowledge of CEQA and experience reviewing major development projects.

**Compliance Inspector:** Coordinate or assist staff with the coordination of investigations of non-compliance issues, incidents, complaints and emergencies to assure that the facilities are in compliance with the Commission Decision and applicable LORS. Assist with the case strategy, organize investigation records, write investigation reports and supporting documentation, and testify in Energy Commission hearings (as needed). Conduct power plant site audits and inspections. Compliance Inspectors shall have demonstrated knowledge of inspection techniques, interviewing witnesses, preparing legally defendable investigation reports, and coordinating interagency investigations.

**Senior Technical Specialist:** A Senior Technical Specialist for a topic or sub-topic is defined in this RFQ as a team member that the Firm identifies as qualified to prepare and submit analysis on the topic or sub-topic directly to Energy Commission staff without requiring further review by other Team Members. Team Member Qualifications scoring will be based primarily on the qualifications of the Senior Technical Specialists proposed by the Firm.

**Administrative Support:** Firms must have at least one person qualified for each of the following administrative support functions:

* Technical Editing
* Report Preparation and Production
* Work Authorization and Management and Invoicing
* Document Production
* Graphic Support (including GIS maps and photographic and artistic renderings)
* Contract Website Maintenance

3. **Historical Information about Technical Expertise Required**

The following table shows historical information about the relative budgets and the number of work authorizations issued for licensing and compliance activities for each subject area under the current peak workload contract (Contract #700-11-027) from December 2012 through May 2017. This historical information provides an indication of the support needed for power plant licensing and compliance activities for each area. However, future needs are new activities for the Energy Commission and are not reflected on this table; the future activities may be different.

|  |  |  |
| --- | --- | --- |
| **Expertise Area** | **Percent of work value** | **Number of assignments** |
| Air Quality | 13% | 7 |
| Alternatives | 8.6% | 4 |
| Biological Resources | 18% | 9 |
| Chief Building Official Support | 0.5% | 1 |
| Compliance Project Management | 10% | 2 |
| Cultural Resources | 16% | 11 |
| Enhanced Oil Recovery | 0.3% | 1 |
| Geology | 1.9% | 1 |
| Glint and Glare Impacts | 4.4% | 6 |
| Hazardous Materials Management | 3.0% | 7 |
| Land Use | 1.1% | 2 |
| Noise and Vibration | 1.4% | 1 |
| Public Health | 2.0% | 2 |
| Siting Project Management | 0.4% | 2 |
| Visual Resources | 5.6% | 6 |
| Water Resources | 0.9% | 2 |
| Worker Safety and Fire Protection | 8.6% | 10 |
| **Grand Total** | **100%** | **82** |
|  |  |  |

# V. Evaluation PROCESS and Criteria

## Selection Process Steps

The Energy Commission will organize a committee whose members have expertise in evaluation of architectural and engineering services. The Evaluation Committee will evaluate the SOQs as follows:

### 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 by the exact time and date set for receipt of SOQs.
* SOQ must be responsive to the California Disabled Veteran Business Enterprise participation requirements.
* SOQ must include a 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 not have a 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.

### Grounds to Reject an 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 SOQs.
* The SOQ does not literally comply or contains caveats that conflict with the RFQ and the variation or deviation is not 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.

Minimum Qualifications

The Evaluation Committee will determine if the Firm meets the minimum qualifications. If not, the Firm shall be eliminated and the SOQ will not be evaluated and scored.

### Evaluation of Qualifications

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.

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.

### 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 less than three Firms 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 Contract Agreement Manager, discussions may be held via conference call or WebEx. The project lead and at least one person from each technical area is encouraged 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 less than three, 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.

[www.energy.ca.gov](http://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 (hourly rates and markup on direct costs, if any).

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 Energy Commission 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.

## Scoring Scale

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

|  |  |  |
| --- | --- | --- |
| ***% of Possible Points*** | ***Interpretation*** | ***Explanation for Percentage Points***  |
| 0% | Not Responsive | Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 10-30% | Minimally Responsive | Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 40-60% | Inadequate | Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution. |
| 70% | Adequate | Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable. |
| 80% | Good | Response fully addresses the requirements being scored with a good degree of confidence in the 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. |

## valuation of Statement of Qualifications - Criteria

REFERENCES AND EXAMPLES OF PRIOR WORK WILL BE

CONSIDERED THROUGHOUT THE SCORING

| **WRITTEN EVALUATION CRITERIA (850 points)** | **Possible Points** |
| --- | --- |
| **A.   Approach to Tasks in Scope of Work** | 50 |
| The Firm’s general and specific proposed approaches to providing the following services listed in the Scope of Work, highlighting outstanding features, qualifications, and experience of each team member. |
| **B.   Project Team Organizational Structure & Cost Minimization** | 50 |
| The organizational structure of the Firm. |
| The locations of the Firm’s and each Subcontractor’s headquarters and/or satellite office(s) and proposed methods of minimizing cost to the State.  |
| The expertise of each Subcontractor and key members of the team. Indicate any history of a working relationship between the team members noting any significant stories. |
| Professional awards. |
| The organization, composition, and functions to be performed by staff members of the Firm and any Subcontractors. |
| The expertise of the primary contact person for the Firm and each Subcontractor. |
| The ability to effectively and efficiently recruit additional Subcontractors in response to Energy Commission direction. |
| The ability of the Firm to pay Subcontractors on a timely basis (ahead of receiving payment from the State). |
| **C. Project Team Relevant Experience and Qualifications** | 500 |
| The Firm and Subcontractor's specialized facility permitting expertise that is applicable to the tasks outlined in the Scope of Work.  |
| The qualifications of each team member as they apply to the required expertise listed in Section IV and in performing the tasks described in the Scope of Work. |
| The qualifications shown on current resume for all team members listed (identify the percentage of time each team member will be available throughout the Agreement). |
| Job classification, relevant experience, education, academic degrees and professional licenses of each team member. |
| Professional awards of team members. |
| The nature and quality of each team member’s recently completed work, such as environmental analysis and impact mitigation, engineering and design, project and construction management and siting trends, and how this expertise will be used.  |
| Team member’s experience in preparing and reviewing an environmental impact analysis under CEQA (such as environmental impact reports) and NEPA.  |
| Each team member’s experience in developing mitigation and mitigation monitoring plans. |
| Each team member’s experience on permitting of, or preparing development plans for, industrial projects (not necessarily energy projects) and linear facilities, such as pipelines or transmission lines under CEQA and NEPA.  |
| Each team member’s knowledge of various federal, state, regional, and local governmental organizations and the processes and requirements involved in the planning for, or permitting of, industrial projects and linear facilities under CEQA and NEPA.  |
| Each team member’s experience evaluating the potential impacts of generation and transmission or individual proposed projects and proposing appropriate strategies or mitigation measures to avoid or reduce significant impacts under CEQA and NEPA.  |
| Each team member’s experience evaluating the compliance of projects with all conditions of approval. Describe each team members experience performing investigations and power plant inspections. Describe each team member’s experience presenting findings in public forums. |
| The organizational structure of the Firm and each Subcontractor, including an organizational chart of the entire contract team. |
| The CEQA and NEPA expertise of the Firm's primary contact person. |
| The Firm’s approach to contract management and administration. Identify the Contract Management team members.  |
| The Firm's approach to effectively provide direction to the team; to provide quality assurance for each team member’s performance; and to minimize turnover and provide a stable professional team, including the ability to quickly add and train new team members as needed. |
| **D.   Analytical Tools** | 100 |
| Technical capabilities that would facilitate communication with the Energy Commission.  |
| Types of computers and/or analytical tools to be used to accomplish the tasks listed in the Scope of Work. |
| Software to be used in accomplishing the tasks listed in the Scope of Work. |
| GIS capabilities and cartography functions required to accomplish the tasks listed in the Scope of Work. |
| **E.   Client References** | 50 |
| The Firm and each Subcontractor client references. |
| **F. Example of Prior Work**  | 100 |
| Examples of work that is representative of the services the Firm and Subcontractors will provide under the Agreement.   |
| **WRITTEN EVALUATION CRITERIA** | **Total** |
| **Evaluation of Written SOQ***(Maximum Points)* | **850** |
| **DISCUSSION EVALUATION CRITERIA:** | **Total** |
| Quality of Presentation | 50 |
| Clear and concise responses to questions | 50 |
| Demonstrated knowledge of the subject/issues | 50 |
| **Evaluation of Discussion** *(Maximum Points)* | **150** |
| **Maximum Total Points**  | **1000** |
| **Minimum Passing Score (75%)** | **750** |
| **Firm’s Score**  |  |
| **Disabled Veteran Business Enterprise Incentive Points:** |  |
| **Final Adjusted Score** |  |

# VI. Business Participation Programs (Preferences/Incentives)

## About This Section

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

This section describes the following business participation programs:

* Disabled Veteran Business Enterprise Participation Compliance Requirements
* Disabled Veteran Business Enterprise Incentive

##

## Disabled Veteran Business Enterprise (DVBE) Participation Compliance Requirements

***DVBE Participation Required***

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

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

1. If Firm is a DVBE, then the Firm has satisfied the participation requirements if it commits to performing at least 3% of the contract with the Firm, or in combination with other DVBE(s).
2. If Firm is not a DVBE, the Firm can satisfy the requirement by committing to use certified DVBE subcontractors for at least 3% of the contract. The DVBE percentage is determined by percentage of work that the Firm anticipates will be assigned to the DVBE subcontractor during the course of the contract.

***Required Forms***

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

* Contractor Status Form (Attachment 1).

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

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

The “Corresponding % of bid price” column under Section 2 of the Bidder Declaration Form (Attachment 4) will be used to determine DVBE percentage. The percentages listed here must reflect the percentage of work that the Firm anticipates each Subcontractor will complete. If the Firm lists a DVBE sub on Attachment 4, and fails to list a percentage or indicates a percentage less than the 3% requirement in the “Corresponding % of bid price” column, the SOQ will be rejected as non-responsive to DVBE compliance requirements.

***DVBE Definition***

For DVBE certification purposes, a "disabled veteran" is:

* A veteran of the U.S. military, naval, or air service;
* The veteran must have a service-connected disability of at least 10% or more; and
* The veteran must be domiciled in California.

***DVBE Certification and Eligibility***

* To be certified as a DVBE, your firm must meet the following requirements:
* Your business must be at least 51% owned by one or more disabled veterans;
* Your daily business operations must be managed and controlled by one or more disabled veterans
* The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business; and
* Your home office must be located in the U.S. (the home office cannot be a branch or subsidiary of a foreign corporation, foreign firm, or other foreign based business).
* DVBE limited liability companies must be wholly owned by one or more disabled veterans.
* Each DVBE firm listed on the DVBE Declarations Std. form 843 (Attachment 3) and on the Bidder Declaration form GSPD-05-105 (Attachment 4) must be formally certified as a DVBE by the Office of Small Business and DVBE Services (OSDS). The DVBE program is not a self-certification program. Firm must have submitted application to OSDS for DVBE certification by the SOQ due date to be counted in meeting participation requirements.

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

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

***To Find Certified DVBEs***

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

***Commercially Useful Function***

DVBEs must perform a commercially useful function relevant to this solicitation, in order to satisfy the DVBE program requirements. California Code of Regulations, Title 2, Section 1896.62(l) provides:

“Commercially Useful Function (CUF) means a DVBE contractor or subcontractor that contributes to the fulfillment of contract requirements as determined by awarding departments in § 1896.71, and does all of, but is not limited to, the following:

1. Is responsible for the execution of a distinct element of work for the contract;
2. Carries out contractual obligations by actually performing, managing, or supervising the work involved;
3. Performs work that is normal for its business services and functions;
4. Is not further subcontracting a portion of the work that is greater than expected to be subcontracted by normal industry practices;
5. Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment; and,
6. Its role is not an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.”

***Information Verified***

Information submitted by the Firm to comply with this solicitation’s DVBE requirements will be verified. If evidence of an alleged violation is found during the verification process, the State shall initiate an investigation, in accordance with the requirements of PCC Section 10115, et seq., and Military & Veterans Code Section 999 et seq., and follow the investigatory procedures required by California Code of Regulations Title 2, Section 1896.90 et. seq. Contractors found to be in violation of certain provisions may be subject to loss of certification, sanctions and/or contract termination.

***DVBE Report***

Upon completion of the contract for which a commitment to achieve DVBE participation was made, the contractor that entered into a subcontract with a DVBE must certify in a report to the Energy Commission: 1) the total amount the prime contractor received under the contract; 2) the name and address of the DVBE(s) that participated in the performance of the contract; 3) the amount each DVBE received from the prime contractor; 4) that all payments under the contract have been made to the DVBE(s); and 5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. Military & Veterans Code Section 999.5(d).

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

OSDS offers program information and may be reached at:

Department of General Services

Office of Small Business and DVBE Services

707 3rd Street, 1st Floor, Room 400

West Sacramento, CA 95605

<http://www.dgs.ca.gov/pd/Programs/OSDS.aspx>

Phone: (916) 375-4940

Fax: (916) 375-4950

E-mail: OSDSHelp@dgs.ca.gov

***DVBE Law***

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

## DVBE Incentive

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

***Incentive Application***

Award Based on High Score: The incentive is applied by adding the incentive points to the SOQ score for Firms that include more than 3% DVBE participation (see “Incentive Amount” below). Incentive points cannot be used to achieve any applicable minimum point requirements. The DVBE incentive is only applied during the SOQ evaluation process and only to responsive SOQs from responsible Firms.

***Incentive amount***

The incentive amount for awards based on high score will vary in conjunction with the percentage of DVBE participation.

|  |  |  |
| --- | --- | --- |
| Proposed DVBE Participation Level | DVBE Incentive % Point Preference | DVBE Incentive Points |
| 3.01% - 3.99% | 1% | 10 |
| 4.00% - 4.99% | 2% | 20 |
| 5.00% - 5.99% | 3% | 30 |
| 6.00% - 6.99% | 4% | 40 |
| 7.00% or over | 5% | 50 |

***Required Forms***:

* Contractor Status Form (Attachment 1).

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

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

### DVBE Incentive Law

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

# VII. 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*** |
| State | State of California |
| DGS | Department of General Services |
| Energy Commission | California Energy Commission |
| RFQ | Request for Qualifications, this entire document |
| SOQ | Statement of Qualifications, formal written response to this document from Firm |
| Firm | Respondent to this RFQ |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Office |
| DVBE | Disabled Veteran Business Enterprises |
| WA | Work Authorization |

## Cost of Developing SOQ

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.

## Software Application Development

If this scope of work includes any software application development, including but not limited to databases, websites, models, or modeling tools, the Firm shall utilize the following standard Application Architecture components in compatible versions:

* Microsoft ASP.NET framework (version 3.5 and up) Recommend 4.0
* Microsoft Internet Information Services (IIS), (version 6 and up) Recommend 7.5
* Visual Studio.NET (version 2008 and up) Recommend 2010
* C# Programming Language with Presentation (UI), Business Object and Data Layers
* SQL (Structured Query Language)
* Microsoft SQL Server 2008, Stored Procedures Recommend 2008 R2
* Microsoft SQL Reporting Services Recommend 2008 R2
* XML (external interfaces)

Any exceptions to the Electronic File Format requirements above must be approved in writing by the Energy Commission Information Technology Services Branch.

## Printing Services

Per Management Memo 07-06, State Agencies must procure printing services through the Office of State Publishing (OSP). 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 8)**

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 8)**

## 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 9.

## 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> and Department of General Services’ website: <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.

## 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.