REQUEST FOR QUALIFICATIONS

**FOR TECHNICAL ASSISTANCE**

**TO THE**

Bright Schools Program

**Energy Partnership Program**

logo


RFQ-18-402

www.energy.ca.gov/contracts/

State of California

California Energy Commission

May 2019

**Table of Contents\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

[I. INTRODUCTION 5](#_Toc490033054)

[Background Summary 5](#_Toc490033055)

[Purpose of this RFQ 5](#_Toc490033056)

[Key Activities and Dates 6](#_Toc490033057)

[Available Funding 6](#_Toc490033058)

[Eligible Firms 7](#_Toc490033059)

[Retainer Contract 7](#_Toc490033060)

[Pre-Bid Conference 7](#_Toc490033061)

[Questions 8](#_Toc490033062)

[Contact Information 8](#_Toc490033063)

[Responses to This RFQ 9](#_Toc490033064)

[Reference Documents 9](#_Toc490033065)

[II. SCOPE OF WORK 10](#_Toc490033066)

[About This Section 10](#_Toc490033067)

[Work Authorizations 11](#_Toc490033068)

[No Work Guarantee 12](#_Toc490033069)

[III. STATEMENT OF QUALIFICATIONS - FORMAT, REQUIRED DOCUMENTS AND DELIVERY 12](#_Toc490033071)

[About This Section 20](#_Toc490033072)

[Pricing/Rates Information 20](#_Toc490033073)

[Required Format for an SOQ 20](#_Toc490033074)

[Number of Copies 20](#_Toc490033075)

[Packaging and Labeling 20](#_Toc490033076)

[Preferred Method for Delivery 21](#_Toc490033077)

[Organize Your SOQ as Follows: 21](#_Toc490033078)

[IV. EVALUATION CRITERIA AND SELECTION PROCESS 27](#_Toc490033079)

[Selection Process Steps 27](#_Toc490033080)

[Notice of Selection 29](#_Toc490033081)

[Negotiations 29](#_Toc490033082)

[Notice of Proposed Award 29](#_Toc490033083)

[Scoring Scale 30](#_Toc490033084)

[Evaluation of Statement of Qualifications - Criteria 31](#_Toc490033085)

[V. BUSINESS PARTICIPATION PROGRAMS(Preferences/Incentives) 34](#_Toc490033086)

[About This Section 34](#_Toc490033087)

[Disabled Veteran Business Enterprise (DVBE) Participation Compliance Requirements 34](#_Toc490033088)

[DVBE Incentive 36](#_Toc490033089)

[VI. ADMINISTRATION 38](#_Toc490033090)

[RFQ Defined 38](#_Toc490033091)

[Definition of Key Words 38](#_Toc490033092)

[Cost of Developing SOQ 39](#_Toc490033093)

[Software Application Development 39](#_Toc490033094)

[Printing Services 39](#_Toc490033095)

[Confidential Information 39](#_Toc490033096)

[Darfur Contracting Act of 2008 39](#_Toc490033097)

[Iran Contracting Act of 2010 40](#_Toc490033098)

[California Civil Rights Laws 40](#_Toc490033099)

[RFQ Cancellation and Amendments 40](#_Toc490033100)

[Errors 41](#_Toc490033101)

[Modifying or Withdrawal of SOQ 41](#_Toc490033102)

[Immaterial Defect 41](#_Toc490033103)

[Disposition of Firm’s Documents 41](#_Toc490033104)

[Firms’ Admonishment 41](#_Toc490033105)

[Agreement Requirements 41](#_Toc490033106)

[No Contract Until Signed & Approved 41](#_Toc490033107)

[Conflict of Interest 42](#_Toc490033108)

|  |  |
| --- | --- |
| **VI. 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 |
| 7 | Client References |
| 8 | Iran Contracting Act Form |
| 9 | Civil Rights Laws Certification Form |
| 10 | Work Authorization Example |
|  |  |

# I. INTRODUCTION

## Background Summary

The California Energy Commission assists public entities to become more energy efficient through its various energy efficiency programs. The Bright Schools and Energy Partnership Programs provide technical support to retrofit heating, ventilation, air conditioning, lighting equipment, controls, and motors as well as evaluate self generation opportunities in existing facilities. The programs are also able to provide some entities with new construction design support and services to help public agency personnel evaluate proposals from energy services companies.

The Bright Schools Program (BSP) provides technical assistance to entities such as K-12 public schools and the Energy Partnership Program (EPP) provides technical assistance to public entities such as cities, counties and public colleges.

## Purpose of this RFQ

The purpose of this Request for Qualifications (RFQ) is to select a single Prime Contractor that heads a team of established and experienced professional engineers and Architects/Leadership in Energy & Environmental Design Accredited Professionals (LEED AP) who are either employees of the Prime Contractor or who are Subcontractors to the Prime Contractor, working together, to assist and support the Energy Commission’s Technical Assistance Programs: Bright Schools Program and Energy Partnership Program.

For this RFQ, the Energy Commission desires a team with a Prime Contractor and a number of dedicated and experienced Subcontractors with experience that is thoroughly described in the statement of qualifications. The prime contractor will provide administrative support by directing subcontractors in all contract provisions. The team must include Professional Engineers and Architects with demonstrated expertise in energy audits and feasibility studies of energy projects, load reduction and renewable energy generation projects, thermal and battery energy storage at existing facilities. Facilities may include streetlights, water, and waste water facilities. The team will support new construction projects through the review of new facility designs and computer simulations, recommending cost-effective alternatives to increase energy efficiency, reduce energy cost, and/or use a renewable resource. A detailed Scope of Work is included in this RFQ and the team must demonstrate the required expertise to perform ALL aspects of the Scope of Work.

The contract awarded as a result of this solicitation will be a technical support contract. The selected team will be assigned work via specific work authorizations, as needed. The Prime Contractor shall make work assignments to team members based on their relative expertise, project workload, and Energy Commission concurrence on final selection of the team member for each work authorization. Technical assistance is capped at $20,000 per work authorization. If an eligible BSP/EPP applicant receiving services from the Contractor desires services greater than the cap, the BSP/EPP applicant is responsible for payment to the Contractor directly for the amount exceeding the cap. The Energy Commission reserves the right to decrease or increase this cap as needed. The Energy Commission makes no guarantee that any or all of the funds will be assigned in any given year or that any or all members of the team, including the Prime Contractor, will be assigned work.

## 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 Date*** |
| RFQ release | 5/21/2019 |
| Pre-Bid Conference\* | 6/3/2019 |
| Written Question Submittal Deadline by 5:00 p.m.\* | 6/3/2019 |
| Distribute Questions / Answers and Addenda (if any) | 6/17/19 |
| **Deadline to submit SOQ by 5:00 p.m.\*** | **7/16/2019** |
| SOQ Discussions with Firms\* | ~~8/15/2019-8/16/2019~~ **8/23/2019-8/30/2019** |
| Notice of Selection | ~~8/19/2019~~ **9/3/2019** |
| Cost Negotiations | ~~8/20/2019-9/10/2019~~  **9/3/2019-9/24/2019** |
| Notice of Proposed Award | ~~9/18/2019~~ **10/2/2019** |
| Energy Commission Business Meeting | 12/11/2019 |
| Contract Start Date | 12/31/2019 |
| Contract End Date | 12/31/2022 |

## Available Funding

There is a maximum of up to $2,100,000 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. The Energy Commission will only reimburse:

* + labor costs to perform work
  + travel (hotel, airfare, rental car, parking, etc.) and per diem costs (meals), according to State travel rules

The Energy Commission will not reimburse:

* + the Firm’s travel time to/from project sites or to/from meetings
  + any other costs such as binders, printing, courier service, etc. This type of expense should be included in the Firm’s loaded hourly rate.

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. The 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 an agreement to a non-complying entity. 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 the agreement being recommended for approval at an Energy Commission Business Meeting. If not currently registered with the California Secretary of State, firms 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.

June 3, 2019

2:00 PM

California Energy Commission

Charles Imbrecht Room

1516 9th Street

Sacramento, CA 95814

### Participation by WebEx

You may participate in this meeting through WebEx, the Energy Commission's online meeting service. Presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

**To join the meeting remotely:**

VIA COMPUTER: Go to[https://energy.webex.com/energy/onstage/g.php?MTID=e1a1b0890c8f2400a73ae91c81ff19471](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fenergy.webex.com%2Fenergy%2Fonstage%2Fg.php%3FMTID%3De1a1b0890c8f2400a73ae91c81ff19471&data=01%7C01%7C%7C504931595dd34cc27a4808d6b2db2018%7Cac3a124413f44ef68d1bbaa27148194e%7C0&sdata=8oxZxqIDi4JPaChqqoajwZ3ifXJa2OJLJEvAHm5h9rc%3D&reserved=0)

1. Enter the unique meeting number: 920 468 831
2. When prompted, enter your name. Password is not needed.
3. The “Join Conference” menu  will offer you the choice of audio connections:
4. To call into the meeting: Select "I will call in" and follow the on-screen directions.
5. International Attendees: Click on the "Global call-in number" link.
6. To have WebEx call you: Enter your phone number and click "Call Me.”

To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VolP (Internet audio) by going to the Audio menu, clicking on “Use Computer Headset,” then “Call Using Computer.”

VIA TELEPHONE ONLY (no visual presentation): Call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the unique meeting number: 920 468 831. International callers may select their number from <https://energy.webex.com/energy/globalcallin.php>.

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239

## 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

Angela Hockaday, Commission Agreement Officer

California Energy Commission

1516 Ninth Street, MS-18

Sacramento, California 95814

Telephone: (916) 654-5186

FAX: (916) 654-4423

E-mail: [Angela.Hockaday@energy.ca.gov](mailto:Angela.Hockaday@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:

* + ASHRAE publication *Procedures for Commercial Building Energy Audits*, Second Edition
  + Feasibility Study Guidelines *Guide to preparing Feasibility Studies for Energy Efficiency Projects*, publication number P400-00-002, developed by the Energy Commission (online) <http://www.energy.ca.gov/reports/2000-03-20_400-00-002.PDF>
  + Collaborative for High Performance Schools (CHPS) Best Practices Manuals (online only) <https://chps.net/best-practices-manual>
  + California CHPS Criteria (online only) <https://chps.net/chps-criteria>.

# 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.

**BACKGROUND**

The Technical Assistance Program was created under the Energy Conservation Assistance Act of 1979, Public Resources Code 25416, allowing the Energy Commission to contract and provide grants for services to be performed for eligible entities. Services may include feasibility analysis, project design, and field assistance.

**PURPOSE**

The purpose of this Agreement is to provide engineering services to assist and support the Energy Commission’s Technical Assistance Programs: Bright Schools Program (BSP) and Energy Partnership Program (EPP). The BSP provides technical assistance to entities such as K-12 public schools and the EPP provides technical assistance to public entities such as cities, counties and public colleges, seeking to install energy efficiency measures and clean onsite self-generation projects within existing facilities. Some entities may also be able to seek assistance with facility designs review on new construction. For purposes of this Agreement, “BSP/EPP Applicant” refers to entities that apply to the BSP or EPP Program and Contractor will provide services to under this Agreement.

The Contractor will support modernization, deferred maintenance, and retrofit opportunities by providing engineering services and expertise in conducting facility energy audits, preparing technical reports, identifying and evaluating cost- effective energy efficiency measures, load-shifting projects, and clean onsite self-generation opportunities for existing public buildings. For new construction, the Contractor will provide facility design review and computer simulations, recommending cost-effective alternatives to increase energy efficiency, reduce energy cost, and/or use renewable resources.

**ACRONYMS/GLOSSARY**

| ACRONYMS/TERMS | DEFINITION |
| --- | --- |
| ASHRAE | American Society of Heating, Refrigerating and Air Conditioning Engineers |
| ASHRAE Level 1 Energy Audit | Walk-through survey identifying low-cos/no-cost measures for improving energy efficiency. Provides a list of potential capital improvements for further consideration. Calculations are minimal. |
| ASHRAE Level 2 Energy Audit | Energy survey and analysis involving a detailed energy survey. It identifies and provides the savings and cost analyses of energy efficiency measures and proposed changes to operation and maintenance procedures. This level of analysis will provide adequate information to implement recommendations. |
| BSP/EPP applicant | Entities that apply to the Bright Schools Program (BSP) or Energy Partnership Program (EPP) |
| CAM | Commission Agreement Manager |
| Firm/Contractor | Respondent to this RFQ |
| HVAC | Heating, Ventilating and Air Conditioning |

## 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 CAM for this contract will prepare and issue the written Work Authorizations that define the scope of work, the schedule of deliverables and the project budget.

The Prime Contractor shall make work assignments to team members based on their relative expertise, project workload, and Energy Commission concurrence on final selection of the team member for each work authorization. Technical assistance is capped at $20,000 per work authorization. The Energy Commission reserves the right to decrease or increase the cap as needed. If the BSP/EPP applicant receiving services from the Contractor desires services greater than the cap, the BSP/EPP applicant is responsible for payment to the Contractor directly for the amount exceeding the cap.

## No Work Guarantee

The Energy Commission does not guarantee any minimum or maximum amount of work to the prime Contractor or any Subcontractor under the Agreement. The Energy Commission makes no guarantee that any or all of the funds will be assigned in any given year or that any or all members of the team, including the Prime Contractor, will be assigned work.

#### **Primary Tasks**

The major categories of work are divided into the following tasks:

|  |  |
| --- | --- |
| Task | Description of Task |
| 1 | Agreement Management |
| 2 | Evaluate Energy Efficiency Opportunities in Existing Facilities |
| 3 | Evaluate Opportunities for Cogeneration, Distributive Generation, Renewable Energy Systems, Thermal, and Battery Energy Storage |
| 4 | Evaluate Energy Efficiency Opportunities in Water & Wastewater Treatment Facilities |
| 5 | Provide Support for New Construction Projects |
| 6 | Provide Professional Engineering Support Services |

#### **TASK 1 – AGREEMENT MANAGEMENT**

The Contractor’s responsibilities under this task include, but are not limited to the following:

#### **Task 1.1 Kick-off Meeting**

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

#### **The Contractor shall:**

* Attend a “kick-off” meeting with the CAM, the Contracts Officer, and a representative of the Accounting Office. The meeting will be held in Sacramento, CA and the CAM will designate the specific location. The Contractor shall include its Project Manager, Contracts Administrator, Accounting Officer, and others designated by the CAM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
* Prepare a one page summary of the kick-off meeting discussion.

#### **The CAM shall:**

* Arrange the meeting including scheduling the date and time.
* Provide an agenda to all potential meeting participants prior to the kick-off meeting.

#### **Contractor Deliverables:**

* Kick-off meeting summary.

#### **Task 1.2 Program Meetings and Briefings**

The goal of this task is to maintain the lines of communication and provide program updates.

#### **The Contractor and Subcontractors shall:**

* + At the request of the Energy Commission’s CAM, be available for meetings or to provide written and/or verbal program briefings to the Energy Commission’s staff or others. The cost of meetings with BSP/EPP applicants will be included in each Work Authorization. The cost of meetings requested specifically by the Contractor shall be borne solely by the Contractor. The Energy Commission expects to hold no more than one (1) program briefing meeting per quarter.

#### **Task 1.3 Invoices**

The goal of this task is to ensure timely accounting of contract expenses.

#### **The Contractor shall:**

* + Prepare a monthly invoice for all contract expenses performed for assigned Work Authorizations. An advance copy of the invoice shall be sent electronically to the CAM to ensure that all records are included and the invoice is for authorized work. The hard copy official invoice shall be submitted to the Energy Commission’s Accounting Office. The Energy Commission’s CAM will specify the invoice format.

#### **Deliverables:**

* Monthly invoices

#### **Task 1.4 Management of Work Authorizations**

The goal of this task is to facilitate the preparation of Work Authorizations.

#### **The Contractor shall:**

* + At the direction of the CAM, assist the Energy Commission in preparing the Work Authorizations, which define the scope of work, the schedule of deliverables and the project(s) budget.

#### **Task 1.5 Manage Subcontractors**

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

#### **The Contractor shall, on an ongoing basis, perform the following tasks:**

* Prepare and issue contract agreements with Subcontractors that include all required provisions contained in the contract between the Energy Commission and the Contractor;
* Respond within a five business days to information requests or direction from the Energy Commission’s CAM;
* Coordinate availability of Subcontractors to meet needs of Energy Commission staff;
* Require Subcontractors, via a contract, to provide invoices that correctly identify personnel, actual hourly rates and direct expenses charged to each work authorization and provide back-up documentation for expenses; and
* Maintain a current contract spreadsheet capable of tracking Subcontractor and Contractor work activity, Subcontractor and Contractor invoice activity, and the status of work authorizations.

#### **Task 1.6 Progress Reports**

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement.

#### **The Contractor shall:**

* Prepare a monthly progress report that summarizes all activities conducted by the Contractor. This report shall include a summary of contract expenditures to date. The monthly progress report is due to the Energy Commission’s CAM within 15 calendar days after the end of the month. The Energy Commission’s CAM will specify the report format and the number of copies to be submitted. All monthly progress reports shall coincide with the invoice period.

#### **Deliverables:**

* Monthly Progress Reports

#### **Task 1.7 Final Report**

The goal of this task is to prepare a written Final Report that describes the original purpose, approach, results and conclusions of the work completed under this Agreement. The Final Report shall be prepared in language easily understood by the public or layperson with a limited technical background.

The Final Report shall be a public document.

#### **The Contractor shall:**

* Provide a draft and final report using the Energy Commission’s latest Style Manual. A draft Final Report is due three months before the end of the contract. The Final Report is due no later than fifteen days before the end of the contract. The Final Report shall include a summary of:
  + The effectiveness of this contract in meeting the objectives of the program;
  + The work accomplishments of the Contractor; and
  + Future activities recommended to increase the effectiveness of the program and this contract.
  + Submit the draft Final Report to the CAM for review and comment. The CAM will provide written comments to the Contractor. The Contractor shall review the comments and discuss any problematic recommended changes with the CAM, incorporating CAM comments.
  + Once agreement has been reached on the draft, the Contractor shall prepare and submit the Final Report.

#### **Deliverables:**

* + Draft Report
  + Final Report

#### **Task 1.8 Final Meeting**

The goal of this task is to discuss closeout of this Agreement and review the project.

#### **The Contractor shall:**

* Meet with Energy Commission staff prior to the term end date of this Agreement. The meeting will be held via WebEx or teleconference. This meeting will be attended by the Contractor Project Manager and the CAM. The CAM will determine any additional appropriate meeting participants. The administrative and technical aspects of Agreement closeout will be discussed at the meeting.
  + Present findings, conclusions, and recommended next steps (if any) for the Agreement based on the information included in the Summary Report.
  + Prepare a written document of meeting agreements and unresolved activities.
  + Prepare a schedule for completing the closeout activities for this Agreement, based on determinations made within the meeting

#### **Deliverables:**

* + Written documentation of meeting agreements.
  + Schedule for completing closeout activities, if any.

#### **TASK 2 – EVALUATE ENERGY EFFICIENCY OPPORTUNITIES IN EXISTING FACILITIES**

Contractor shall conduct facility energy audits and prepare technical reports identifying energy efficiency measures and onsite renewable self-generation opportunities in BSP/EPP Applicant’s facilities as assigned. **Technical report recommendation may include geothermal heating and cooling system evaluation and analysis if shown to be cost-effective.**  For each energy audit project assignment, a U.S. registered Professional Engineer must sign for the validity of the report recommendations. Depending on the nature of the project, the Energy Commission’s CAM may require a U.S. registered Professional Engineer also be on-site during data collection.

One or more of the following three energy audits shall be conducted:

* + Preliminary Assessment: A screening audit equivalent to an American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Level 1 energy audit of a facility(ies) to identify areas of energy waste or inefficiency. This type of audit involves interviews with site operating personnel, a review of the latest fiscal year’s utility data and other operating data, and a walk-through survey of the facility(ies). The result of the preliminary assessment will be a list of potential operations and maintenance (O&M) and energy efficiency measures with suggestions for project prioritization. Unless otherwise specified in the Work Authorization, the Energy Commission shall require that a preliminary assessment be prepared according to procedures and standards for a Level 1 energy audit as defined by the ASHRAE publication *Procedures for Commercial Energy Audits*, Second Edition.
  + Comprehensive Study: A comprehensive study analyzes all major energy-using systems and contains recommendations for O&M improvements and cost-effective energy efficiency projects. A comprehensive study is a good choice for those who have implemented few or no energy savings projects. This study serves as an energy management tool to assist in future facility(ies) planning decisions. When preparing the comprehensive study, the Contractor shall ensure that savings are not double-counted from one project to another. A comprehensive study is equivalent to an ASHRAE Level 2 energy audit study and includes a detailed analysis of all energy efficiency opportunities within the facility, detailed project cost estimate, energy saving calculations, and economic evaluation – including life cycle cost analysis. Unless otherwise specified in the Work Authorization, the Energy Commission shall require that a comprehensive study be prepared using the Energy Commission’s Energy Study Final Report Template and according to procedures and standards for a Level 2 energy audit as defined by the ASHRAE publication *Procedures for Commercial Building Energy Audits*, Second Edition. The recommendations must conform to the 2019 Building Energy Efficiency Standards (Standards), California Code of Regulations, Title 24, Parts 1 and 6.
  + Targeted Study: A targeted study analyzes only specific projects. A targeted study may be appropriate where a BSP/EPP applicant has recently installed energy-saving projects and wants to focus on areas not yet analyzed. A targeted study shall include detailed analysis of the project(s), detailed project cost estimate(s), energy saving calculations, and calculations, and economic evaluation – including life cycle cost analysis. When conducting targeted studies, the Contractor shall consider the impacts that a recommended project would have on future project installations. For instance, if an energy generation project is installed, that project could adversely affect the economics of installing future energy saving measures. The reason for the impact is because the energy generation project may require a minimum electrical or thermal load to be economically feasible. Subsequent installation of a load reducing project could impact the economic viability of the energy generation project. Unless otherwise specified in the Work Authorization, the Energy Commission shall require that a targeted study be prepared using the Energy Commission’s Energy Study Final Report Template and according to procedures and methods for a Targeted energy audit as defined by the ASHRAE publication *Procedures for Commercial Building Energy Audits*, Second Edition. The recommendations must conform to the 2019 Building Energy Efficiency Standards (Standards), California Code of Regulations, Title 24, Parts 1 and 6.

Deliverables and Due Dates

All work assignments will be made through specific Work Authorizations and will identify the schedule of deliverables. Typically, draft reports are due approximately six weeks after the initial site visit and final reports are due approximately two weeks after the draft reports. The Energy Commission’s CAM will specify the number of required copies. Hardcopy and/or electronic copy on USB memory stick shall be requested. These copies shall be due to the CAM according to the work authorization schedule.

#### **TASK 3 – EVALUATE OPPORTUNITIES FOR COGENERATION, DISTRIBUTIVE GENERATION, ONSITE RENEWABLE SELF-GENERATION, THERMAL AND BATTERY ENERGY STORAGE**

The Contractor shall evaluate the technical and economic feasibility of installing a cogeneration, distributed generation, onsite renewable self-generation systems, thermal or battery storage system for BSP/EPP Applicant facilities. Depending on the nature of the project, the Energy Commission’s CAM will require a U.S. registered Professional Engineer be on-site during data collection and approve the final report. The Contractor shall determine the cost- effectiveness of recommended projects using, at a minimum, simple payback calculations, and life cycle cost analysis.

Unless otherwise specified in the Work Authorization, the Energy Commission shall require the feasibility studies be prepared using the Energy Commission’s Energy Study Final Report Template and according to procedures and standards for a Level 2 energy audit as defined by the ASHRAE publication *Procedures for Commercial Building Energy Audits*, Second Edition.

Deliverables and Due Dates

All work assignments will be made through specific Work Authorizations and will identify the schedule of deliverables. Typically, draft reports are due approximately six weeks after the initial site visit and final reports are due approximately two weeks after the draft reports. The Energy Commission’s CAM will specify the number of required copies. Hardcopy and/or electronic copy on USB memory stick shall be requested. These copies shall be due to the CAM according to the work authorization schedule.

#### **TASK 4 – EVALUATE ENERGY EFFICIENCY OPPORTUNITIES IN WATER AND WASTEWATER TREATMENT FACILITIES**

The Contractor shall evaluate energy efficiency opportunities including on-site energy generation in water and wastewater treatment facilities of BSP/EPP Applicants. Depending on the nature of the project, the Energy Commission’s CAM may require that a U.S. registered Professional Engineer be on-site during data collection and approve the final study or report. The Contractor may be asked to evaluate project cost-effectiveness using Energy Commission financing and utility/third party incentives. The report will either be comprehensive or technology specific.

Deliverables and due dates:

All work assignments will be made through specific Work Authorizations and will identify the schedule of deliverables. Typically, draft reports are due approximately six weeks after the initial site visit and final reports are due approximately two weeks after the draft reports. The Energy Commission’s CAM will specify the number of required copies. Hardcopy and/or electronic copy on USB memory stick shall be requested. These copies shall be due to the CAM according to the work authorization schedule.

#### **TASK 5 – PROVIDE SUPPORT FOR NEW CONSTRUCTION PROJECTS**

The Contractor shall review and evaluate new public facility designs, including developing and/or evaluating building computer simulations, and recommending cost-effective design alternatives to increase building energy efficiency. Assist BSP/EPP Applicants to exceed the State’s Building Energy Efficiency Standards (Title 24) and/or the Appliance Efficiency Standards (Title 20) by identifying cost-effective measures.

Typically, the Contractor will be asked to advise the BSP/EPP Applicant or BSP/EPP’s architect and engineers on energy efficient design alternatives including developing life cycle cost comparisons of alternatives. This may include:

* Review and make recommendations on lighting systems, daylighting opportunities or design layouts.
* Review and make recommendations on building orientation, envelope features including energy optimized insulation and fenestration.
* Review and make recommendations on HVAC systems and energy management controls including identification of load shifting opportunities.
* Development of baseline and proposed building simulation models.
* Estimating incremental cost for alternatives and developing cost-benefit analysis.
* Evaluate and analyze the technical and economic feasibility of using energy and resource efficient building materials on public facilities.Energy and resource efficient building materials include use of recycled materials, those with low embodied energy and those that can reduce waste generation at the construction/demolition site.
* Evaluate the costs and benefits of the recommendations using life cycle cost analysis or other methods, as determined by the Energy Commission’s Contract Manager.

Deliverables and due dates:

All work assignments will be made through specific Work Authorizations and will identify the schedule of deliverables. Typically, draft reports are due approximately six weeks after the initial site visit and final reports are due approximately two weeks after the draft reports. The Energy Commission’s CAM will specify the number of required copies. Hardcopy and/or electronic copy on USB memory stick shall be requested. These copies shall be due to the CAM according to the work authorization schedule.

#### **TASK 6– PROVIDE PROFESSIONAL ENGINEERING SUPPORT SERVICES**

The Contractor shall provide engineering support for special projects, as assigned by the CAM, to achieve the objectives of the Technical Assistance Program. Examples include, but are not limited to:

* Performance Specifications. Assist eligible BSP/EPP applicants in their energy efficiency contract processes by preparing performance specifications.
* Evaluation of Proposals. Perform independent review of energy project proposals, designs, and other special projects. Examples of proposals include, but are not limited to energy service company proposals and power purchase agreements.
* Monitoring and Verification. Perform independent monitoring and verification of energy projects to determine baseline energy use and energy use after project installation. The purpose is to compare “actual” energy savings with those identified in the energy study or report. The Contractor may be asked to provide project troubleshooting, pump testing, and/or monitoring and verification tools.
  + Utility Tariffs Analysis. Review current utility tariffs and determine whether the public agency could benefit by changing tariffs based on the recommended projects. The Contractor shall be assigned to review the current tariffs and evaluate the impacts of California Public Utility Commission regulations, especially for power generation projects. Also, the Contractor may be assigned to evaluate the impact of current/planned demand side management, demand response, and distributed generation incentives and their impact on project feasibility.
* Technology Assessment. Evaluate new technologies for energy savings potential. Services may include monitoring and verification to determine whether manufacturers’ claims of energy savings potential can be supported.
* Commissioning. Recommend building and/or equipment commissioning procedures and assist in oversight inspection and commissioning of installed energy efficiency or energy related projects. Commissioning services could include:
  + Help in developing a commissioning plan for a specific building; or
  + Reviewing and commenting on the adequacy of the commissioning protocols proposed by a design team for an entire building or energy system.

Deliverables and Due Dates

All work assignments will be made through specific Work Authorizations and will identify the schedule of deliverables. Typically, draft reports are due approximately six weeks after the initial site visit and final reports are due approximately two weeks after the draft reports. The Energy Commission’s CAM will specify the number of required copies. Hardcopy and/or electronic copy on USB memory stick shall be requested. These copies are due to the CAM according to the Work Authorization schedule.

# III. STATEMENT OF QUALIFICATIONS (SOQ) Format, Required Documents and Delivery

## About This Section

This section contains the format requirements and instructions on how to submit a Statement of Qualifications (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 4 copies of the SOQ (Sections 1 and 2).

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

## Packaging and Labeling

The original and copies of the SOQ must be labeled "Request for Qualifications, RFQ-18-402," and include the title of SOQ and the appropriate volume number:

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

|  |  |
| --- | --- |
| Person’s Name, Phone #  Firm’s Name  Street Address  City, State, Zip Code  FAX # |  |
|  | RFQ-18-402  Contracts Office, MS-18  California Energy Commission  1516 Ninth Street, 1st Floor  Sacramento, California 95814 |

## Preferred Method for Delivery

A Firm may deliver an SOQ by:

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

SOQs must be delivered **no later than 5:00 p.m.**, 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 |
| **Civil Rights Laws Certification Form** | **Attachment 9** |
| Iran Contracting Act Form | Attachment 10 |

### SECTION 2, Technical Response

|  |  |
| --- | --- |
| 1. Minimum Qualifications |  |
| 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. Responses to Hypothetical Questions |  |

1. **Minimum Qualifications** 
   1. The Firm submitting an SOQ must be the Prime Contractor of the team from a single entity, not a group of representatives from different companies. The Energy Commission will contract with one Prime Contractor, and the Prime Contractor may subcontract with various companies who will provide technical expertise. The Firm submitting an SOQ must be an entity that employs one or more U.S. licensed mechanical or electrical professional engineers. The Firm submitting the SOQ must perform Task 1 and can perform one or more tasks of Tasks 2 to Task 6 in this RFQ. (Yes) \_\_\_\_\_ (No – if No, then firm is ineligible)
   2. Each Subcontractor in the team must have one or more U.S. licensed professional engineers. There is no limitation on the maximum number of licensed professional engineers a Subcontractor may have. **Applicable only for work on technical tasks 2-6.** **Applicable only if SOQ includes Subcontractor(s)**

\_ (Yes) \_\_\_\_\_ (No – if No, then firm is ineligible)

* 1. The team must include one or more licensed architects ~~or~~ **with** LEED APs (Leadership in Energy & Environmental Design Accredited Professionals).

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No – if No, then firm is ineligible)

* 1. There must be at least one company that can provide the necessary services for each task in the work statement. This requirement can be met if:
     1. The Firm submitting an SOQ can perform the task and/or
     2. A subcontractor can cover the tasks

(Include a table similar to the example below, showing which company is able to provide service for the various tasks. The table below shows an example of how the Firm can demonstrate meeting this minimum requirement.)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Task** | **Prime Contractor** | **Sub #1** | **Sub #2** | **Sub #3** |
| 1. Agreement Management | X | N/A | N/A | N/A |
| 2. Evaluate Energy Efficiency Opportunities in Existing Facilities | X | X | X | X |
| 3. Evaluate Opportunities for Cogeneration, Distributive Generation, Onsite Renewable Self-Generation, Thermal, and Battery Energy Storage | X |  | X |  |
| 4. Evaluate Energy Efficiency Opportunities in Water & Wastewater Treatment Facilities | X |  |  | X |
| 1. Provide Support for New Construction Projects | X | X | X |  |
| 6. Provide Professional Engineering Support Services | X | X | X | X |

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 staff and team member as it relates to the Scope of Work.

1. Administrative Support Services to Contract (Firm Only)
2. Evaluate Energy Efficiency Opportunities in Existing Facilities
3. Evaluate Opportunities for Cogeneration, Distributive Generation, Onsite Renewable Self-Generation, Thermal, and Other Energy Storage
4. Evaluate Energy Efficiency Opportunities in Water & Wastewater Treatment Facilities
5. Provide Support for New Construction Projects
6. Provide Professional Engineering Support Services
7. **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:
* Out-of-State Travel Costs – It is the Energy Commission’s intent to reimburse contractor costs for airfare within California only. 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 from this California office, and not the out of state office?
* Provide a short description of the Firm and 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 successes.
* Describe the organization, composition, and functions to be performed by staff members of the Firm and any Subcontractors and how the contributions of team members pertain to this Agreement.
* Identify a primary contact person for the Firm and each Subcontractor. The primary contact person for the Firm must attend the SOQ Discussions 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.

1. **Project Team Members and Personnel 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.
* Document experience working with schools, colleges, and other public agencies.
* 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 each team staff (Prime Contractor and Subcontractor) listed.
* Identify the percentage of time each team member will be available throughout the Agreement.
* Describe each team staff member’s familiarity with technical expertise in performing pertinent tasks identified in the Scope of Work.

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.
* 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 each type of a work product listed below 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.

#### **Firms providing technical support for Task 2 activities must provide one separate example of previous work product for each of the following:**

* ASHRAE Level 1 Preliminary Assessment of Existing Facility
* ASHRAE Level 2 Comprehensive Energy Audit of Existing Facility
* Targeted Study

#### **Firms providing technical support for Task 3 activities must provide one example of a previous work product of:**

* Study of Cogeneration, Distributive Generation, Renewable Energy Systems, Thermal, and Battery Energy Storage

#### **Firms providing technical support for Task 4 activities must provide one example of a previous work product of:**

* Study of Water & Wastewater Treatment Facilities

#### **Firms providing technical support for Task 5 activities must provide one example of a previous work product of:**

* Report of new public facility designs

#### **Firms providing technical support for Task 6 activities must provide one work example of a previous work product of:**

* Professional Engineering Support, one example of any of the following:
  + performance specifications or
  + evaluation of proposals or
  + monitoring and verification or
  + field assistance or
  + technology assessment

1. **Response to Hypothetical Questions**

The Firm shall provide a full response to each Hypothetical Question based on the scenario proposed and the instructions provided with that question.

1. A subcontractor to the Agreement drafted a comprehensive energy audit report for the City of Greenland. Energy Commission staff reviewing the draft report have concerns about the accuracy of the analysis. There are project recommendations that would not meet code if implemented and project recommendations with short payback periods due to questionable data collection. The Energy Commission staff has asked that the subcontractor revise the technical analysis. However, the subcontractor does not agree with Energy Commission staff concerns. As the prime contractor, how would you handle this situation?
2. After a year of performing technical support work for the Energy Commission, your firm has been informed that the Energy Commission’s energy efficiency education and outreach to local governments will result in increased workload for the program. It is anticipated that in a couple of months, work authorizations for energy audits will increase from 3 per month to 6 per month to be completed within a span of 3 months.
3. What process(es) does the firm have in place to handle the increased workload without compromising the quality of the energy audit reports and timely delivery?
4. What process(es) does the firm have in place to control the generation, review, modification, and access of documents between the Energy Commission and the firm?
5. Your firm, based in Northern California, is scheduled today to do an energy audit for Greenhaven School District, a single K-12 school district located in Southern California. You flew to do the site visit and upon arrival, the school staff who scheduled the site visit with you advises that the school gym, one of the main buildings to be audited, flooded a week ago and is still completely inaccessible. The school staff suggested to reschedule the energy audit. Budget for travel has been exhausted. How would you avoid this situation from happening in the future?
6. There are a number of factors that should be considered when performing an on-site energy audit of an existing facility.
7. Provide five essential factors you regard as critical to prepare a technically sound energy audit report.
8. Your firm received a work authorization to evaluate city streetlights of a mid-sized city, the firm’s fifth time receiving a similar request. How will the methods used in previous audits be used to efficiently conduct this request?
9. Work authorizations for all energy audits in the Agreement will be for on-site energy audits. What aspects of virtual “no-touch” energy audits could be integrated into a traditional on-site audit to potentially reduce cost?

# IV. 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 Web-ex. 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/contracts

## 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. |

## 

## Evaluation of Statement of Qualifications - Criteria

|  |  |  |
| --- | --- | --- |
| **WRITTEN EVALUATION CRITERIA:** | | **Total** |
| **Approach to Tasks in Scope of Work** | | |
| **General Approach** | | |
| Responsiveness to Scope of Work Requirements | | **80** |
|  | Completeness and thoroughness of the overall approach |
|  | Demonstrated understanding of Scope of Work tasks |
|  | Clarity, succinctness and organization of SOQ |
| Demonstrated experience with similar tasks. Use of appropriate classification of staff and team members for work statement tasks | | **50** |
| Innovative approaches to work tasks | | **15** |
| **Specific Approach to Each Scope of Work Task** | | |
| **Task 2 – Evaluate Energy Efficiency Opportunities in Existing Facilities** | | |
| Demonstrated knowledge, understanding, and experience in the following areas: | | **40** |
|  | Cost-effective energy efficiency technologies |
|  | Codes and regulations for retrofits |
|  | Preparing high quality, technically sound and well documented technical reports |
|  | Implementation of recommended projects |
| **Task 3 – Evaluate Opportunities for** **Cogeneration, Distributive Generation, Renewable Energy Systems, and Thermal and Other Energy Storage** | | |
| Demonstrated knowledge, understanding, and experience in the following areas: | | **40** |
|  | Cogeneration |
|  | Distributive Generation |
|  | Renewable Energy Systems |
|  | Thermal and Other Energy Storage |
|  | Project feasibility and cost |
|  | Regulation Issues |
| **Task 4 – Evaluate Energy Efficiency Opportunities in Water & Wastewater Treatment Facilities** | | |
| Demonstrated knowledge, understanding, and experience in the following areas: | | **40** |
|  | Evaluation of energy efficiency opportunities in water and wastewater treatment facilities |
|  | Electrical load management systems and strategies |
|  | Motor and pump analysis, including variable speed drives |
|  | Fuel cell analysis |
|  | Projects beyond feasibility study |
| **Task 5 – Provide Support for New Construction Projects** | | |
| Demonstrated knowledge, understanding, and experience in the following areas: | | **40** |
|  | New construction design review |
|  | Building simulation models |
|  | Life cycle cost analysis of resource efficient building materials |
|  | Energy efficiency high performance school design strategies |
|  | Technically and economically feasible energy measures  tecy |
|  | Codes and regulation |
| **Task 6 – Provide Professional Engineering Support Services** | | |
| Demonstrated knowledge, understanding, and experience in the following areas: | | **40** |
|  | Providing independent and critical review of investment grade audits |
|  | Providing critical reviews of the energy elements in a performance contract |
|  | Evaluating project life cycle costs |
|  | Reviewing and conducting measurement and verification plans |
|  | Utility incentive programs |
|  | Providing utility rate analysis |
|  | Building and equipment commissioning process |
|  | Evaluating new technologies for energy savings potential. |
|  | Developing bid specs and project cost estimates for energy projects. |
|  |  |  |
| **Project Team Organizational Structure & Cost Minimization** | | |
|  | Ability to manage the contract cost-effectively and efficiently. | **80** |
|  | Ability to effectively provide direction, motivation, and vision to the team. |
|  | Ability to provide quality assurance for each team member’s performance, and to identify and resolve performance problems effectively. |
|  | Ability to quickly add and train new staff and team members as needed. |
|  | Effectiveness of project team organization. |
|  | Subcontractor Team Structure |
|  | Specify element(s) of work to be provided by the DVBE certified firm(s) |
|  | Effectiveness of strategies to minimize travel, per diem and related time charges. | **5** |
|  | Effectiveness of strategies to minimize charges while being trained by the Energy Commission. | **5** |
|  | Effectiveness of other strategies to minimize costs to the State. | **15** |
| **Project Team Members and Personnel Relevant Experience and Qualifications, Client References** | | |
| Depth of coverage for all technical areas and functions | | **30** |
| Depth of experience and qualifications of each Subcontractor | | **100** |
| Depth of experience and qualifications of the team members | | **90** |
|  | Qualifications of assigned personnel |
|  | Experience of assigned personnel |
|  | Availability of assigned personnel |
|  | Education of assigned personnel |
|  | Demonstrated accomplishments of assigned personnel on work statement task areas |
|  | Effectiveness of project team organization. |
| **Analytical Tools** | | |
| Capability to use computers or other analytical tools to accomplish the tasks in the Scope of Work. | | **10** |
| **Client References** | | |
| Validation of experience and performance as reflected in client reference questions | | **20** |
| **Examples of Prior Work** | | |
| Depth, complexity, quality, and relevance of work examples. | | **100** |
| **Responses to Hypothetical Questions** | | |
| Responses must demonstrate: | | **100** |
|  | Accuracy |
|  | Clarity and conciseness |
|  | Technical knowledge and experience of the issues raised in each question |
| **Evaluation of Written Proposal** *(Maximum Points)* | | **900** |
| **DISCUSSION EVALUATION CRITERIA:** | | **Total** |
| Quality of Presentation | | **30** |
| Clear and concise responses to questions | | **35** |
| Demonstrated knowledge of the subject/issues | | **35** |
| **Evaluation of Discussion** *(Maximum Points)* | | **100** |
| **Maximum Total Points:** | | **1,000** |
| **Firm’s Score** | |  |
| **Disabled Veteran Business Enterprise Incentive Points:** | |  |
| **Final Adjusted Score:** | |  |
|  | |  |

# V. 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” box.

* 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](mailto:OSDSHelp@dgs.ca.gov)

***DVBE Law***

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

## DVBE Incentive

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

***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% - 4.99% | 1% | 10 points |
| 5%+ | 2% | 20 points |

***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.

# VI. Administration

## RFQ Defined

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

## Definition of Key Words

Important definitions for this RFQ are presented below:

|  |  |
| --- | --- |
| ***Word/Term*** | ***Definition*** |
| State | State of California |
| BSP/EPP Applicant | Entities that apply to the Bright Schools Program (BSP) or Energy Partnership Program (EPP)and Contractor will provide services to under this Agreement |
| 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 / Contractor | Respondent to this RFQ |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Office |
| DVBE | Disabled Veteran Business Enterprises |
| WA | Work Authorization |
| BSP | Bright Schools Program |
| EPP | Energy Partnership Program |
| ASHRAE | American Society of Heating, Refrigerating and Air-Conditioning Engineers |
| ASHRAE Level 1 Energy Audit | Walk-through survey identifying low-cos/no-cost measures for improving energy efficiency. Provides a list of potential capital improvements for further consideration. Calculations are minimal. |
| ASHRAE Level 2 Energy Audit | Energy survey and analysis involving a detailed energy survey. It identifies and provides the savings and cost analyses of energy efficiency measures and proposed changes to operation and maintenance procedures. This level of analysis will provide adequate information to implement recommendations. |

## 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 10)

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 10)

## 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 ~~11~~ **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.