**Request for Qualifications**

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

**CONSTRUCTION OF BATTERY ENERGY STORAGE SYSTEM (BESS) AT SOLAR ENERGY GENERATING SYSTEM (SEGS) UNITS VIII & IX**

**Compliance Office**



**RFQ-20-702**

[CEC Solicitations Website](http://www.energy.ca.gov/contracts/)

State of California

California Energy Commission

**October 2020**

TABLE OF CONTENTS

[I. INTRODUCTION 4](#_Toc51669054)

[Background Summary 4](#_Toc51669055)

[Project Background and Proposed Work 6](#_Toc51669056)

[CONSTRUCTION OF BATTERY ENERGY STORAGE SYSTEM (BESS) AT SEGS VIII AND IX 6](#_Toc51669057)

[Purpose Of This RFQ 8](#_Toc51669058)

[Key Activities And Dates 8](#_Toc51669059)

[Contract amount 9](#_Toc51669060)

[Firm Eligibility 9](#_Toc51669061)

[Pre-Bid Conference 9](#_Toc51669062)

[Participation By zoom 9](#_Toc51669063)

[Responses To This Rfq 10](#_Toc51669065)

[Project Specific DCBO Reference Documents 10](#_Toc51669066)

[II. SCOPE OF WORK 12](#_Toc51669067)

[DCBO Work Requirements 12](#_Toc51669068)

[Work Performance 13](#_Toc51669069)

[DCBO Tasks And Work Performance 13](#_Toc51669070)

[Task 1 – Project Team Management (DCBO Infrastructure) and Quality Control 14](#_Toc51669071)

[Task 2 – Project Coordination and Communication Protocols 16](#_Toc51669072)

[Task 3 – Pre-Construction Compliance Assistance 18](#_Toc51669073)

[Task 4 – Facility Construction Plan Review 20](#_Toc51669074)

[Task 5 – Facility Construction Compliance and Field Inspections 21](#_Toc51669075)

[Task 6 – Non-Compliance and Incident Reporting and Resolution 23](#_Toc51669076)

[Task 7 – “As-Built” Document Package and Archiving 23](#_Toc51669077)

[III. SOQ FORMAT, REQUIRED DOCUMENTS AND DELIVERY](#_Toc51669078)  26

[About This Section 25](#_Toc51669078)

[Pricing/Rates Information 25](#_Toc51669079)

[Required Format For An SOQ 25](#_Toc51669080)

[Number Of Copies 25](#_Toc51669081)

[Packaging And Labeling 25](#_Toc51669082)

[Preferred Method For Delivery 26](#_Toc51669083)

[SOQ Organization 26](#_Toc51669084)

[Section 1: Administrative Response 26](#_Toc51669085)

[Section 2: Minimum Requirements 26](#_Toc51669086)

[Section 3: Technical Response 26](#_Toc51669087)

[**Section 2: minimum requirements** 27](#_Toc51669088)

1. Conflict of Interest Minimum Requirements 28

2. Project Team Minimum Rquirements Form (Attachment 10) [27](#_Toc51669088)

[**Section 3: technical response** 39](#_Toc51669088)

1. Project Team Management and Quality Control Experience [39](#_Toc51669088)

2. Project Team Organizational Structure 40

3. [Project Team Relevant Experience and Qualifications 41](#_Toc51669088)

4. [Approaches to Tasks in the Scope of Work 42](#_Toc51669088)

5. Analytical Tools  [41](#_Toc51669089)

6. Client References 43

[IV. EVALUATION Criteria and SelEction Process 43](#_Toc51669090)

[Selection Process Steps 43](#_Toc51669091)

[Administrative And Completeness Screening Criteria 43](#_Toc51669092)

[Grounds To Reject A SOQ 43](#_Toc51669093)

[Evaluation Criteria and Scoring Process 44](#_Toc51669094)

[Evaluation Criteria Worksheet and Scoring Scale 44](#_Toc51669095)

[Scoring Scale 45](#_Toc51669096)

[SOQ Evaluation Scoring Worksheet 45](#_Toc51669097)

[Ranking an SOQ 48](#_Toc51669098)

[Firm Selection and Noticing Process 48](#_Toc51669099)

[Notice Of Firms Selected For Discussions 48](#_Toc51669100)

[Discussions 49](#_Toc51669101)

[Notice of Selection 50](#_Toc51669102)

[Negotiations 50](#_Toc51669103)

[Notice of Proposed Award 50](#_Toc51669104)

[V. Business Participation Programs 51](#_Toc51669105)

[No DVBE Participation Compliance or Business Participation Programs Requirement 51](#_Toc51669106)

[VI. ADMINISTRATION 52](#_Toc51669107)

[RFQ Defined 52](#_Toc51669108)

[Definition of Key Words 52](#_Toc51669109)

[SOQ Production Requirements 53](#_Toc51669110)

[SOQ Development Costs 53](#_Toc51669111)

[Printing Services 53](#_Toc51669112)

[Confidential Information 53](#_Toc51669113)

[Darfur Contracting Act of 2008 53](#_Toc51669114)

[California Civil Rights Laws 53](#_Toc51669115)

[RFQ Cancellation and Amendments 54](#_Toc51669116)

[Errors 54](#_Toc51669117)

[Modifying or Withdrawal of SOQ 54](#_Toc51669118)

[Immaterial Defect 54](#_Toc51669119)

[Firm Documentation and Responsibilities 55](#_Toc51669120)

[Disposition of Firm’s Documents 55](#_Toc51669121)

[Firms’ Admonishment 55](#_Toc51669122)

[Agreement Requirements 55](#_Toc51669123)

[No Contract Until Signed & Approved 55](#_Toc51669124)

[Contract Amendment 55](#_Toc51669125)

[Conflict of Interest 55](#_Toc51669126)

**VII. ATTACHMENTS:**

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

Standard Agreement Example Attachment 6

Client References Attachment 7

Certification Regarding Conflicts of Interest Attachment 8

Conflicts of Interest Provisions Attachment 8a

Third-Party Beneficiary Language for Contact between

Project Owner and Delegate Chief Building Official (DCBO) Attachment 9

Project Team Minimum Requirements Form Attachment 10

Best Management Practices Guide Attachment 11

California Civil Rights Laws Certification Attachment 12

# I. INTRODUCTION

## Background Summary

The California Energy Commission (Energy Commission) has exclusive jurisdiction to regulate the construction, operation, modification, and closure of thermal power plants 50 megawatts or greater (Public Resources Code sections 25000 et. seq.). In its decision on an Application for Certification (AFC) or a Petition to Amend (PTA), the Energy Commission adopts or amends conditions of certification (COCs) to ensure power plants and related facilities are constructed, modified, or closed in accordance with Energy Commission requirements and all applicable laws, ordinances, regulations and standards (LORS), including the California Building Standards Code (CBSC).

Many code sections applicable to power plant construction, modification, or closure, including the California Building Code (CBC), comprise the CBSC. The CBC authorizes and directs a Chief Building Official (CBO) to enforce all CBSC provisions (CBC § 104.1). The Energy Commission functions as the CBO for all jurisdictional power plants and can designate a Delegate CBO (DCBO) to aid with CBO responsibilities.

The DCBOs carry out the design review, and construction inspections on behalf of the Energy Commission. The DCBO performs this responsibility through engineering plan and technical specification review, analysis and calculation, on-site inspections for code and LORS compliance, and if applicable, providing a COC-required independent Safety Monitor. The DCBO also works with Energy Commission staff to enforce local building codes, the facility design, geology and transmission system engineering COCs, the storm water pollution prevention plan (SWPPP), and the drainage, erosion, and sediment control plan (DESCP), as well as other applicable project LORS to ensure public health and life/safety.

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

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

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

The DCBOs are also delegated the authority to conduct project site field inspections. In this capacity, the DCBOs will inspect, write corrections if applicable, and eventually approve and document all CBSC-required inspections. This is achieved by providing high quality, and certified lead building inspectors that have verifiable experience performing high voltage power generating facility inspections in California.

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

In addition to plan review and inspection services, the services of a safety monitor may be needed. The safety monitor will be selected by, and report directly to, the DCBO and will be responsible for verifying that the project’s safety supervisor, as required by other COCs, is implementing all Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, and Energy Commission safety requirements. If the project requires a safety monitor, the DCBO shall provide a safety monitor that is certified from a recognized state, national or international organization as a Safety Professional. The safety monitor will be in addition to normal on-site inspection personnel.

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

## Project Background and Proposed Work

### CONSTRUCTION OF BATTERY ENERGY STORAGE SYSTEM (BESS) AT SEGS VIII AND IX

The California Energy Commission certified the Solar Electric Generating System (SEGS) VIII project in March 1989, which commenced commercial operation in December 1989. SEGS IX was certified by the Energy Commission February 1990 and was operational in October 1990. SEGS VIII and IX employ parabolic mirrors to concentrate solar thermal energy to heat fluid to create steam for the generation of a combined total of up to 160 megawatts (MW) of electricity. Each of the SEGS projects provide a peak of 80 MW of solar thermal electricity to the Southern California Edison (SCE) transmission grid. Both projects are located near Harper Lake in San Bernardino County, California.

On July 26, 2019, Luz Solar Partners VIII and IX, LLC, filed a post certification petition to change the design and operation of SEGS VIII & IX, and to modify the Commission Decisions for the SEGS VIII and IX to allow for the addition of a battery energy storage system (BESS).

The BESS project will be installed within the footprints of the previously disturbed land areas of the currently operating SEGS VIII and IX projects. The BESS project would occupy approximately 9 acres. The BESS foundations would be built on less than one acre.

The batteries to be installed as part of the BESS project constitute individual Lithium Ion (Li-ion) cells. The cells would be assembled either in series or parallel connection and sealed to form the battery modules. The cells would have an operating direct current (DC) voltage that ranges between 2 volts to 6 volts while the DC voltage range for the modules is between 32 volts to 96 volts. Several battery modules would be installed in self-supporting racks and are electrically connected either in series or parallel configuration to deliver the desired voltage and power rating.

The energy conversion through the Power Conversion System (PCS) would enable the bi-directional inverter to connect the DC battery system to the Alternative Current (AC) grid connected system. In addition to the inverter, the PCS would include protection equipment, DC and AC circuit breakers, waveform filter equipment, and connection cabling system.

The BESS project would include a controller, which is a multi-level control system implemented to provide a hierarchical system that controls the battery modules, PCS, and medium voltage system up to the point of coupling with the existing SEGS VIII and IX solar generating units. The BESS controller would be located in the existing control building on site.

The AC side output of the PCS would be transformed to medium AC voltage in the range of 12 kV to 35 kV. One or more PCS units may be connected to each of these transformers either in a two-winding or three-winding configuration. The medium voltage (MV) transformers may be mounted on a common skid with inverters and PCS.The MV side of all the MV transformers would be collected and consolidated through a network of MV cables and terminate at the MV switchgear. The BESS generator step-up unit (GSU) transformer would transform the BESS to 230 kV. The high voltage side of the transformer will be connected via an overhead transmission line to the existing on-site switchyard, which contains an open bay position for the new connection. Therefore, the BESS project would not involve the expansion of the switchyard.

Individual batteries would be arranged and assembled within containers or enclosures constructed on-site. When using containers, each BESS container would have an energy storage rating of between 2 megawatt-hours (MWh) and 6 MWh. Each climate- controlled container would have an approximate dimension of 53’ x 8’ x 10’ (Length x Width x Height). Based on an average size of 4 MWh per container, 40 containers would be used for an 80 MW by 2- hour system. The heating, ventilation, and air conditioning (HVAC) tonnage sizing for each container (10-15 tons/MWh) is a function of the BESS use. If an enclosure is used to enclose the battery modules, a minimum of two HVAC units would be used to cool the enclosure to ensure redundancy.

The fire protection system will be designed to meet applicable codes and regulations for battery energy storage systems and will be developed in coordination with the San Bernardino Fire Department. Components of the system would include a fire system control panel that will control the fire system by continuously monitoring the detection devices and manage the alarms in case of any fire event.

BESS construction activities include site preparation and grading, installation of foundations/supports, setting battery modules, wiring and electrical system installation, and assembly of the accessory components including transformers. The battery modules will be assembled inside individual containers or within an enclosure, depending on the selected BESS manufacturer.

Below is the proposed sequence of construction activities for the BESS:

* Pre-construction land survey;
* Equipment staging;
* Preparation of equipment foundations;
* Grading;
* Site compaction and gravel as necessary;
* Excavating footings and pads;
* Pour-in-place concrete footings, pad foundations, and/or piers;
* Install below-ground conduit banks;
* Install PCS, power distribution systems, and pad-mounted transformers;
* Install below-ground and above-ground conduit;
* Install safety features and security lighting;
* Cleanup and demobilize project site; and
* Conduct operator orientation and training.

Additional information on the BESS project can be found in the July 26, 2019 Petition for Modification (Petition) of SEGS VIII and IX; which was filed with the CEC and docketed on the project webpage (TN # 229090). A hyperlink to link to the Petition is provided below in the section titled Project Specific Reference Documents.

## Purpose Of This RFQ

The purpose of this RFQ is to initiate a competitive bid process to select a highly qualified DCBO Firm for the construction of BESS at SEGS VIII and IX. The DCBO will ensure that the BESS construction is completed on schedule and in accordance with all COCs, and applicable LORS.

The Energy Commission is seeking one Contractor who will be responsible for all contract administrative duties, project management, report preparation, direction of field inspectors, and participation in technical work assignments. The contractor must submit a Statement of Qualifications (SOQ) for purposes of this RFQ.

## Key Activities And Dates

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

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

**Activities** **Action Date**

RFQ Release October 16, 2020

Pre-Bid Conference\* October 23, 2020

Written Question Submittal Deadline by 5:00 p.m. October 23, 2020

Distribute Questions / Answers and Addenda (if any) October 30, 2020

**Deadline to submit SOQ by 5:00 p.m.\*** November 4, 2020

SOQ Discussions with Firms November 19, 2020

Notice of Selection November 30, 2020

Cost Negotiations December 7, 2020

Notice of Proposed Award December 17, 2020

Energy Commission Business Meeting January 6, 2020

Contract Start Date June 2021

Contract End Date June 2023

## Contract amount

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

## Firm Eligibility

This 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. All other entities must agree to use the standard terms and conditions. The Energy Commission will not award contracts 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](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.

## Pre-Bid Conference

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be conducted by Zoom at the date and timeand location listed below. Information for participation in the Pre-Bid Conference through Zoom is provided below. Please 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.

Date: October 23, 2020

Time: 1:00-5:00 p.m.

### Participation By zoom

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

[https://energy.zoom.us/j/93209737778?pwd=WlB1ejUwQnp4MHdiZ0t4WGR2dnVRdz09](Zoom%20Meeting" \o "ZOOM MEETING)

**Meeting ID:** 932 0973 7778

**Password:** 721269

**Dial by phone:** 669) 219 2599   or

877 853 5257 US Toll-free

Questions

During the RFQ process, questions of clarification about this RFQ must be directed to the Commission Agreement Officer (CAO) listed in the following section. Potential Firms shall carefully examine the qualifications and specifications of this RFQ. You may ask questions at the pre-bid conference; you may also 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 CAO listed below.

Contact Information

Marissa Sutton

Commission Agreement Officer

California Energy Commission

1516 Ninth Street, MS-18

Sacramento, California 95814

Phone: (916) 651-9409

E-mail: [marissa.sutton@energy.ca.gov](file:///C:\Users\agali\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\LD7YO980\marissa.sutton@energy.ca.gov)

## Responses To This Rfq

Responses to this solicitation shall be in the form of a SOQ according to the format described in this RFQ. The SOQ shall provide detailed information on the Firm’s qualifications to perform the tasks outlined in the Scope of Work.

## Project Specific DCBO Reference Documents

Firms responding to this RFQ must familiarize themselves with the Final Commission Decisions and the applicable COCs for SGES VIII and IX, provisions on the CBSC applicable to the BESS construction and DCBO Best Management Practices Guide, which is included as Attachment 11 of this RFQ package.

The following documents should be reviewed prior to responding to this RFQ:

* Petition for Modification of SEGS VIII and IX (88-AFC-01C & 89-AFC-01C) to add a Battery Energy Storage System (BESS) (TN # 229090):

[Petition for Modification](https://efiling.energy.ca.gov/GetDocument.aspx?tn=229090&DocumentContentId=60495)

* **Data Request Responses, Set 1, for SEGS VIII and IX (TN #** 229725), dated September 12, 2019**:**

[Data Requests Responses Set 1](https://efiling.energy.ca.gov/GetDocument.aspx?tn=229725&DocumentContentId=61152)

* **Data Request Responses, Set 2 for Petition for Modification of SEGS VIII and IX (88-AFC-01C and 89-AFC-01C) to add BESS (TN #** 231314**), dated December 24, 2019:**

[Data Requests Responses Set 2](https://efiling.energy.ca.gov/GetDocument.aspx?tn=231314&DocumentContentId=63059)

* **SEGS VIII and IX BESS Staff Analysis** for Petition for Modification to add Battery (BESS) (TN # 22 Energy Storage System (BESS) (TN # 233096), dated May 22, 2020:

[Staff Analysis for Petition for Modification](https://efiling.energy.ca.gov/GetDocument.aspx?tn=233096&DocumentContentId=65580)

Additional information regarding the specific power generation equipment and linear facilities required for the SEGS VIII and IX can be found at:

* [CEC Siting Cases Website](https://ww2.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd164dsasjd5598fhajkhs)

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

1. Warren‐Alquist State Energy Resources Conservation and Development Act, Public Resources Code Section 25000 et seq. available online at: [CEC Rules and Regulations Website](https://www.energy.ca.gov/rules-and-regulations/warren-alquist-act)
2. Rules of Practice and Procedure Power Plant Site Certification Regulations, California Energy Commission, Publication No. CEC-140-2019-002, January 2019 California Code of Regulations, Title 20, Public Utilities and Energy, Division 2, State Energy Resources Conservation and Development Commission available online at: [Rules of Practice and Procedure Power Plant Site Certification Regulations](https://ww2.energy.ca.gov/2019publications/CEC-140-2019-002/CEC-140-2019-002.pdf)

# II. SCOPE OF WORK

About This Section

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

## DCBO Work Requirements

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

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

Conservation)

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

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

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

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

## Work Performance

The Energy Commission cannot accurately predict far into the future when work will be required under this agreement. The need for DCBO services will vary in response to many factors. Further, once the need for work is initiated, the work may need to proceed at a quick pace to meet the required deadlines. Accordingly, the contractor will need to be able to respond to the Energy Commission’s requests for DCBO services on a timely basis. The contractor shall respond to requests for work in accordance with the following pattern:

* The CPM 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 emails from the CPM 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 CPM.

## DCBO Tasks And Work Performance

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

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

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

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

The DCBO shall:

* Understand and become familiar with each Project’s COCs applicable to the project.
* Attend and participate in Energy Commission team meetings as requested by the CPM.
* Work with the CPM to ensure all pre-construction submittals, if applicable, are complete.
* Use a password-protected, project-specific website for the posting of the weekly reports and other project documents. The documents on the website must be posted in an MS Word- or Excel-compatible format, and applicable submittals must be converted to .pdf files for the Periodic Compliance Reports (PCRs).
* Provide document security and backup methods to the CPM for review and approval to ensure that the electronic submittal process is secure and data can be re-established if it is lost or damaged.
* Obtain and become familiar with the compliance matrix for construction provided by the project owner with submittal deadlines.
  + Maintain a site presence during all construction activities or as directed by the CPM.
  + Issue as necessary correction notices and non-conformance reports to ensure COC and LORS compliance.
* Select a DCBO Lead Engineer or monitor as appropriate and as directed by the CPM, to oversee construction compliance, as delineated by the Facility Design, Geology, and Transmission System Engineering COCs, as well as the SWPPP and the DESCP.
* Include all the components listed below in a weekly Periodic Compliance Report (PCR) with an easily-navigable format. Provide PCRs and site inspection reports to the CPM via web posting, and include:
  + List of DCBO staff onsite and their duties;
  + Executive summary of current construction activities, broken down by facility design engineering elements:
    - General (GEN);
    - Civil (CIVIL);
    - Structural (STRUC);
    - Mechanical (MECH);
    - Electrical (ELEC); and
    - Safety.
  + Updated compliance matrix;
  + Compliance issues with applicable LORS and COCs;
  + List of issued or potential non-conformance reports;
  + List and status of submitted plans;
  + Status of interconnections, including:
    - Natural Gas;
    - Backfeed;
    - Potable Water;
    - Waste Water; and
    - Fire Water.
  + List of field inspections performed this week (inspection reports shall be posted for CPM review no later than 3 days after inspection was done); and,
  + List of any job-related accidents whether Occupational Safety and Health Administration (OSHA) recordable or not.
* Maintain, via a Document Control Manager (DCM), a log of all email correspondence pertinent to all document submittals, and inspection activity issues.
* Provide and maintain an easily referenced and on-line copy of the invoices submitted to the Project Owner.

**Deliverables:**

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

1. Weekly Periodic Compliance Reports;
2. Updated Compliance Matrix for construction; and
3. Invoices submitted to the Project Owner.

### Task 2 – Project Coordination and Communication Protocols

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

The DCBO shall:

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

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

Power plant construction requires well-organized processes to perform plan reviews and inspections, keep all parties informed, and ensure all DCBO comments are well documented.

The DCBO shall:

* Track and maintain:
  + - Any Drawings;
    - Notices of non-conformance;
    - Inspection comments, rejections, and approvals;
    - Special inspections; and,
    - Safety Inspections.
* Maintain all documents submitted to the DCBO for access by project staff and Energy Commission staff.
* Maintain the minimum types of project documents including but not limited to: construction drawings; supporting calculations; construction specifications; inspections; special inspections; worker safety records; and when applicable, environmental monitoring records.
  + Documents submitted to the DCBO must be in an Adobe Acrobat® .pdf, secure, electronic file format, and if an Engineer of Record (EOR) is associated with the submittal, it must include a digital signature.

#### Task 2.1 – Kick Off and Coordination Meeting(s)

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

### Task 3 –Pre-Construction Compliance Assistance

There is often an extensive list of pre-construction submittals that must be approved before the Energy Commission can issue a formal Notice to Proceed for the project. The Notice to Proceed allows site mobilization for construction to commence. Although the Energy Commission retains the final authority over all matters relating to COC interpretation, the DCBO does provide certain preliminary document review and pre-construction COC compliance assistance.

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

Compliance assistance may include, but are not limited to, the following activities:

* Create an Energy Commission staff accessible and secure web folder to track progress and house reporting information.
* Gather and review all applicable pre-existing project specific “as-builts” and compliance plans. The DCBO shall work with the CPM to ensure all pre-construction submittals are complete before issuance of a notice to proceed.
* Prepare, as directed by the CPM, project-specific periodic compliance reports (PCR). The documents on the website will be posted in an MS Word- or Excel-compatible format, and applicable submittals may need to be converted to Adobe Acrobat® .pdf files. The PCRs must include:
  + List of DCBO staff onsite and their duties;
  + Executive summary of current activities, broken down by facility design engineering elements:
    - General (GEN);
    - Civil (CIVIL);
    - Structural (STRUC);
    - Mechanical (MECH);
    - Electrical (ELEC);
    - Safety; and
    - Environmental (as applicable);
  + Project completion percentage, based on the amount of work completed to date for all systems before plant operation or restart;
  + Compliance issues with applicable LORS and all COCs;
  + List of issued or potential non-conformance reports;
  + List and status of submitted plans;
  + Status of interconnections;
    - Natural Gas
    - Electrical
    - Backfeed
    - Potable Water
    - Waste Water
    - Fire Water
  + A “look ahead” schedule or scheduling forecast for construction progress;
  + A site map (including a scale bar and directional key) and date-stamped project photographs identifying construction activities with a brief description, broken down by facility design engineering elements;
  + Estimate of construction staff/contractors onsite;
  + List of field inspections performed since previous PCR (inspection reports shall be posted for CPM review no longer than 3 days after inspection was done); and
  + List of any job-related accidents whether recordable or not.

Provide initial and periodic refresher training support to the CPM, Energy Commission staff and project team on the On-Call DCBO’s project activity reporting website as applicable.

Maintain, via a document control manager (DCM), a log of all email correspondence pertinent to the work authorizations, including all submittals, reviews, comments, approvals, inspection requests, and inspection activity.

Provide document security and backup protocols to the CPM for review and approval to ensure that the electronic submittal process is secure and data can be re-established if it is lost or damaged.

**Deliverables:**

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

1. Pre-construction submittals noting the DCBO’s review and approval of pre-construction documents and noting their compliance with the Energy Commission’s Conditions of Certification, where required; and
2. Periodic compliance reports (PCRs).

### Task 4 – Facility Construction Plan Review

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

The construction plans must be approved before the Energy Commission can allow the project owner to proceed with site mobilization and commence facility construction activities. Although the Energy Commission retains the final authority over all matters relating to COC interpretation, the DCBO does provide certain preliminary document review and pre-construction COC compliance assistance.

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

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

The DCBO shall:

* Review, and when found to be in compliance with all applicable LORS, approve the selection of dynamic analysis and/or alternative methods of analysis for the design of those major structures designated in the project’s Facility Design COCs;
* Ensure that the results of all plan checks and construction inspections are available to the CPM via the Project-Specific website (see Task 1);
* Retain all approved plans, specifications, calculations, and marked-up as-built for 90 days after the project’s construction completion date, after which the DCBO shall deliver them to the project owner for long-term retention at the project site or other accessible location (see Task 7);
* Provide electronic copies of the approved plans, specifications, calculations, marked-up as-built and other relevant submittals to the CPM, in the form of DVDs, compact discs or a USB memory stick, within 90 days of the project’s construction completion dates (see Task 7); and
* Provide code interpretation and enforcement support.

**Deliverables:**

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

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

### Task 5 – Facility Construction Compliance and Field Inspections

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

The DCBO shall:

1. Review, approve, and monitor any of the project’s proposed special inspection programs, approve the qualifications and experience of the proposed special inspectors; monitor the DCBO approved special inspectors work as needed in the field; and review the special inspectors daily reports to ensure all CBC requirements are met.
2. Maintain, as directed by the CPM, a site presence and an on-site field office during construction activities.
3. Issue correction notices and non-conformance reports as necessary to ensure COC and LORS compliance.
4. Select a Certified Safety Monitor, financed by the project owner, who reports directly to the DCBO and the CPM. The Certified Safety Monitor must be certified from a recognized state, national, or international organization as a Safety Professional. The Certified Safety Monitor’s role will include, but is not limited to, conducting on-site (including linear facilities) safety inspections to verify that the Construction Safety Supervisor implements all appropriate Cal/OSHA and Energy Commission safety requirements. The DCBO shall ensure the Safety Monitor does the following:
   * The Safety Monitor will conduct on-site safety inspections during construction at intervals necessary to fulfill those responsibilities.
   * The Safety Monitor will have the authority to issue a stop work order for unsafe conditions found on the work site. The stop work order will be in writing and given to the Construction Safety Supervisor with the necessary conditions to remedy the unsafe condition(s) before work can resume.
   * The Safety Monitor will ensure that the corrective actions have been properly taken by the Construction Safety Supervisor before work can resume.
   * The Safety Monitor shall maintain a log of and document all safety-related issues.
5. Provide an inspection notification process that includes independent feedback to the project owner’s project team and CPM when multiple or repeated inspection failures have occurred.
6. Select DCBO team engineer to oversee engineering and construction compliance, as may be required by the facility design, geology, and transmission system engineering COCs, as well as the storm water pollution prevention plan (SWPPP) and the drainage, erosion, and sediment control plan (DESCP); and
7. Provide engineering and construction monitoring support.

**Deliverables:**

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

1. Qualifications for all special inspectors, including safety personnel;
2. Adopted complaint tracking notification and response process; and
3. Stop work order, if any.

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

The primary responsibility of the DCBO is to ensure compliance with the Final Commission Decision for the project. As per Task 1 above, if a non-conformance report is issued, it must be reported to the CPM (on a per incident basis or in the next PCR). The non-conformance report should only be issued after all other measures are exhausted (i.e. correction notices, discussion with CPM, etc.) to seek compliance.

The DCBO shall:

1. Communicate any concerns regarding a project owner’s design and quality assurance/quality control (QA/QC) process and documentation to the CPM for issue resolution.
2. Communicate any LORS-related non-compliance concerns or issues about any safety-related incidents to the project owner’s representative and CPM.
3. Communicate any unresolved issues to the CPM for issue resolution process.
4. Take any action allowed by the California Code of Regulations, the CBSC and LORS to ensure that the Energy Commission’s interests are properly addressed and protected.
5. Notify the CPM prior to initiating a stop-work order. For emergency situations, the DCBO may initiate a stop-work prior to notifying the CPM or the Compliance Office Manager if the CPM is not available. For any action taken under emergency conditions, the CPM must be notified within 4 hours of the action.

**Deliverables:**

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

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

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

The DCBO shall:

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

The DCBO is responsible for verifying the completeness of this package, which should include any additional related facilities[[1]](#footnote-2) within the Energy Commission’s jurisdiction that are not included in the six facility design elements above.

**Deliverables:**

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

III. SOQ FORMAT, REQUIRED DOCUMENTS AND DELIVERY

## About This Section

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

## Pricing/Rates Information

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

## Required Format For An SOQ

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

## Number Of Copies

* Firms must submit the original and 5 copies of the SOQ.
* Firms must also submit electronic files of all volumes on 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-20-702**" 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-20-702**

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);

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

## SOQ Organization

### Section 1: Administrative Response

Cover Letter

Table of Contents

Contractor Status Form Attachment 1

Darfur Contracting Act Form Attachment 2

DVBE Declarations Form Std 843 (if applicable) Attachment 3

Bidder Declaration Form GSPD-05-105 (if applicable) Attachment 4

Contractor Certification Clauses Attachment 5

Standard Agreement Example Attachment 6

Conflict of Interest Provisions Attachment 8a

Third-Party Beneficiary Language for Contract Between

Project Owner and Delegate Chief Building Official (DCBO) Attachment 9

California Civil Rights Laws Certification Attachment 12

### Section 2: Minimum Requirements

1. Certification Regarding Conflicts of Interest Attachment 8
2. Project Team Minimum Requirements Form Attachment 10

### Section 3: Technical Response

1. Project Team Management and Quality Control Experience
2. Project Team Organizational Structure
3. Project Team Relevant Experience and Qualifications
4. Approach to Tasks in Scope of Work
5. Analytical Tools
6. Client References Attachment 7

### Section 2: minimum requirements

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

##### Conflict of Interest Minimum Requirements[[2]](#footnote-3), [[3]](#footnote-4)

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

Minimum Requirements for the Firm

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

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

Minimum Requirements for the Firm’s Team

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

* The person has not previously worked on behalf of the project owner on the preparation of the power plant construction, the subject of this RFQ.
* The person has no financial interest in the project owners and project entities identified below, except for income received for performing work as DCBO on behalf of the Energy Commission.

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

1. *Name of Power Plant Projects:*

* SEGS VIII and IX

1. *Project Owner(s)*:

* LUZ Solar Partners VIII and IX, LLC.

1. *Project Entities:*

* Terra-Gen, LLC
* FPL Energy, LLC
* Caithness Solar Partners VIII GP, LLC
* Caithness Solar Partners VIll, LLC
* Harper Lake Company VIII (HLC VIII)
* Hyperion VIII, Inc. (Hyperion VIII)

1. *Project Engineering, Procurement, and Construction (EPC) Contractor*:

* LSA

##### Project Team Minimum Requirements Form (Attachment 10):

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

* The Firm must have at least one team member for each of the delegated positions with at least the minimum qualification, experience, and education as identified in Table 1. The Firm must identify at least one name for each position in Attachment 10. If the Firm fails to satisfy all of the Project Team Minimum Requirements at the time of SOQ submission, the Firm shall be eliminated and the SOQ will not be evaluated and scored. The successful Firm must continue to satisfy all of the Project Team Minimum Requirements throughout the term of the contract resulting from this RFQ. One person may fulfill positions as long as that person meets the minimum requirements for each position.

**Table 1: Project Team Minimum Requirements**

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

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

#### 

#### Section 3: Technical Response

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

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

##### Project Team Organizational Structure

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

##### Project Team Relevant Experience and Qualifications

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

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

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

* TASK 1 – Project Team Management (DCBO Infrastructure) and Quality Control
* TASK 2 – Project Coordination and Communication Protocols
* Task 2.1. Kick Off and Coordination Meeting(s)
* TASK 3 – Pre-Construction Compliance Assistance
* TASK 4 – Facility Construction Plan Review
* TASK 5 –Facility Construction Compliance and Field Inspections
* TASK 6 – Non-Compliance and Incident Reporting and Resolution
* Task 7 – “As-Built” Document Package and Archiving

##### Analytical Tools

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

##### Client References

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

# IV. EVALUATION Criteria and SelEction Process

## Selection Process Steps

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

## Administrative And Completeness Screening Criteria

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

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

## Grounds To Reject A SOQ

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

* The SOQ is unsigned.
* The SOQ is not prepared in the format described.
* The Firm has submitted multiple SOQ’s.
* The Firm does not meet the minimum qualifications found in Table 1.
* The SOQ does not literally comply or contains caveats that conflict with the RFQ and the variation or deviation is material, or it is otherwise non-responsive.
* The Firm has previously completed a PIER agreement, received the PIER Royalty Review letter, which the Energy Commission annually sends out to remind past recipients of their obligations to pay royalties, and has not responded to the letter or is otherwise not in compliance with repaying royalties
* Firm does not meet the Conflict of Interest requirements.

## Evaluation Criteria and Scoring Process

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

## Evaluation Criteria Worksheet and Scoring Scale

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

### Scoring Scale

|  |  |  |
| --- | --- | --- |
| **% of Possible Points** | **Interpretation** | **Explanation for Percentage Points** |
| 0% | Not Responsive | Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 10-30% | Minimally Responsive | Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 40-60% | Inadequate | Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution. |
| 70% | Adequate | Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable. |
| 80% | Good | Response fully addresses the requirements being scored with a good degree of confidence in the Firm’s response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable. |
| 90% | Excellent | Response fully addresses the requirements being scored with a high degree of confidence in the Firm’s response or proposed solution. Firm offers one or more enhancing features, methods or approaches exceeding basic expectations. |
| 100% | Exceptional | All requirements are addressed with the highest degree of confidence in the Firm’s response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

### SOQ Evaluation Scoring Worksheet

| **Evaluation of Statement of Qualifications - Criteria** | **Points Possible** |
| --- | --- |
| **WRITTEN EVALUATION CRITERIA** |  |
| 1. **Project Team Management and Quality Control Experience** |  |
| * 1. Ability of the Firm to initiate, schedule, and manage the project team for complex facility construction projects, and effectiveness of communication protocol among the Firm’s team members (including subcontractors), the Project Owner’s team members, and the CAM. | 75 |
| * 1. Ability of the Firm to perform its prime contract management and administration duties. | 20 |
| * 1. Effectiveness of the Firm’s code interpretation and conflict resolution processes. | 60 |
| * 1. Ability of the Firm to provide quality assurance for each team member’s performance, and to identify and resolve performance problems effectively. | 80 |
| * 1. Ability of the Firm to minimize turnover and effectively and efficiently recruit and train new team members as needed. | 20 |
| 1. **Project Team Organizational Structure** |  |
| 1. Effectiveness of project team organization. | 25 |
| 1. Depth of knowledge of senior team members with the facility types specific to Energy Commission jurisdiction. | 80 |
| 1. Ability of the Firm to create and maintain a positive working relationship with subcontractors. | 20 |
| 1. Ability of the Firm to pay subcontractors on a timely basis. | 20 |
| 1. **Project Team Relevant Experience and Qualifications** |  |
| * 1. Depth of experience of team members, including awards, specialized experience, current certifications, and overall team qualifications. | 50 |
| * 1. Team members’ familiarity with Energy Commission’s AFC/PTA processes and COCs. | 20 |
| * 1. Depth of team members’ code compliance experience for projects with a significantly large and a varied array of conditions for approval.      1. Expertise in plan review and facility construction inspection and monitoring.      2. Experience on past power plant projects under the Energy Commission’s jurisdiction. | 100 |
| * 1. Knowledge of the following elements of energy facility compliance plans:      1. Energy Commission COCs (including Facility Design, Hazardous Materials, Worker Safety, Fire Protection, Soil and Water, and Transmission Safety Engineering);      2. Facility construction and operational safety and health programs;      3. Injury and illness prevention programs; and      4. Emergency action and fire prevention plans. | 30 |
| * 1. Demonstrates engineering plan-review experience with the following:      1. Facility design review (i.e., civil and structural, electrical, and mechanical engineering);      2. Pipeline safety;      3. Storm water management;      4. Transmission system engineering;      5. Geology and seismic safety experience. | 100 |
| 1. **Approach to Tasks in Scope of Work**   Describes the Firm’s general and specific proposed approaches to providing the services listed in the Scope of Work, highlighting outstanding features, qualifications, and experience of the team. |  |
| Task 1 – Project Team Management and Quality Control | 25 |
| Task 2 – Project Coordination and Communication Protocols | 25 |
| Task 3 – Facility Pre-Construction Compliance Assistance | 20 |
| Task 4 – Facility Construction Plan Review | 25 |
| Task 5 – Facility Construction Compliance and Field Inspections | 25 |
| Task 6 – Non-Compliance and Incident Reporting and Resolution | 25 |
| Task 7 – “As Built” Document Package and Archiving | 25 |
| 1. **Analytical Tools** |  |
| * 1. Ability of Firm to use computers and/or analytical tools to accomplish the tasks listed in the Scope of Work and what types of computers and/or analytical tools will be used.   2. Technical capabilities of Firm that would facilitate communication with the Energy Commission. | 20 |
| 1. **Client References** |  |
| Quality of the Client References for the Firm and each sub-contractor. | 10 |
| **Written Evaluation Maximum Points Possible** | **900** |
| *Written SOQ Evaluation Minimum Passing Score (75%) \** | *675* |
| **Discussion Evaluation Criteria** | **Points Possible** |
| 1. **Discussion** |  |
| * 1. Quality of presentation. | 25 |
| * 1. Clean and concise responses to questions. | 25 |
| * 1. Demonstrated knowledge of the subject/issues. | 25 |
| * 1. Demonstrated ability to anticipate and resolve problems. | 25 |
| **Discussion Evaluation Maximum Points Possible** | **100** |
| **Maximum Points (Written SOQ and Discussion)** | **1000** |

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

### Ranking an SOQ

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

## Firm Selection and Noticing Process

### Notice Of Firms Selected For Discussions

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

### Discussions

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

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

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

### Notice of Selection

Subsequent to the SOQ evaluations and the discussions with Firms, the Energy Commission will post a “Notice of Selection” of the top-scoring Firm at the Energy Commission’s headquarters in Sacramento, and on the Energy Commission’s website at [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.

The top ranked Firm will be required to submit:

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

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

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

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

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

## Notice of Proposed Award

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

California Energy Commission

Contracts Office, MS-18

1516 Ninth Street

Sacramento, CA 95814

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

# V. Business Participation Programs

## No DVBE Participation Compliance or Business Participation Programs Requirement

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

# VI. ADMINISTRATION

## RFQ Defined

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

## Definition of Key Words

Important definitions for this RFQ are presented below:

**Word/Term Definition**

AFC Application for Certification

State State of California

CAM Commission Agreement Manager

CAO Commission Agreement Office

CBC California Building Code

CBO Chief Building Official

CBSC California Building Standards Code

CPM Compliance Project Manager

COCs Conditions of Certification

DCBO Delegate Chief Building Official

DCM Document Control Manager

Decision Original or Amended Energy Commission Final Decision

DESCP Drainage, Erosion, and Sediment Control Plan

DGS Department of General Services

DSTS Document Submittal and Tracking System

DVBE Disabled Veteran Business Enterprises

EOR Engineer of Record

Energy Commission California Energy Commission

Firm Respondent to this RFQ

LORS Laws, Ordinances, Regulations and Standards

PTA Petition to Amend

QA/QC Quality assurance/Quality control (QA/QC)

RE Resident Engineer

RFQ Request for Qualifications, this entire document

SOQ Statement of Qualifications, formal written response to this

document from Firm

STEP Siting, Transmission and Environmental Protection Division

SWPPP Storm Water Pollution Prevention Plan and Erosion Control

Plan

## SOQ Production Requirements

### SOQ Development Costs

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

### Printing Services

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

### Confidential Information

The Energy Commission will not accept or retain any SOQs that contain confidential information or have any portion marked confidential.

## Darfur Contracting Act of 2008

Effective January 1, 2009, all solicitations must address the requirements of the Darfur Contracting Act of 2008 (Act), (Public Contract Code sections 10475, *et* *seq*.; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit an SOQ for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or SOQ to a State agency. **(See # 1 on Attachment 2)**

A scrutinized company may still, however, submit a bid or SOQ for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). **(See # 2 on Attachment 2)**

## 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 12.

## 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: [CEC Solicitations Website](http://www.energy.ca.gov/contracts/index.html) and Department of General Services’ website: [DGS 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.

## Firm Documentation and Responsibilities

### Disposition of Firm’s Documents

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

### Firms’ Admonishment

This RFQ contains the instructions governing the requirements for an SOQ to be submitted by interested Firms, the format in which the information is to be submitted, the material to be included, the requirements that must be met to be eligible for consideration, and Firm responsibilities. Firms must take the responsibility to carefully read the entire RFQ, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the RFQ are followed and appropriately addressed, and carefully reread the entire RFQ before submitting an SOQ.

### Agreement Requirements

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

### No Contract Until Signed & Approved

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

### Contract Amendment

The contract executed as a result of this RFQ will be able to be amended by mutual consent of the Energy Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.

### Conflict of Interest

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

1. Cal. Code Regs. tit. 20, §1201(r) [↑](#footnote-ref-2)
2. [The Political Reform Act, Government Code Sections 81000, et seq](file:///\\CECFS127\Siting\Compliance\PROJECTS\KING%20CITY%20PEAKER%20(01-EP-6C)\Closure%20Plan\RFQ\The%20Political%20Reform%20Act,%20Government%20Code%20Sections%2081000,%20et%20seq). [↑](#footnote-ref-3)
3. [Government Code Section 1090 et seq](file:///C:\Users\agali\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\V8TGGAHL\Draft%20RFQ-King%20City%20Peaker%20drd%20edits%20&%20AA_01-03-18.docx). [↑](#footnote-ref-4)