**REQUEST FOR PROPOSALS**

**Technical Support to SB 100 Modeling**



RFP-21-801

www.energy.ca.gov/contracts/

State of California

California Energy Commission

March 2022

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1. Contractor Status Form
2. Darfur Contracting Act
3. DVBE Std. 843
4. Bidder Declaration form GSPD-05-105
5. Contractor Certification Clauses
6. Client References
7. Budget Forms
8. Sample Standard Agreement
9. California Civil Rights Laws Certification

# I. Introduction

**NOTE ABOUT SIGNATURES**

The CEC may have waived the requirement for a signature on application materials for this solicitation for submissions. If a notice, regarding CEC’s waiver of the signature requirement appears here: <https://www.energy.ca.gov/funding-opportunities/solicitations>, the waiver applies to this solicitation. In the event of a conflict between the notice and any language in this solicitation regarding signatures, the notice will govern.

Even if the requirement for signatures has been waived, applicants are still expected to adhere to the requirements of this solicitation as if they had signed.

## Purpose of RFP

The purpose of this Request for Proposals is to select a contractor team with experience and expertise in market research and analytic methods that can provide technical assistance to the Energy Assessment Division (EAD). The focus of the support will be in relation to EAD’s role to evaluate and compare different pathways for achieving California’s clean energy goals as established in the 100 Percent Clean Energy Act of 2018 (Senate Bill 100, De León, Chapter 312, Statutes of 2018) and related legislation (e.g., SB 423 requiring assessment of zero-carbon resources). This technical assistance may include support in understanding the performance and cost of different clean energy technologies and strategies to develop inputs to existing models; developing or tailoring models to improve and expand analyses; providing support in evaluating the impacts of different scenarios, such as evaluating the social costs and non-energy benefits of different scenarios; and developing technical content in forms (e.g., reports, presentations, fact sheets, web-based content) that can communicate the analytical results for different audiences.

## Key Activities and Dates

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

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| RFP Release | 3/11/2022 |
| Pre-Bid Conference\* | 3/16/2022 |
| Deadline for Written Questions **by 5:00 p.m**.\* | 3/16/2022 |
| Distribute Questions/Answers and Addenda (if any) to RFP | 3/18/2022 |
| **Deadline to Submit Proposals by 5:00 p.m.\*** | 3/25/2022 |
| Clarification Interviews (If necessary) | 4/1/2022 |
| Notice of Proposed Award  | 4/8/2022 |
| Commission Business Meeting | 5/11/2022 |
| Contract Start Date | 6/1/2022 |
| Contract Termination Date | 12/30/2023 |

## Available Funding and How Award is Determined

There is $250,000 available for the contract resulting from this RFP. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder receiving the highest points.

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

## Eligible Bidders

This is an open solicitation for public and private entities. Each agreement resulting from this solicitation includes terms and conditions that set forth the Contractor’s rights and responsibilities. Private sector entities must agree to use the attached standard terms and conditions (Attachment 8). The University of California, California State University or U.S. Department of Energy National Laboratories must use either the standard or the pre-negotiated terms and conditions located at: ([DGS Lab Terms](https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Contracts-with-the-Department-of-Energy-Laboratories#@ViewBag.JumpTo)). The Energy Commission will not award agreements to non-complying entities. The Energy Commission reserves the right to modify the terms and conditions prior to executing agreements.

All corporations, limited liability companies (LLCs), limited partnerships (LPs) and limited liability partnerships (LLPs) that conduct intrastate business in California are required to be registered and in good standing with the California Secretary of State prior to its project being recommended for approval at an Energy Commission Business Meeting. If not currently registered with the California Secretary of State, bidders 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 at [SOS Website](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 held at the date, time and location listed below. Please call (916) 654-4381 or refer to the Energy Commission's website at [CEC Website](http://www.energy.ca.gov/) to confirm the date and time.

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

(Wednesday, March 16, 2022, From 3:00 p.m. – 4:00 p.m.)

California Energy Commission

(Via Zoom)

**Please click the link below to join the webinar**:

[https://energy.zoom.us/j/93701063176?pwd=Qy85b01rb2xNMk4wYytGYmFoNnlaQT09](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fenergy.zoom.us%2Fj%2F93701063176%3Fpwd%3DQy85b01rb2xNMk4wYytGYmFoNnlaQT09&data=04%7C01%7C%7C91f50331e5964a09c78308da009af53b%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C637822962791983846%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=M%2BoKjwjFwzjNQnpnrtOhENrgcgv8r9JNdZ0w0QI7qig%3D&reserved=0)

**Webinar ID**: 937 0106 3176

**Password**: 298584

**Topic**: Pre-bid Conference: SB 100 Model Support

## Questions

During the RFP process, questions of clarification about this RFP must be directed to the Contracts Officer listed in the following section. You may ask questions at the Pre-Bid Conference, and you may submit written questions via mail, electronic mail, and by FAX. However, all questions must be received by 5:00 pm on the day of the Pre-Bid Conference.

The questions and answers will be posted on the Commission’s website at: [CEC Solicitations Webpage](https://www.energy.ca.gov/funding-opportunities/solicitations).

Any verbal communication with a Commission employee concerning this RFP is not binding on the State and shall in no way alter a specification, term, or condition of the RFP. Therefore, all communication should be directed in writing to the Energy Commission’s Contract Officer assigned to the RFP.

## Contact Information

Phil Dyer, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

Telephone: (916) 891-8474

E-mail: phil.dyer@energy.ca.gov

## Responses to this RFP

Responses to this solicitation shall be in the form of an Administrative, Technical and Cost Proposal according to the format described in this RFP. The Administrative response shall include all required administrative documents. The Technical Proposal shall document the Bidder’s approach, experience, qualifications, and project organization to perform the tasks described in the Scope of Work, and the Cost Proposal shall detail the Bidder’s budget to perform such tasks.

## Reference Documents

Bidders responding to this RFP may want to familiarize themselves with the following documents:

* **2021 SB 100 Joint Agency Report, March 2021** (https://www.energy.ca.gov/publications/2021/2021-sb-100-joint-agency-report-achieving-100-percent-clean-electricity)
* **Report Responding to the Governor on Priority SB 100 Actions to Accelerate the Transition to Carbon-Free Energy, September 2021** (<https://www.energy.ca.gov/sites/default/files/2021-09/CEC-200-2021-008.pdf>)

# II. Scope of Work and Deliverables

## About This Section

This section describes the contract scope of work, deliverables and due dates under the direction of the CAM.

**ACRONYMS/GLOSSARY**

*Specific acronyms and terms used throughout this scope of work are defined as follows:*

| **Acronym** | **Definition** |
| --- | --- |
| CAISO | California Independent System Operator |
| CAM | Commission Agreement Manager |
| CARB | California Air Resources Board |
| CEC | California Energy Commission |
| CPUC | California Public Utilities Commission |
| DER | Distributed Energy Resource |
| EAD | Energy Assessments Division |
| PM | Program Manager |
| SB 100 | Senate Bill 100 – The 100 Percent Clean Energy Act of 2018 |

## Background

The 100 Percent Clean Energy Act of 2018 (Senate Bill 100, De Leon, Chapter 312, Statues of 2018) requires the California Energy Commission, California Public Utilities Commission, and the California Air Resources Board to assess various pathways to achieve the Act’s targets and provide a report to the legislature every four years. The first report, published March 2021, evaluated scenarios but did not evaluate the reliability of those scenarios. The report recommended that the next report include a comprehensive reliability assessment. This requires developing a modeling approach to evaluate whether projected portfolios meet system reliability requirements.

The Energy Assessments Division of the California Energy Commission leads the modeling and analysis for the SB100 reports. As such, EAD is responsible for developing the modeling approach for the next SB100 report. The approach will need to evaluate and compare different portfolios of resources to identify the extent to which each provides for electric system reliability. This type of analysis has not been conducted for California before and will require the development of an innovative new modeling approach to fulfill the requirements of SB 100. EAD is requiring support for this work from a consultant team with expertise in developing this type of analysis.

**General Requirements or Goals and Objectives**

**TASK LIST**

| **Task #** | **Task Name**  |
| --- | --- |
| 1 | Agreement Management |
| 2 | Technical Support for SB 100 Modeling |

**TASK 1- AGREEMENT MANAGEMENT**

The goal of this task is to provide for overall administrative management of the contract by the Contractor. In addition to the specific tasks below, the Contractor’s Program Manager (PM) is responsible for directing the work performed by the Contractor Team to meet the objectives of the contract. The PM is also responsible for ensuring the quality and timely delivery of all deliverables, both technical and administrative from the Contractor Team. The PM will be the primary point of contact for the Contractor Team and is responsible for oversight of all work under this contract. The PM is also responsible for managing all subcontractor work, including ensuring quality products, enforcing subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, recommending solutions to resolve the problem.

**Task 1.1 Kick-off Meeting**

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

**The Contractor shall:**

* Attend a “kick-off” meeting with the CAM, the Contracts Officer, and a representative of the Accounting Office. The meeting will be held via Zoom or teleconference. The Contractor shall include their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the CAM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
* Arrange the meeting including scheduling the date and time.
* Provide a draft agenda to the CAM for review
* Provide a final agenda to all potential meeting participants prior to the kick-off meeting.

**The CAM shall:**

* Review and approve the draft agenda from the contractor prior to the kick-off meeting.
* Coordinate with all relevant CEC staff to participate in the kickoff meeting

**Deliverables:**

* Draft and Final Agendas
* Summary of the kickoff to be included in the monthly progress report

**Task 1.2 Invoices**

**The Contractor shall:**

* Prepare invoices for all reimbursable expenses incurred performing work under this Agreement in compliance with the Exhibit B of the Terms and Conditions of the Agreement. Invoices shall be submitted with the same frequency as progress reports (task 1.4). Invoices must be submitted to the Energy Commission’s Accounting Office.

**Deliverables:**

* Monthly invoice (to be included with monthly progress reports)

**Task 1.3 Progress Reports**

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

**The Contractor shall:**

* Prepare progress reports monthly. The reports should summarize all Agreement activities conducted by the Contractor team for the reporting period. Any interim reports or products produced during the period should be included as part of the monthly progress report. The report should provide a graph of expenditures to date and a projection for subsequent months of the contract period. The report should include an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due within 15 calendar days after the end of the reporting period. The CAM will provide the format for the progress reports.

**Deliverables**:

* Monthly Progress Reports (including monthly invoice)

**TECHNICAL TASK**

**Task 2 - Technical Support for SB 100 Modeling**

The goal of this task is to provide technical expertise to support EAD in the development of an approach to evaluating the reliability of different resource portfolios to meet

SB 100 goals.

**The Contractor shall:**

* Provide expertise to evaluate and compare different approaches to capacity expansion modeling that can be integrated into the CEC’s production cost model environment to meet the SB 100 objectives. This includes comparing the existing model used by the CPUC, RESOLVE, with other alternatives, including developing the approach in PLEXOS, using another available model, or developing a hybrid approach (e.g., using available capacity expansion models as a screening tool coupled with more robust modeling to test for reliability). Support may include providing expertise in building out the model, once selected by CEC, identifying data needs and assumptions, conducting test runs, calibrating the selected model with the CEC’s existing models, and evaluating results for reasonableness in collaboration with CEC staff.
* Support the CEC in better understanding west-wide decarbonization efforts and their impacts to state goals. Because the state relies on imports from other western states, the CEC may need support to identify how the resources, demand, and energy policies are changing west-wide, and the appropriate approach to modeling regions outside of California and the necessary adjustments to existing models. This includes understanding what it means for the state’s ability to ride through multi-day low renewable days and implications for gas resources.
* Provide support to the CEC in developing better modeling inputs for its power system modeling, which could include, but is not limited to, solar profiles, on shore wind profiles, offshore wind profiles, hydroelectric characteristics, load shapes, and other system characteristics. Specifically, support will be provided in developing multi-day sustained low renewable energy production days and the characteristics of outlier events across supply and demand situation that have significant impacts on reliability.
* Support the CEC in developing an approach to modeling different scenarios of distributed energy resource buildout and applying those scenarios within the CEC’s models. The CEC needs to be able to evaluate the implications of different deployments of distributed energy resources on bulk system power needs and reliability. The CEC may also require support in developing different deployment scenarios of distributed energy resources and determining an appropriate approach to representing distributed energy resources in the models.
* Provide expertise to evaluate and compare different approaches to reliability and resource adequacy analysis consistent with SB 100 and existing CEC models. This includes comparing the approach of conducting probabilistic production cost modeling using PLEXOS with other available or soon-to-be-released open-source resource adequacy tools, such as GridPathRA. Support may include providing expertise in building out the model, once selected by CEC, identifying data needs and assumptions, conducting test runs, calibrating with production cost models using other software, and evaluating results for reasonableness in collaboration with CEC staff.

**Deliverables:**

* Monthly Progress Reports

**SCHEDULE OF DELIVERABLES AND DUE DATES**

|  |  |  |
| --- | --- | --- |
| **Task Number** | **Deliverable** | **Due Date** |
| 1 | Draft and Final Agendas |  |
| 1&2 | Monthly Progress Report and Invoice | Monthly |

# III. Proposal Format, Required Documents, and Delivery

## About This Section

This section contains the format requirements and instructions on how to submit a proposal. The format is prescribed to assist the Bidder in meeting State bidding requirements and to enable the Commission to evaluate each proposal uniformly and fairly. Bidders must follow all Proposal format instructions, answer all questions, and supply all requested data.

## Required Format for a Proposal

All proposals submitted under this RFP must be typed or printed using a standard 11‑point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. The technical proposal should be no more than 10 pages. The page limit does not apply to the cost proposal. ~~Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged.~~

## Method for Delivery

The method of delivery for this solicitation is the Energy Commission Grant Solicitation System, available at: [https://gss.energy.ca.gov/](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgss.energy.ca.gov%2F&data=04%7C01%7C%7C6db4917e18aa46a4fc0808d8d42cbd67%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C637492635908664785%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=avUY8DTO%2Fg6shuUaQADf6Qcqw3G%2BwKwDDdd5WQWxbYk%3D&reserved=0). This online tool allows applicants to submit their electronic documents to the CEC prior to the date and time specified in this solicitation. Electronic files must be in Microsoft Word and Excel Office Suite formats unless originally provided in the solicitation in another format. Attachments requiring signatures may be scanned and submitted in PDF format. Completed Budget Forms, Attachment 7, must be in Excel format. **The system will not allow applications to be submitted after the application due date and time.**

First time users must register as a new user to access the system. Applicants will receive a confirmation email after all required documents have been successfully uploaded. A tutorial of the system is available on the [Energy Commission website](https://www.energy.ca.gov/funding-opportunities/funding-resources) under General Funding Resources. You may contact the Commission Agreement Officer identified in the Contact Information section of this solicitation for more assistance.

**Due to COVID-19, hard copies will not be accepted for this solicitation.**

## Organize Your Proposal As Follows

### SECTION 1, Administrative Response

Cover Letter

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Contractor Status Form Attachment 1

Darfur Contracting Act Form Attachment 2

Disabled Veteran Business Enterprise form Attachment 3

Bidder Declaration form GSPD-05-105 Attachment 4

Contractor Certification Clauses Attachment 5

Contractor References Attachment 6

CA Civil Rights Laws Certification Attachment 9

### SECTION 2, Technical and Cost Proposal

Organizational Structure

Relevant Experience and Qualifications

Labor Hours by Personnel and Task

Contractor References Attachment 6

Previous Work Products (Optional)

Budget Forms Attachment 7. See also G below.

**Contract Manager may modify sections A-F (Make sure that these items tie into the Evaluation Criteria):**

1. **Relevant Experience and Qualifications**

1. Document the project team’s qualifications as they apply to performing the tasks described in the Scope of Work. Describe recently completed work as it relates to this Scope of Work.

2. Identify and list all Bidder staff and Subcontractors (all team members) who will be committed to the tasks and describe their roles .

3. Provide a current resume for key team members as defined by the Bidder, including job classification and description, relevant experience, education, academic degrees and professional licenses.

4. Identify the percentage of time each team member will be available throughout the contract.

1. **Organizational Structure**
2. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team. Identify the program manager and provide an overview of the program manager’s expertise relative to the scope.
3. Provide a short description of each firm and key members on the team. Key members should be defined by the Bidder, but they should be the key staff providing the most relevant technical expertise. Describe the relationship between the Contractor and Subcontractors on your team.
4. Identify the location of the Bidder’s and Subcontractor’s headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
5. Describe Bidder’s professional awards.
6. **Labor Hours by Personnel and Task**

Provide the title or classification of each person and their level of effort (hours) for each task, including subcontractor hours.

1. **Client References**

Each bidder shall complete Client Reference Forms. Three client references are required for the Contractor.

1. **Previous Work Products**

Each bidder shall provide at least one example of a similar work product for the services to be provided.

It is not necessary to provide more than one copy of each work product example. Web links are acceptable.

1. **Budget Forms**

Category Budget Attachment 7

Direct Labor Attachment 7

Fringe Benefits Attachment 7

Travel Attachment 7

Equipment Attachment 7

Materials & Miscellaneous Attachment 7

Subcontracts Attachment 7

Indirect Costs and Profit Attachment 7

The Bidder must submit information on **all** of the attached budget forms and this will be deemed the equivalent of a formal Cost Proposal.

Detailed instructions for completing these forms are included at the beginning of Attachment 7.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the Contractor for this RFP. Bidder must include all people anticipated who will provide service on the Agreement. The Energy Commission may consider adding a person that the Bidder did not include in its Proposal. However, because the additional person might affect the Bidder'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 Bidder’s score, including possibly rescoring the Proposal
* Refuse to add the new person
* Add the new person.

Bidders are cautioned that they should include all team members in their Proposal.  The Energy Commission does not want to be in the position of assessing additional persons after the Notice of Proposed Award.

The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their **actual** rates up to these rate caps. The labor rates shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).

All budget forms are required because they will be used for the contract prepared with the winning Bidder.

**NOTE:** The information provided in these forms will **not** be kept confidential.

# IV. Evaluation Process and Criteria

## About This Section

This section explains how the proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals.

## Proposal Evaluation

A Bidder’s proposal will be evaluated and scored based on their response to the information requested in this RFP. The entire evaluation process from receipt of proposals to posting of the Notice of Proposed Award is confidential.

To evaluate all Proposals, the Energy Commission will organize an Evaluation Committee. The Evaluation Committee may consist of Energy Commission staff or staff of other California state entities.

The Proposals will be evaluated in two stages:

### Stage One: Administrative and Completeness Screening

The Contracts Office will review Proposals for compliance with administrative requirements and completeness. Proposals that fail Stage One shall be disqualified and eliminated from further evaluation.

### Stage Two: Technical and Cost Evaluation of Proposals

Proposals passing Stage One will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria in this solicitation.

During the evaluation and selection process, the Evaluation Committee may schedule a clarification interview with a Bidder that will either be held by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the proposal. However, these interviews may not be used to change or add to the contents of the original Proposal.

The total score for each Proposal will be the average of the combined scores of all Evaluation Committee members.

After scoring is completed, Proposals not attaining a score of 70 percent of the total possible points will be eliminated from further competition.

All applicable Preferences will be applied to all Proposals attaining a minimum of 70 percent of the total possible points. The agreement shall be awarded to the responsible Bidder meeting the requirements outlined above, who achieves the highest score after application of Preferences.

## Scoring Scale

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

**% of Possible Points Interpretation Explanation for Percentage Points**

0% Not Responsive Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.

10-30% Minimally Responsive Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.

40-60% Inadequate Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution.

70% Adequate Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.

 80% Good Response fully addresses the

 requirements being scored with a good degree of confidence in the Bidder’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 Bidder’s response or proposed solution. Bidder 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 Bidder’s response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution.

## Notice of Proposed Award

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

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Possible Points** |
| **Bidder’s Organizational Structure** | 5 |
| a) Organizational chart shows efficient, well-defined team structure  |  |
| b) Demonstrated breadth and depth of experience with contractor/subcontractor management  |
| c) Demonstrated expertise of program manager relative to contract scope |
| d) Clearly defined functions to be performed by key team members and how the staffing pertains to the contract scope |
| **Bidder’s Administrative Capabilities** | 5 |
| a) Demonstrates strong capability to effectively and efficiently manage personnel and sub-contractors |  |
| b) Demonstrates adequate fiscal management and controls |
| c) Demonstrated experience and success at managing multiple, complex issues and resolving problems and disputes |
| d) Has capability for word processing, document management, spreadsheet expertise, and technical writing and editing |
| e) Has well-established quality control processes |
| **Bidder and Subcontractor Qualifications and Team Member Experience and Capabilities by Task** | 10 |
| a) Resume provided for all key personnel (Bidder and subcontractors) as defined by Bidderb) Availability of key personnel in all pertinent areasc) Demonstrated breadth and depth of coverage for all technical areas and functions to be performed by Bidder and Subcontractorsd) Clear descriptions of expertise of key personnel of Bidder and Subcontractors |  |
| **Previous Work Products** | 10 |
| a) Bidder provided at least one example of a similar work product for the services (Bidder or subcontractor) as described in the RFP |  |
| b) Experience described is both relevant and recent |
| c) Quality of example(s) of similar project(s) managed by the prime contractor |
| **Client References** | 5 |
| a) Each Bidder shall complete Client Reference Forms for current (within the past three years) references. Three client references are required for the Contractor, and no references are required for Subcontractors. References will be checked and scored accordingly. |  |
| **Team Qualifications: Technical Support for SB 100 Modeling** | 35 |
| 1. Demonstrated breadth and depth of knowledge of and experience with different approaches to capacity expansion modeling that can be integrated into the CEC’s production cost model environment to meet the SB 100 objectives.
 |  |
| 1. Demonstrated breadth and depth of knowledge to support the CEC in better understanding west-wide decarbonization efforts and their impacts to state goals.
2. Demonstrated breadth and depth of knowledge to support the CEC in developing better modeling inputs for its power system modeling, which could include, but is not limited to, solar profiles, on shore wind profiles, offshore wind profiles, hydroelectric characteristics, load shapes, and other system characteristics.
3. Demonstrated breadth and depth of knowledge to support the CEC in developing an approach to modeling different scenarios of distributed energy resource buildout and applying those scenarios within the CEC’s models.
4. Demonstrated breadth and depth of knowledge to evaluate and compare different approaches to reliability and resource adequacy analysis consistent with SB 100 and existing CEC models.
 |
| 1. Demonstrated depth and quality of work examples comparing the approach of conducting probabilistic production cost modeling using PLEXOS with other available or soon-to-be-released open-source resource adequacy tools, such as GridPathRA.
 |
| **COST CRITERIA** | 30 |
| **1. Total Expected Labor Costs (Cost Points)**. The Score for this criteria will be derived from the mathematical cost formula set forth below **under Cost Criteria**. | **30** |
| **Total Possible Points** | **100** |
| **Minimum Passing Score (70%)** | **70** |
| **BIDDER’S TOTAL TECHNICAL SCORE** |  |

**Cost Criteria**

Total Expected Labor Costs (30/30 Cost Points)

Step 1

Calculate each *Individual’s Loaded Hourly Rate* = DL + FB + Indirect + Profit (Separately for the Prime and each Subcontractor). This is documented on Attachment 7a in each workbook.

Step 2

The Bidder (Prime Contractor) will complete the Attachment 7b of the budget workbook. This form will calculate the Total Expected Labor Costs portion of the cost criteria.

Total Expected Labor Cost Points:

Lowest Proposal Total Expected Labor Cost = 100% of total possible points for this criteria

All other proposals get a lower percentage of the possible points based on how close their proposal Total Expected Labor Cost is to the lowest proposal Total Expected Labor Cost as follows:

Lowest Proposal Total Expected Labor Cost / Other Proposal Total Expected Labor Cost = Other Proposal % of Possible Points

Example:

Proposal A Total Expected Labor Cost: $85,347; Proposal B Total Expected Labor Cost: $90,242; Proposal C Total Expected Labor Cost: $87,249.

Proposal A: Lowest Proposal Total Expected Labor Cost = 100% possible points

Proposal B: $85,347/$90,242 = 94.57% possible points

Proposal C: $85,347/$87,249= 97.82% possible points

Points Allocation (30 possible points):

Proposal A: 100% possible points = 30 points

Proposal B: 94.57% possible points = 28.37 points

Proposal C: 97.82% possible points = 29.35 points

# V. Business Participation Programs (Preferences/Incentives)

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

This section describes the following business participation programs:

* DVBE Participation Compliance Requirements
* Small Business/Microbusiness Preference
* Non-Small Business Preference
* Target Area Contract Act Preference

##

## Disabled Veteran Business Enterprise (DVBE)

**Compliance Requirements**

**“No DVBE Participation Compliance Requirement**: The Energy Commission has waived this RFP from DVBE participation. Bidders are not required to include DVBEs as part of the contract team. However, if Bidder does include DVBE participation in its Bid, the DVBE Incentive will be applied.”

***Required Forms***

Bidders must complete Attachments 1, 3 and 4 to qualify for DVBE participation. Contractor Status Form (Attachment 1).

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

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

***DVBE Definition***

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

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

***DVBE Certification and Eligibility***

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

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

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

***To Find Certified DVBEs***

Access the list of all certified DVBEs by using the Department of General Services, Procurement Division (DGS-PD), online certified firm database at [The State of California Certifications Webpage](https://www.caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx). Search by “Keywords” or “United Nations Standard Products and Services Codes” (UNSPSC) that apply to the elements of work you want to subcontract to a DVBE. Check for Subcontractor ads that may be placed on the California State Contracts Register (CSCR) for this solicitation prior to the closing date. You may access the CSCR at [California State Contracts Register Webpage](https://www.caleprocure.ca.gov/pages/Events-BS3/event-search.aspx). For questions regarding the online certified firm database and the CSCR, please call the OSDS at (916) 375-4940 or send an email to: OSDCHelp@dgs.ca.gov.

***Commercially Useful Function***

DVBEs must perform a commercially useful function relevant to this solicitation, in order to satisfy the DVBE program requirements. California Code of Regulations, Title 2, Section 1896.71 provides:

“(a) A DVBE contractor, subcontractor or supplier of goods and/or services that contributes to the fulfillment of the contract requirements, shall perform a Commercially Useful Function (CUF) for each contract.

(b) A DVBE contractor, subcontractor, or a supplier of goods and/or of services is deemed to perform a CUF if the business does all of the following:

(1) Is responsible for the execution of a distinct element of work of the contract (including the supplying of services and goods);

(2) Carries out its obligation by actually performing, managing, or supervising the work involved;

(3) Performs work that is normal for its business services and functions;

(4) Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment;

(5) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

(c) A contractor, subcontractor or supplier will not be considered to perform a commercially useful function if its role is limited to that of an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.”

***Information Verified***

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

***DVBE Report***

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

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

OSDS offers program information and may be reached at:

Department of General Services

Office of Small Business and DVBE Services

707 3rd Street, 1st Floor, Room 400

West Sacramento, CA 95605

[DGS Website](https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/How-to-do-business-with-the-state-of-California)

Phone: (916) 375-4940

Fax: (916) 375-4950

E-mail: OSDSHelp@dgs.ca.gov

***DVBE Law***

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

## DVBE Incentive

Proposed DVBE DVBE Incentive DVBE Incentive

Participation Level % Price Preference Points

1% to 1.99% 1% 1

2% to 2.99% 2% 2

3% to 3.99% 3% 3

4% to 4.99% 4% 4

5% or over 5% 5

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

***Incentive Application***

Award Based on High Point: The Incentive is applied by adding the incentive points to the Proposal for Bidders that include more than the minimum required 3.00% DVBE participation. In other words, if a Bidder includes 3.01% DVBE participation or greater, it will receive the DVBE incentive. If you include 3% DVBE participation, you will not receive the incentive. You will only receive the incentive, if you include 3.01% or greater DVBE participation. Incentive points cannot be used to achieve any applicable minimum point requirements. The DVBE incentive is only applied during the Proposal evaluation process and only to responsive Proposals from responsible Bidders.

***Incentive amount***

For awards based on low price, the incentive will vary in conjunction with the percentage of DVBE participation. The DVBE Incentive Program may be used in conjunction with the Small Business preference which gives a 5% preference to small business Bidders or 5% to non-small business Bidders committed to subcontracting 25% of the overall Bid with small businesses.

Proposed DVBE DVBE Incentive DVBE Incentive

Participation Level % Point Preference Points

3.01% - 3.99% 1% 1

4.00% - 4.99% 2% 2

5.00% - 5.99% 3% 3

6.00% - 6.99% 4% 4

7.00% or over 5% 5

\*The percentage is based on the total possible available points not including preference points for small/micro business, non-small business or TACPA.

***Required Forms***:

* Contractor Status Form (Attachment 1).
* DVBE Declarations Std. Form 843 (Attachment 3)
* Bidder Declaration Form GSPD-05-105 (Attachment 4)

### *DVBE Incentive Law*

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

## Small Business / Microbusiness / Non-Small Business

### *Preference*

Bidders who qualify as a State of California certified small business will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business.  Bidders qualifying for this preference must submit a copy of their Small Business Certification and document their status in Attachment 1, Contractor Status Form.

***Required Forms***

* Submit a copy of your Small Business Certification
* Contractor Status Form (Attachment 1)
* Complete the “Small Business Preference Claim” section

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

### *Certification*

A business must be formally certified by the Department of General Services, Office of Small Business and DVBE Services (OSDS), in order to receive the small/microbusiness preference.

***Non Profit Veteran Service Agency***

Bidders that qualify as a Non Profit Veteran Service Agency can be certified as a small business and are entitled to the same benefits as a small business.

***Definitions***

* *Small business* means a business certified by the Office of Small Business Disabled Veteran Services (OSDS) in which:

(1) It is independently owned and operated; and

(2) The principal office is located in California; and

(3) The officers of the business in the case of a corporation; officers and/or managers, or in the absence of officers and/or managers, all members in the case of a limited liability company; or the owner(s) in all other cases, are domiciled in California; and

(4) It is not dominant in its field of operation(s), and

(5) It is either:

(A) A business that, together with all affiliates, has 100 or fewer employees, and annual gross receipts of fourteen million dollars ($14,000,000) or less as averaged for the previous three tax years, as adjusted by the Department pursuant to Government Code § 14837(d)(3); or

(B) A manufacturer as defined herein that, together with all affiliates, has 100 or fewer employees.

* *Microbusiness* means a small business certified by OSDS, which meets all of the qualifying criteria as a small business, and is:

(1) A business that, together with all affiliates, has annual gross receipts of three million, five hundred thousand dollars ($3,500,000) or less as averaged for the previous three tax years, as adjusted by the Department pursuant to Government Code §14837(d)(3); or

(2) A manufacturer as defined herein that, together with all affiliates, has 25 or fewer employees.

* *Non Profit Veteran Service Agency* means an entity that:
1. Is a community-based organization,
2. Is a nonprofit corporation (under Section 501(c)(3) of the [Internal Revenue Code](http://www.irs.gov/charities/charitable/article/0%2C%2Cid%3D96099%2C00.html)), and
3. Provides housing, substance abuse, case management, and employment training services (as its principal purpose) for:
	* low income veterans,
	* disabled veterans, or
	* homeless veterans
	* and their families

***Commercially Useful Function***

A certified small business or microbusiness shall provide goods or services that contribute to the fulfillment of the contract requirements by performing a “commercially useful function” defined as follows:

(1) The Contractor or Subcontractor is responsible for the execution of a distinct element of the work of the contract; carrying out its obligation by actually performing, managing or supervising the work involved; and performing work that is normal for its business services and functions;

(2) The Contractor or Subcontractor is not further subcontracting a greater portion of the work than would be expected by normal industry practices;

(3) The Contractor or Subcontractor is responsible, with respect to materials and supplies provided on the subcontract, for negotiating price, determining quality and quantity, ordering the material, installing (when applicable), and paying for the material itself;

(4) A Contractor or Subcontractor will not be considered as performing a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to achieve the appearance of small business participation.

***Late Payment of Invoices***

Certified small/microbusinesses are entitled to greater interest penalties paid by the state for late payment of invoices than for non-certified small business/microbusiness.

***Small Business / Microbusiness Law***

* Government Code section 14835 et. seq.
* California Code of Regulations, Title 2 Section 1896 et. seq.

### Non-Small Business

***Preference***

The preference to a non-small business Bidder that commits to small business or microbusiness Subcontractor participation of twenty-five percent (25%) of its net Bid price will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business. A non-small business that qualifies for this preference may not take an award away from a certified small business.

***Required Forms***

* Submit a copy of the Subcontractor’s Small Business Certification
* Contractor Status Form (Attachment 1)
* Complete the “Small Business/Non-Small Business Preference Claim” section

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

### *Certification*

A Subcontractor business must be formally certified by the Department of General Services, Office of Small Business and DVBE Services (OSDS), in order to receive the Non-Small Business Preference.

***Non-Small Business Law***

* Government Code section 14838 (b)
* California Code of Regulations, Title 2 Section 1896 et. seq.

## Target Area Contract Preference Act

**Note on TACPA:**

* The following TACPA preference only applies to a contract if the total is more than $100,000 and the work site is not fixed.

The following preference will be granted for this solicitation. Bidders wishing to take advantage of this preference will need to review the website stated below and submit the appropriate response with their Bid.

The TACPA program was established to stimulate economic growth and employment opportunities in designated Areas throughout the state of California. (GC4530)

The Department of General Services (DGS), Procurement Division (PD), Dispute Resolution Unit (DRU) oversees the TACPA program and evaluates all TACPA applications.

This solicitation contains (TACPA) preference request forms. Please carefully review the forms and requirements. Bidders are not required to apply for these preferences. Denial of the TACPA preference request is not a basis for rejection of the bid.

The State as part of its evaluation process reserves the right to verify, validate, and clarify all information contained in the bid. This may include, but is not limited to, information from bidders, Subcontractors and any other sources available at the time of the bid evaluation. Bidder refusal to agree to and/or comply with these terms, or failure to provide additional supporting information at the State's request may result in denial of preference requested.

Contracts awarded with applied preferences will be monitored throughout the life of the contract for compliance with statutory, regulatory, and contractual requirements. The State will take appropriate corrective action and apply sanctions as necessary to enforce preference programs.

Any questions regarding the TACPA preference should be directed to the Department of General Services, Procurement Division at (916) 375-4609.

TACPA Preference Request (STD 830):

[STD 830 Document](https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std830.pdf)

Bidder’s Summary of Contract Activities and Labor Hours:

[Bidder's Summary Document](https://www.documents.dgs.ca.gov/dgs/fmc/gs/pd/gspd0526.pdf)

# VI. Administration

## RFP Defined

The competitive method used for this procurement of services is a Request for Proposal (RFP). A Proposal submitted in response to this RFP will be scored and ranked based on the Evaluation Criteria. Every Proposal must establish in writing the Bidder’s ability to perform the RFP tasks.

## Definition of Key Words

Important definitions for this RFP are presented below:

**Word/Term Definition**

Bidder- Respondent to this RFP

CAM- Commission Agreement Manager

DGS- Department of General Services

DVBE- Disabled Veteran Business Enterprises

Energy Commission-California Energy Commission

Proposal- Formal written response to this document from Bidder

RFP- Request for Proposal, this entire document

State- State of California

## Cost of Developing Proposal

The Bidder is responsible for the cost of developing a proposal, and this cost cannot be charged to the State.

## Software Application Development

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

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

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

## Printing Services

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

## Confidential Information

The Commission will not accept or retain any Proposals that have any portion marked confidential.

## Darfur Contracting Act of 2008

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

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

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

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

## California Civil Rights Laws

Prior to bidding on, submitting a proposal or executing a contract or renewal for a State of California contract for goods or services of $100,000 or more, a bidder or proposer must certify that it is in compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code) and the Fair Employment and Housing Act (Section 12960 of the Government Code). Additionally, if a vendor has an internal policy against a sovereign nation or peoples recognized by the United States government, the Contractor must certify that such policies are not used in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the Fair Employment and Housing Act (Section 12960 of the Government Code).

See Attachment 9.

## RFP Cancellation and Amendments

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

* Cancel this RFP;
* Amend this RFP as needed; or
* Reject any or all Proposals received in response to this RFP

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission’s Web Site ([CEC Website](http://www.energy.ca.gov/)) and Department of General Services’ Web Site([DGS Website](https://www.caleprocure.ca.gov/pages/index.aspx)).

## Errors

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the RFP, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

## Modifying or Withdrawal of Proposal

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: “This proposal and the cost estimate are valid for 60 days.”

## Immaterial Defect

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

## Disposition of Bidder’s Documents

On the Notice of Proposed Award posting date all proposals and related material submitted in response to this RFP become a part of the property of the State and public record. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

## Bidders’ Admonishment

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

## Grounds to Reject a Proposal

**A Proposal shall be rejected if:**

* It is received after the exact time and date set for receipt of Proposal’s pursuant to Public Contract Code, Section 10344.
* It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
* It is lacking a properly executed Certification Clauses.
* It is lacking a properly executed Darfur Contracting Act Form.
* It is lacking a properly executed California Civil Rights Law Certification Form.
* It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
* The Proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP.
* There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
* It contains confidential information, or it contains any portion marked confidential.
* The Bidder does not agree to the terms and conditions as attached to the solicitation either by not signing the Contractor Status Form or by stating anywhere in the bid that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

**A Proposal may be rejected if:**

* It is not prepared in the mandatory format described.
* It is unsigned.
* The firm or individual has submitted multiple proposals for each task.
* It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.
* The budget forms are not filled out completely.

## Protest Procedures

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

* Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
* During the five **working** days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.
* Within five **calendar** days after filing the protest, the protesting Bidder must file with the DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
* If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer consideration.

## Agreement Requirements

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

### No Contract Until Signed & Approved

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

### Contract Amendment

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