# **RFQ-22-401**

**December 16, 2022**

**QUESTIONS AND ANSWERS**

**FLEXIBLE DEMAND APPLIANCE STANDARDS ADVANCED RESEARCH AND PROPOSAL DEVELOPMENT**

The purpose of this addendum is to provide answers to written questions for the above solicitation. The following answers are based on California Energy Commission (CEC) staff’s interpretation of the questions received.

**Q1: Can we get a copy of the pre-bid conference presentation?**

A1: Yes. A copy of the pre-bid conference presentation for this solicitation is available on the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations). From the Solicitations webpage, select RFQ-22-401 to access all solicitation-related items and documents.

**Q2:** **Will the attendee list for the pre-bid conference be made available to participants?**

A2: Yes. The attendee list for this solicitation is available on the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations).  From the Solicitations webpage, select RFQ-22-401 to access all solicitation-related items and documents.

**Q3:** **The proposal requires architectural and engineering consultants. Does this mean that they have to be architects and engineers?**

A3: No, not every member of the proposed team must be an architect or engineer. However, the project team must be qualified to perform the tasks as described in the Scope of Work (SOW) located on pages 9 through 21 of the solicitation manual, which is available the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations).

The CEC encourages all eligible Firms to respond to this solicitation. Responses shall be in the form of a Statement of Qualifications (SOQ). The SOQ shall detail the Firm’s qualifications to perform the tasks outlined in the SOW. Please see the “Project Team Relevant Experience and Qualifications” section, which is located on pages 25 and 26 of the solicitation manual for additional information.

The CEC must evaluate each SOQ uniformly and fairly. Format requirements and instructions on how to submit an SOQ are located on pages 22 through 26 of the solicitation manual. In addition, Section IV “Evaluation Process and Criteria” located on pages 27 through 35 of the solicitation manual details specifically how the CEC will screen, review, and score each SOQ received in response to this solicitation.

**Q4:** **Will this project expand on draft Appliance Energy Efficiency Standards that are already developed?**

A4: Yes. However, the team awarded the contract resulting from this solicitation must also be prepared to identify flexible demand opportunities (measures) for residential and commercial appliances, as well as to assist in evaluating measure proposals submitted to CEC staff by outside parties.

Work will focus on the development and implementation of Appliance Energy Efficiency Standards consistent with statutory direction to adopt, by regulation, and periodically update, standards for appliances to facilitate the deployment of flexible demand technologies.

The SOW for this solicitation is located on pages 9 through 21 of the solicitation manual, which is available the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations). It includes detailed information regarding the proposed primary tasks and deliverables for the agreement resulting from this solicitation.

**Q5: Firms are required to be registered and be in good standing with the California Secretary of State. Are all subcontractors listed on the proposal required to meet this requirement or does it apply to the selected Prime contractor only?**

A5: Before transacting intrastate business in California, all businesses must first register with the California Secretary of State. Businesses should comply with all applicable laws, ordinances, regulations, and standards and should consult with their own counsel if they have questions regarding Secretary of State registration requirements.

For purposes of application to this solicitation, please refer to pages 5 and 6 of the solicitation manual, which is available the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations). It indicates that 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 a CEC 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). In addition, sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to the CEC prior to the resulting Agreement being recommended for approval at a CEC business meeting.

**Q6: Can Firms or subcontractors located outside of California apply for this solicitation?**

A6: While nothing in this solicitation prohibits Firms and their respective subcontractors outside of California from applying and performing work outside of California, each company should work with its own legal counsel to determine if it can legally enter into a contract for this work. Certain laws of California, the United States, or the foreign countries in which the company is located may prohibit a resulting contract. For example only, and by no means legal advice or an exhaustive list, potential applicants may want their own legal counsel to consider:

1. All companies must be registered with California Secretary of State, provide United States tax identification number, and comply with all other RFQ requirements. The selected Contractor will need to comply with California law and sign a contract similar to Attachment 6, Standard Agreement Example.
2. The California Taxpayer and Shareholder Protection Act of 2003, California Public Contract Code sections 10286 et seq.
3. California’s Darfur Contract Act of 2008, California Public Contract Code sections 10475 et seq.
4. California’s Iran Contracting Act of 2010, California Public Contract Code sections 2200 et seq.
5. United States federal export control laws, which prohibit contracts for certain activities with certain countries.
6. United States trade agreements