**Energy Research and Development Division**

**Questions and Answers**

**RFP-22-301 Technical Assistance for the Energy Research and Development Division**

**January 26, 2023**

The purpose of this document is to provide answers to questions received in writing and verbally, before, during, and after the pre-bid conference held December 20, 2022, for RFP-22-301. The following answers are based on California Energy Commission (CEC) staff’s interpretation of the questions received.

**Question 1:** Please provide link for slide deck.

**Answer 1:** The presentation and zoom recording can be accessed from the RFP’s webpage, and are found on the RFP’s Pre-Application Workshop webpage https://www.energy.ca.gov/event/2022-12/pre-bid-conference-rfp-22-301-technical-assistance-energy-research-and

**Question 2:** Is the awardee excluded from applying to future released GFOs due to the potential for conflict of interest? If a company, individual, or entity bids on this solicitation and is successful in winning an award to provide technical assistance to the CEC, will there be preclusions or encumbrances bidding on future competitive solicitations?

**Answer 2:** Any contractor, subcontractors, or project partners that assist the CEC in developing agreements or scoring applications are prohibited from applying to any CEC solicitation that is related to work done under the resulting contract from RFP-22-301 (see RFP-22-301, Attachment 12, Exhibit G, section 6).

**Question 3:** Can a non-profit apply?

**Answer 3:** Yes, this solicitation is open to all public and private entities, including non-profits. Each agreement resulting from this solicitation includes terms and conditions that set forth the Contractor’s rights and responsibilities. See Eligible Bidders in Section I of the RFP manual.

**Question 4:** Will the CEC provide additional point allocation for LGBTQ entities? Or, does it qualify as DVBE as we are certified CA Clearinghouse? How should an LGBTQ certified team be represented in the diversity section?

**Answer 4:** All public and private entities are encouraged to apply to this solicitation. No additional points or preferences are provided for LGBTQ entities and there is no diversity section in the RFP manual.

The CEC has statutory authorization to provide the following preferences:

• DVBE Incentive

• Small Business/Microbusiness Preference

• Non-Small Business Preference

• California-Based Entities Preference

• Target Area Contract Act Preference

This RFP requires at least 3% certified Disable Veteran Business Enterprise (DVBE) participation, and DVBE incentive points are available for greater DVBE participation. Please see Section V. Business Participation Programs (Preferences/Incentives) of the RFP Manual for more information. Please note that DVBEs must be formally certified by the Office of Small Business and DVBE Services (OSDS).

**Question 5:** Can you provide the definition for "Equity considerations"? And, please give some examples of the metrics or criteria that you will use to evaluate "Equity considerations."

### **Answer 5:** For the purposes of this solicitation, Equity Considerations are listed on page 66 in the RFP Manual as part of Area I. Cross-Cutting Program Support of the Evaluation Criteria 1B, Personnel Technical Qualifications Table. Areas Of Expertise are sub-skill sets for which external experts are needed to assist CEC staff in the energy-related support activities. The CEC will evaluate proposals using the Scoring Scale listed in the RFP Manual (page 42). Bidders will be evaluated on their team’s demonstrated knowledge and experience with integrating equity considerations into program guidelines and energy projects.

### An example of an equity consideration criterion by which proposals will be evaluated is as follows: *Consultation with stakeholders from diverse demographics in California’s underserved communities, including but not limited to Native American tribes, local governments, rural, agricultural, low-income, and disadvantaged communities, and renters. Inputs may be incorporated into ERDD programs, proposed project evaluation, and project planning and implementation*.

### Bidders can find the complete list of Equity Considerations criteria by which they will be evaluated, in Section IV., Technical Areas Table, Area I, (page 66) of the RFP Manual.

**Question 6:** Is the CEC open to recommended changes or additions in the scope of work in the proposal that the Bidder believes will enhance the goals of the project?

**Answer 6:** Typically, the CEC does not work with potential bidders to revise the Scope of Work in an RFP Manual. However, the CEC can accept recommendations by the commenting deadline, and it is possible that a change(s) could be incorporated via an addendum. Furthermore,if a potential Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, they may immediately notify the CEC of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice to all parties who requested the RFP, without divulging the source of the request for clarification. The CEC reserves the right to amend this RFP as needed and will do so by posting an addendum.

**Question 7:** Funds Spent in California: states only funds spent in California are eligible for reimbursement, but this section specifically addresses Gas research and development (R&D) entities. Please clarify if this requirement only applies to Gas R&D entities or ALL entities.

**Answer 7:** The resulting contract from this RFP will include both Gas R&D and EPIC funds. The Funds Spent on California-Based Entities (CBE) preference points apply only to the Gas R&D funds in the resulting agreement, anticipated at up to $400,000.

California Public Resources Code Section 25620.5(i) defines “CBE” as a corporation or other business entity organized for the transaction of business that either:

* + Has its headquarters in California AND manufactures in California the product that is the subject of the award; or
	+ Has an office for the transaction of business in California and substantially manufactures the product or substantially performs the research within California that is the subject of the award.

As described in more detail in Section I of the RFP Manual (pages 4-5), and in Attachment 9, proposals that include a CBE as a contractor or subcontractor and that maximize the spending of CEC funds on CBEs of at least 60.00% or more of the $400,000 Gas R&D funds, will receive preference points as indicated in the RFP Manual (page 75).

**Question 8:** We are an MBE/SBE and would like to find a prime contractor to partner with for this opportunity. Can you let us know how we can post a vendor ad on the Cal eProcure website?

**Answer 8:** Bidders for this RFP are encouraged to seek partners using the EmpowerInnovation link for this solicitation here: https://www.empowerinnovation.net/en/custom/funding/view/36685.

Bidders may also find the list of Pre-Bid Conference attendees useful and can find it here: https://www.energy.ca.gov/sites/default/files/2023-01/RFP-22-301\_Pre-Application\_Workshop\_Attendee\_List\_ada.docx.

Bidders may also reference the Cal eProcure website for information on vendor opportunities with eProcure: https://caleprocure.ca.gov/pages/index.aspx.

**Question 9:** Are work products developed under this contract available to the public?

**Answer 9:** We anticipate that the contractor deliverables would be considered public records unless they contained confidential or personal information or are otherwise exempt from disclosure under the Public Records Act. There may be some contractor deliverables such as the technical reviews of proposals in Task 2.1 that would be considered confidential during the proposal evaluation phase and would not be available until after a notice of proposed award was released.

**Question 10:** Can out of state businesses apply as subcontractors?

**Answer 10:** Yes. Please be aware that all subcontractors, as well as the prime contractor, must register to do business in California with the Secretary of State. All recipients and subrecipients, as well as any vendor corporations, limited liability companies (LLCs), limited partnerships (LPs), and limited liability partnerships (LLPs) that transact intrastate business in California, are required to be registered and in good standing with the California Secretary of State prior to projects being recommended for approval at a CEC Business Meeting.

For more information, Bidders may refer to Energy Commission Agreement Management System Frequently Asked Questions at https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources/ecams-frequently-asked-questions.

**Question 11:** If an out of state subcontractor is a small out of state business does that provide credits or benefits to the prime contractor?

**Answer 11:** Bidders provide their Small Business Preference certification claim on Attachment 1, Contractor Status form, which indicates that they are certified as a small business by the State of California or have applied for certification.

**Question 12:** Why such a quick deadline to submit questions?

**Answer 12:** The standard deadline for questions is determined by CEC staff in accordance with established best practices and the needs of the specific solicitation timeline.

**Question 13:** The hours related to the task are estimates, so is the awardee allowed to go over those hours?

**Answer 13:** Estimated hours are not required in the proposal budget forms. The hours needed for the technical tasks will be provided in project authorizations or work authorizations, and the awardee will not be limited to those estimated hours. Please be aware that the budget for Task 1 may not exceed 10% of the total funds encumbered under the agreement.