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**REQUEST FOR PROPOSALS ADDENDUM 1**

**Commercial Forecast Model Update**



RFP-22-802

www.energy.ca.gov/contracts/

State of California

California Energy Commission

December 2022

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**Attachments**

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 an experienced Contractor with particular strengths in the technical aspects of energy sector modeling. The Contractor will provide technical assistance to the Energy Assessment Division by timely executing deliverables and updates needed for the existing Commercial Forecast Model (CFM). This workload may include but is not limited to migrating code and incorporating updated data, codes, and standards.

## 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 | January 30, 2023 |
| Pre-Bid Conference \* | February 2, 2023 10am-12pm |
| Deadline for Written Questions ~~\*~~  | February 8, 2023 |
| Distribute Questions/Answers and Addenda (if any) to RFP | Week of February 13, 2023 |
| **Deadline to Submit Proposals by 5:00 p.m. \*** | **February 23, by 5pm** |
| Notice of Proposed Award  | ~~March 6, 2023~~ **March 24, 2023** |
| Commission Business Meeting | ~~April 12, 2023~~ **May 10, 202** |
| Contract Start Date | ~~May 1, 2023~~ **May 12, 2023** |
| Contract Termination Date | December 31, 2025 |

## Available Funding and How Award is Determined

There is $350,000 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 score.

Of this amount $350,000 is immediately available. 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.

## 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**](https://www.energy.ca.gov/funding-opportunities/solicitations) to confirm the date and time.

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

February 2, 2023 10:00am – 12:00pm

Please click the link below to join the webinar:

<https://energy.zoom.us/j/83336123681?pwd=UDBZQzNISFl5NGFnczlZb1JYSmlJZz09>

Password: 201724

To participate by telephone, dial:

(669) 219-2599 or (888) 475-4499

Webinar ID: 833 3612 3681

## 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

Pierre Washington, Commission Agreement Officer

California Energy Commission

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Sacramento, California 95814

Telephone: 916-931-8974

E-mail: pierre.washington@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:

**Insert list of reference documents**

* Energy Demand Forecast Methods Report: Companion Report to the California Energy Demand 2006-2016 Staff Energy Demand Forecast Report
* Chapter 3 of the report provides an overview of the Commercial Forecast Model
* ~~A copy of the FORTRAN code of the existing model.~~
* Samples of input and output files
* There is a separate set of input files for each of the seven utilities that are currently included in the forecast.
* Certain utilities have only one Forecast zone, and others have multiple zones.
* Sample files include one for a utility with multiple zones, and a second one for a utility with only one Forecast zone
* List of utilities included in Commercial sector forecast, along with corresponding forecast zones.
* Old forecast zone and current forecast zone maps
* List of building-types and end-uses included in the Commercial sector forecast

The following web pages also contain reference materials:

* Commercial End Use Survey: <https://www.energy.ca.gov/data-reports/surveys/california-commercial-end-use-survey>
* 2021 Integrated Energy Policy Report Volume IV: California Energy Demand Forecast: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=241581>
* Demand Scenarios: https://www.energy.ca.gov/event/workshop/2022-04/iepr-staff-workshop-demand-scenarios

# II. Scope of Work and Deliverables

## About This Section

**TASK LIST**

| **Task #** | **Task Name**  |
| --- | --- |
| 1 | Agreement Management |
| 2 | Migrate Code from FORTRAN to Python or R |
| 3 | Update Input Files with the Most Recent Data |
| 4 | Update and Improve Model Code |
| 5 | Calibration Recommendation  |
| 6 | Provide Documentation and Training to CEC Staff |
| 7 | Provide Tech Support for a Period of One Year |

**ACRONYMS/GLOSSARY**

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

| **Acronym** | **Definition** |
| --- | --- |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Officer |
| CEUS | Commercial End-Use Survey |
| CFM | Commercial Forecast Model |
| FSSAT | Fuel Substitution Scenario Analysis Tool |
| HELM | Hourly Electric Load Model |

## Background

The Commercial Sector Forecast is an essential work product for the California Energy Commission. The model used to generate the forecast is called the Commercial Forecast Model (CFM). It is an End-Use annual electricity and natural gas demand forecasting model. The first version of the model was developed in late 1970’s; and since then, it has been revised and updated by Energy Commission staff. The model is built in FORTRAN and is run in the Command Prompt environment. A separate run is made for each of the seven utilities that are currently part of the model by specifying the name of the utility on the command line. There is a set of input files for each of the utilities that describe the attributes and characteristics of commercial buildings within the service area of each utility. In addition, the model generates several different output files.

The CFM accounts for commercial sector growth, commercial building and equipment characteristics collected in the Commercial End Use Survey (CEUS), codes and standards, and committed energy efficiency. Additional achievable energy efficiency, fuel substitution (building electrification), transportation electrification, and distributed generation are accounted for in other models (outside of the Commercial Forecast Model), and these models necessarily have consistent inputs and approaches. Hourly load shapes are currently applied in a separate model.

Results are incorporated into the California Energy Demand Forecast used by utilities, the California Public Utilities Commission, and the California Independent System Operator for grid planning and procurement. The commercial forecast model also serves as the baseline for the long-term demand scenarios which assess the impacts of decarbonization strategies on energy demand through 2050.

**General Requirements or Goals and Objectives**

**FORMAT/REPORTING REQUIREMENTS**

**Deliverables/Reports**

When creating reports, the Contractor shall use and follow, unless otherwise instructed in writing by the Commission Agreement Manager (CAM), the latest version of the Consultant Reports Style Manual published on the Energy Commission's web site:

<http://www.energy.ca.gov/contracts/consultant_reports/index.html>

Each final deliverable shall be delivered as one original, reproducible, 8 ½” by 11”, camera-ready master in black ink. Illustrations and graphs shall be sized to fit an 8 ½” by 11” page and readable if printed in black and white.

**Electronic File Format**

The Contractor shall deliver an electronic copy (memory stick or as otherwise specified by the CAM) of the full text in a compatible version of Microsoft Word (.doc).

The following describes the accepted formats of electronic data and documents provided to the Energy Commission as contract deliverables and establishes the computer platforms, operating systems and software versions that will be required to review and approve all software deliverables.

* Data sets shall be in Microsoft (MS) Access or MS Excel file format.
* PC-based text documents shall be in MS Word file format.
* Documents intended for public distribution shall be in PDF file format, with the native file format provided as well.
* Project management documents shall be in MS Project file format.

**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 Software Application Development requirements above must be approved in writing by the Energy Commission Information Technology Services Branch.

**TASK 1- AGREEMENT MANAGEMENT**

**Task 1.1 Kick-off Meeting**

The goal of this task is to establish the lines of communication, review the scope of work, and decide on file transfer processes. At the kick-off meeting, the CEC team will provide an overview of the Energy Commission’s current CFM, how the CFM fits within the CEC’s larger forecast modeling efforts, challenges with the current CFM, and goals of the tasks within this Contract.

**The Contractor shall:**

1. Attend a “kick-off” meeting with the CAM and CEC team. The meeting will be held via Web-Ex or teleconference. The Contractor shall include their Project Manager key team members in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
2. If necessary, prepare an updated Schedule of Deliverables based on the decisions made in the kick-off meeting.

**The CAM shall:**

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

**Deliverables:**

1.1 An Updated Schedule of Deliverables (if applicable)

**Task 1.2 Invoices**

**The Contractor shall:**

1. 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:**

1.2 Monthly Invoices

**Task 1.3 Manage Subcontractors**

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

**The Contractor shall:**

1. Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, they shall 1) comply with the Terms and Conditions of the Agreement, and 2) notify the CAM who will follow the Energy Commission’s process for adding or replacing subcontractors.

**Task 1.4 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:**

1. Prepare short progress reports which summarize all Agreement activities conducted by the Contractor for the reporting period, including 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**:

1.4 Monthly Progress Reports

**Task 1.5 Bi-Weekly Meetings**

The goal of this task is to meet every two weeks to resolve questions or barriers that may come up in the development of the new model.

**The Contractor shall:**

1. Meet with Energy Commission staff regularly through the completion of Task 8 to discuss progress on model updates and address any questions or barriers to incorporating new functionality.

**Deliverables:**

1.5 An email after each meeting that documents any key decisions, next steps, and action items.

**TECHNICAL TASKS**

**Task 2 - MIGRATE CODE FROM FORTAN TO PYTHON OR R**

The goal of this task is to migrate the existing code from FORTRAN to either Python or R programming language. The results of the new model shall be reasonably identical to the existing FORTRAN model.

The Contractor shall establish a default format for input and output data in Excel, based on the existing American Standard Code for Information Interchange (ASCII) input and output files. Copies of the data files containing end use intensities (EUIs), saturations, floor space and other relevant data for each building-type and end-use by utility service area and climate zone will be provided by the Energy Commission staff. In addition, the model should include a user-friendly interface to allow the user to enter specific parameters for each run (i.e., single utility/forecast zone run, or all at once, marking output files with run version number and identifier, directory where the run output files are stored, etc.).

**At the direction of the CAM, the Contractor shall:**

1. Discuss with CEC staff how the model is currently used, its interactions with other forecasting models, and the improvements needed. Discuss recent relevant updates to the residential model
2. Review the FORTRAN code
3. Provide an implementation plan for migrating the FORTRAN code to R or Python, including the recommendation and justification for which programming language to use.
4. Migrate code to Python or R.
5. Test the new model to ensure results are reasonably identical to the FORTRAN model.

**Deliverables**:

2.1 Provide the rationale for choosing the new platform (Python or R)

2.2 New code

2.3 Documentation comparing the results of the new model to the existing model

2.4 New input and output data file formats

2.5 User-friendly interface to allow the user to enter specific parameters for each run

**Task 3 – UPDATE INPUT FILES WITH MOST RECENT DATA**

The goal of this task is to review the existing input files and update the relevant fields with data from the latest CEUS and other available sources including sources provided by the Energy Commission and/or data sources that are commonly used in studies and analyses related to the commercial sector. Update the input files to incorporate the savings associated with the latest codes and standards and committed energy efficiency programs. Ensure the model is consistent with other forecasting tools or models including the Additional Achievable Energy Efficiency (AAEE) analysis and the Fuel Substitution Scenario Analysis Tool (FSSAT) used by the Efficiency Analysis Unit. For example, ensure that there is agreement with the Efficiency Analysis Unit on which energy efficiency savings are considered committed so that savings are not double counted.

An additional goal of this task is to review and update the methodology used for mapping the old forecast zones to the new forecast zones used by CEC. Review the recently revised methodology used for the residential sector to see if the same or similar approach could be used.

Another goal of this task is the calibration of the energy intensities input data (kWh/SqFt & kBTU/SqFt). The baseline for the energy data is set to 1975 values (pre-Standards). Subsequent year’s values are defined as a percentage of the baseline adjusted to savings associated with Building and Appliances standards. The data from the two most recent Commercial End-Use Surveys (CEUS) represent snapshots of the energy consumption for the years covered by the two surveys. The goal of this task is to review the existing CEUS data and determine if it is feasible to calibrate the existing energy input data based on the two surveys’ data - in effect establishing two new baselines.

**At the direction of the CAM, the Contractor shall:**

1. Meet with CEC staff to understand the current methodology for mapping the older forecast zones to the new forecast zones, and to understand the recently revised methodology for the residential sector. Recommend and implement an improved approach.
2. Meet with the Efficiency Analysis Unit staff to understand the FSSAT inputs, outputs, and analyses and come to agreement on which energy efficiency and fuel substitution measures will be included in the CFM and what will be modeled in FSSAT. Ensure analyses of codes, standards, efficiency, and electrification measures are consistent.
3. Create a set of new input files in Excel with the latest building characteristics, energy efficiency programs, and codes and standards data
4. Review the current calibration of the energy intensities and update, if needed, using the two vintages of CEUS
5. Document the sources of all inputs

**Deliverables**:

3.1 Updated input file for each of the seven utilities (by forecast zone, building-type and end-use) that uses the updated approach for mapping data collected under the older forecast zones to the new forecast zones.

3.2 Update the existing input files by updating the savings associated with the most recent codes and standards and other energy efficiency programs and updating energy intensities as needed.

3.3 Documentation on the approach for mapping data collected under older forecast zones to the new forecast zones.

3.4 Documentation on the sources for all inputs, along with documentation of any data cleaning and preparation steps required to enter the data into the input file format.

**Task 4 – UPDATE and improve MODEL CODE**

The goal of this task is to recommend and implement improvements to the model design. One improvement that CEC staff would like is the ability to easily change (increase or decrease) the number of utilities, forecast zones, building-types and end-uses in the future, if needed.

CEC staff would like to capture uncertainty in the commercial sector energy demand forecast. This could involve a method to identify key uncertain variables such as the weather or economic conditions and then use random draws to create a probability distribution around the forecast result.

CEC staff would also like to consider how Advanced Metering Infrastructure (AMI) data could be used in this model in the future.

The existing Commercial model is only capable of generating annual forecast. CEC staff would also like to consider how AMI data could be used in this model to generate hourly forecast. Currently, HELM 2.0 model (in R script) is used to generate hourly forecast based. One option would be to call HELM from within the new Commercial model.

There may be other opportunities identified for improvements as the new model is developed.

**At the direction of the CAM, the Contractor shall:**

1. Meet with CEC staff to discuss current model limitations and inefficiencies, and the improvements that CEC staff have been thinking about.
2. Develop and implement a way to easily change the number of utilities, forecast zones, building-types and end-uses.
3. Develop an approach to create a probability distribution around the commercial sector demand forecast to capture uncertainty. Implement the approach if budget allows.
4. Recommend options to add the capability of generating hourly forecast, including the feasibility of adding the HELM model as subroutine/module to the new Commercial model
5. Recommend model improvements, their priority level, expected cost and level of effort. Come to agreement with the CAM on which improvements to implement.
6. Implement the model improvements agreed to, that can be completed within budget and timeframe of this contract

**Deliverables**:

4.1 New code

**Task 5 – calibration recommendation**

The goal of this task is to provide input and advice on how to improve the calibration step. Staff currently calibrates its model results by comparing model output to demand in the most recent historical year for which data is available and adjusting the output so that they match. It does this before incorporating load modifiers such as impacts from rooftop solar and electric vehicles. Calibration is complicated by the COVID-19 pandemic and its impact on energy consumption in 2020 and 2021, which may make these years unsuitable for calibration. Calibration must also take into account that historical data on demand inevitably includes the impacts of load modifiers that are not captured in the model. Staff anticipate having access to AMI data for future forecasts, and these data may be useful for calibration. Additionally, the calibration methodology for the residential model is also undergoing an update, which will be completed by the time this task is undertaken and may be a useful starting point for updating the commercial model calibration.

Another goal of this task is to update the Calibration subroutine (CM08.FOR) that is part of the current FORTRAN code. This subroutine utilizes data and algorithms from the Energy Commission’s Summary model which is part of the post-processing to calibrate the raw commercial energy demand forecast results. The Summary model adjusts the raw forecast results by considering factors that are not built-in into the Commercial model (e.g., program savings, EV charging, etc.). It also makes adjustments to Heating, Ventilation and Air Conditioning (HVAC) end-uses due to variation in weather conditions and calculates calibration factors.

**At the direction of the CAM, the Contractor shall:**

1. Meet with CEC staff to understand the current calibration process and to understand the recently updated calibration process for the residential forecasting model
2. Review the latest version of the Summary Model (in R script); and update the Calibration subroutine
3. Recommend improvements or an alternative calibration approach and discuss the feasibility with CEC staff and come to a final decision

**Deliverables**:

5.1 Memo or PowerPoint documenting the new calibration approach

5.2 Revised Calibration subroutine

**Task 6 – PROVIDE DOCUMENTATION AND TRAINING TO CEC STAFF**

The goal of this task is to document how the model works, the steps for running the model, define the inputs and outputs, and provide training to CEC staff on how to use the model.

**At the direction of the CAM, the Contractor shall:**

1. Create a user manual documenting the input file format, how to input data into the model, steps for running the model, and output files. The manual shall include a flow chart of the analyses conducted, and descriptions of the algorithms used in the model. The manual will also include a dictionary of the input and output data files. The manual shall also include documentation on how to update the code, if needed.
2. Provide up to 8 hours of training for CEC staff to learn the model

**Deliverables**:

6.1 User Manual

6.2 Up to eight hours of training

**Task 7 – PROVIDE TECH SUPPORT THROUGH THE END OF 2025**

The goal of this task is to provide technical support on an as-needed basis, as CEC staff run the model on their own and have questions or find bugs that need to be resolved.

**At the direction of the CAM, the Contractor shall:**

1. Document responses to questions via email (as needed)
2. Enhanced or revised documentation for areas that may need correction or further clarification (As needed)
3. Fix bugs in the model (As needed)

**Deliverables**:

7.1 Email response to questions for documentation (as needed)

7.2 Updated documentation (as needed)

7.3 Updated model code (as needed)

**SCHEDULE OF DELIVERABLES AND DUE DATES**

***Note: The dates for task deliverables are estimates and subject to change once the­ extent of each task is mutually agreed****.*

|  |  |  |
| --- | --- | --- |
| **Task Number** | **Deliverable** | **Due Date** |
| **1** |  |  |
| 1.1 | An Updated Schedule of Deliverables | If applicable |
| 1.2 | Monthly Invoices | Monthly with progress report |
| 1.4 | Monthly Progress Reports | Monthly |
| 1.5 | Email Documenting Key Decisions, Next Steps, and Action Items | After each bi-weekly meeting |
| **2** |  |  |
| 2.1 | Provide the Rationale for the Choosing New Platform (Python or R) | ~~April 24, 2023~~**May 30, 2023** |
| 2.2 | New Code | ~~May 29, 2023~~**June 30, 2023** |
| 2.3 | Documentation Comparing the Results of the New Model to the Existing Model | ~~May 29, 2023~~**June 30, 2023** |
| 2.4 | New Input and Output Data File Formats | ~~May 29, 2023~~**June 30, 2023** |
| 2.5 | User-friendly interface to allow the user to enter specific parameters for each run  | ~~May 29, 2023~~**June 30, 2023** |
| **3** |  |  |
| 3.1 | Updated Input File for Each of the Seven Utilities (by forecast zone, building-type, and end-use) that uses the updated approach for mapping data collected under the older forecast zones to the new forecast zones | ~~June 12, 2023~~**July 15, 2023** |

|  |  |  |
| --- | --- | --- |
| **Task Number** | **Deliverable** | **Due Date** |
| 3.2 | Update the existing input files by updating the savings associated with the most recent codes and standards and other energy efficiency programs | ~~July 3, 2023~~**July 31, 2023** |
| 3.3 | Documentation on the approach for mapping data collected under the older forecast zones to the new forecast zones | ~~July 3, 2023~~**July 31, 2023** |
| 3.4 | Documentation on the sources for all inputs, along with documentation of any data cleaning and preparation steps required to enter the data into the input file format | ~~July 3, 2023~~**July 31, 2023** |
| **4** |  |  |
| 4.1 | New code | ~~August 1, 2023~~**August 31, 2023** |
| **5** |  |  |
| 5.1 | Memo or PowerPoint documenting the new calibration approach | ~~August 1, 2023~~**September 15, 2023** |
| 5.2 | Revised calibration subroutine | ~~August 1, 2023~~**September 29, 2023** |
| **6** |  |  |
| 6.1 | User Manual | ~~August 30, 2023~~**October 16, 2023** |
| 6.2 | Up to 8 Hours of Training |  TBD |
| **7** |  |  |
| 7.1 | Email Response to Questions for Documentation | As needed |
| 7.2 | Updated Documentation (as needed) | As needed |
| 7.3 | Updated Model Code (as needed)  | As needed |

# 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. 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

Table of Contents

Contractor Status Form Attachment 1

Darfur Contracting Act Form Attachment 2

Small Business Certification If applicable

Completed Disabled Veteran Business Enterprise form Attachment 3

Bidder Declaration form GSPD-05-105 Attachment 4

Contractor Certification Clauses Attachment 5

TACPA Forms If applicable

Iran Contracting Act Form Attachment 11

CA Civil Rights Laws Certification Attachment 12

### SECTION 2, Technical and Cost Proposal

Approach to Tasks in Scope of Work

Organizational Structure

Relevant Experience and Qualifications

Labor Hours by Personnel and Task

Client 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. **Approach to tasks in Scope of Work**

Describe the Bidder’s approach to providing services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.

1. **Organizational Structure**
2. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team.
3. Provide a short description of each firm and key members on the team. 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. Describe the organization, composition, and functions to be performed by staff members of the Bidder and any Subcontractors and how the staff pertains to this contract.
7. **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 all team members listed, 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.
8. **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. If subcontractors will be providing technical support in a task area, each subcontractor shall also submit one example work product that demonstrates experience in potential work assignments described in this RFP.

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.

|  |  |
| --- | --- |
| **SCORING CRITERIA** | **Possible Points** |
| **Task 1 – Agreement Management** | **15** |
| **Bidder's Organizational Structure and Administrative Capabilities (5 pts)**1. Organizational chart shows efficient, well-defined team structure
2. Demonstrated breadth and depth of experience with contractor/subcontractor management
3. Responsiveness to Work Statement requirements
4. Clearly defined functions to be performed by key team members and how the staffing pertains to this contract
5. Demonstrates strong capability to effectively and efficiently manage personnel and sub-contractors
6. Demonstrates adequate fiscal management and controls
7. Demonstrated experience and success at managing multiple, complex issues and resolving problems and disputes
8. Has capability for word processing, document management, spreadsheet expertise, and technical writing and editing
9. Has well-established quality control processes

**Bidder, Team Members and subcontractors Experience and Capabilities by Task (5 pts)**1. Resume provided for all personnel (Bidder and subcontractors)
2. Availability of key personnel in all pertinent areas
3. Demonstrated breadth and depth of coverage for all technical areas and functions to be performed by Bidder and Subcontractors
4. Proper alignment of key personnel (Bidder and subcontractors) with technical tasks and deployment in appropriate teams
5. Clear descriptions of background and expertise of personnel of Bidder and Subcontractors
6. Bidder identified appropriate techniques, approaches, and methods to be used in providing the services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.

**Previous work Experience (3 pts)**1. Bidder provided at least one example of a similar work product for the services (Bidder or subcontractor) as described in the RFP
2. Experience described is both relevant and recent
3. Quality of example(s) of similar project(s) managed by the prime contractor

**Client References (2 pts)**Each Bidder shall complete Client Reference Forms for current (within the past three years) references. Three client references are required for the Contractor and three for each Subcontractor. References will be checked and scored accordingly |  |

|  |  |
| --- | --- |
| **Task 2 – Migrate Code from Fortran to Python or R** | **20** |
| 1. Demonstrated breadth and depth of knowledge of and experience in developing codes/scripts in FORTRAN, Python and R
2. Demonstrated breadth and depth of knowledge of and experience with creating in-house tools to access, compile, analyze, and present data
3. Bidder identified appropriate techniques, approaches, and methods to be used in providing the services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.
 |  |
| **Task 3 – UPDATE INPUT FILES WITH MOST RECENT DATA**  | **20** |
| 1. Demonstrated breadth and depth of knowledge of and experience in analysis of electricity and natural gas consumption of the California Commercial sector
2. Demonstrated breadth and depth of knowledge of and experience in analysis of energy data related to the California Commercial sector including Commercial End-Use Survey (CEUS) and other sources
3. Demonstrated breadth and depth of knowledge of and experience in analyzing the impact of the latest codes and standards, Additional Achievable Energy Efficiency (AAEE) and committed energy efficiency programs
4. Demonstrated breadth and depth of knowledge of and experience in geographic mapping techniques to determine overlapping of various weather zones (old and new Forecast zones and Building Standards’ zones)
5. Bidder identified appropriate techniques, approaches, and methods to be used in providing the services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.
 |  |
| **Task 4 – UPDATE and improve MODEL CODE** | **20** |
| 1. Demonstrated breadth and depth of knowledge of and experience with various forecasting models including End-Use/Engineering and Econometric models
2. Demonstrated breadth and depth of knowledge of analyzing uncertainties surrounding all types of variables in the Commercial sector
3. Demonstrated breadth and depth of knowledge of and experience in generating hourly forecasts
4. Bidder identified appropriate techniques, approaches, and methods to be used in providing the services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.
 |  |
| **Task 5 – calibration recommendation** | **10** |
| Bidder identified appropriate techniques, approaches, and methods to be used in providing the services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience. |  |
| **Tasks 6 & 7 – PROVIDE DOCUMENTATION, TRAINING TO CEC STAFF and Tech support** | **5** |
| Bidder identified appropriate techniques, approaches, and methods to be used in providing the services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience. |  |

|  |  |
| --- | --- |
| **COST CRITERIA** | **10** |
| 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. |  |
| **Total Possible Points** | **100** |
| **Minimum Passing Score (70%)** | **70** |
| **BIDDER’s TOTAL TECHNICAL SCORE** |  |

Total Expected Labor Cost Points:

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

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 (10 possible points):

 Proposal A: 100% possible points = 10 points

 Proposal B: 94.57% possible points = 9.457 points

 Proposal C: 97.82% possible points = 9.782 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**

***DVBE Participation Required***

This RFP is subject to a mandatory certified DVBE participation of at least three percent (3%).

***Bidder or Subcontractor Suspension***

The Energy Commission shall reject a Proposal and shall not enter into a Contract if a Bidder or Subcontractor used by Bidder is currently suspended for violating DVBE law.

***Two Methods to Meet DVBE Participation Requirement***

* If Bidder is a DVBE, then Bidder has satisfied the participation requirements if it commits to performing at least 3% of the contract with the Bidder’s firm, or in combination with other DVBE(s).
* If Bidder is not a DVBE, Bidder can satisfy the requirement by committing to use certified DVBE Subcontractors for at least 3% of the contract.

***Required Forms***

Bidders must complete Attachments 1, 3 and 4 to document DVBE participation. If Bidder does not include these forms, the Bid is considered non-responsive and shall be rejected.

* Contractor Status Form (Attachment 1).

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

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

***DVBE Definition***

For DVBE certification purposes, per Military & Veterans Code section 999(b)(6), a "disabled veteran" is:

* A veteran of the U.S. military, naval, or air service of the United States, including but not limited to, the Philippine Commonwealth Army, the Regular Scouts (“Old Scouts”), and the Special Philippine Scouts (“New Scouts”);
* 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 in Military & Veterans Code section 999(b)(7):

(i) It is a sole proprietorship at least 51 percent owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its stock is unconditionally owned by one or more disabled veterans; a subsidiary that is wholly owned by a parent corporation, but only if at least 51 percent of the voting stock of the parent corporation is unconditionally owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture’s management, control, and earnings are held by one or more disabled veterans.

(ii) The management and control of the daily business operations are 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.

(iii) It is a sole proprietorship, corporation, or partnership with its home office located in the United States, which is not 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. Public Contract Code section 10115.9.
* 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.

(d) Contracting/procurement officials of the awarding department must:

(1) Evaluate if a DVBE awarded a contract meets the CUF requirement as defined in subdivision (b), and

(2) During the duration of the contract, monitor for CUF compliance (See State Contracting Manual Volume 1 Chapter 8 and Volumes 2 and 3, Chapter 3).

(e) If a CUF evaluation identifies potential program violations, awarding departments shall investigate and report findings to OSDS, referring to §§ 1896.88, 1896.91 and the State Contracting Manual.”

***Compliance with Law; Information Verified***

Bidder shall comply with all rules, regulations, ordinances, and statutes that apply to the DVBE program as defined in Military & Veterans Code sections 999 and 999.5(d). 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 Public Contract Code 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, penalties, sanctions, civil actions 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 and the contract number; 3) the amount and percentage of work the Contractor committed to provide to one or more DVBEs under the requirements of the Contract and the amount each DVBE received from the Contractor.; 4) that all payments under the contract have been made to the DVBE(s) (Energy Commission may require proof that payment was made); and 5) the actual percentage of DVBE participation that was achieved. If the Energy Commission does not receive the report, the Commission shall provide notice to the Contractor and if still not received, shall withhold $10,000 (or full payment if less than $10,000) from Contractor’s final payment. (For more details about the $10,000 withholding, see specific Agreement language in the Sample Agreement Example, Exhibit D, paragraph 4.) 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

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

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

**How the Incentive is Applied:**

The DVBE incentive is applied during the evaluation process and only to responsive Proposals/Bids from responsible Bidders. The incentive will vary in conjunction with the percentage of DVBE participation.

The Incentive is applied by adding the incentive to the Proposal/Bid 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.

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.

**How Incentive Amount is Calculated:**

Solicitations based on **High Point** will calculate the incentive as described below: Incentive points are included in the sum of non-cost points. The percentage is based on the total possible available points not including preference points for small/micro business, non-small business or TACPA. Incentive points cannot be used to achieve any applicable minimum point requirements.

|  |  |
| --- | --- |
| DVBEParticipation Level | DVBE IncentivePoints |
| 3.01% - 3.99% | 1 |
| 4.00% - 4.99% | 2 |
| 5.00% - 5.99% | 3 |
| 6.00% - 6.99% | 4 |
| 7.00% or over | 5 |

***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

NOTE on the Small / Microbusiness paragraph below:

### *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.
* These paragraphs apply to all types of solicitations in this template:

--Regular RFP

--RFPs for DVBEs only

--RFPs for Small/Microbusiness only

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:

* **The latest desktop version of R or Python**
* 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.

**Executive Order N-6-22 – Russia Sanctions**

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the
EO) regarding Economic Sanctions against Russia and Russian entities and
individuals. “Economic Sanctions” refers to sanctions imposed by the U.S.
government in response to Russia’s actions in Ukraine, as well as any sanctions
imposed under state law. By submitting a bid or proposal, Contractor represents
that it is not a target of Economic Sanctions. Should the State determine
Contractor is a target of Economic Sanctions or is conducting prohibited
transactions with sanctioned individuals or entities, that shall be grounds for
rejection of the Contractor’s bid/proposal any time prior to contract execution, or,
if determined after contract execution, shall be grounds for termination by the
State.

## 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 (DVBE) participation requirements.
* Bidder is currently suspended for violating DVBE law or Proposal includes a subcontractor currently suspended for violating DVBE law. Military & Veterans Code Section 999.9(g)
* 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 bidder has previously completed a PIER agreement, received the PIER Royalty Review letter, which the 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.
* 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](https://www.dgs.ca.gov/OLS) and the Commission Contracts Office.
* Within five **calendar** days after filing the protest, the protesting Bidder must file with the [DGS Legal Office](https://www.dgs.ca.gov/OLS) 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.