**REQUEST FOR PROPOSALS ADDENDUM 1**

**SB 100 Technical Support**



RFP-22-805

www.energy.ca.gov/contracts/

State of California

California Energy Commission

February 2023

##### Table of Contents

[I. Introduction 1](#_Toc103143602)

[**NOTE ABOUT SIGNATURES** 1](#_Toc103143603)

[Purpose of RFP 1](#_Toc103143604)

[Key Activities and Dates 1](#_Toc103143605)

[Available Funding and How Award is Determined 2](#_Toc103143606)

[Eligible Bidders 2](#_Toc103143607)

[Pre-Bid Conference 3](#_Toc103143608)

[Questions 4](#_Toc103143609)

[Contact Information 4](#_Toc103143610)

[Responses to this RFP 4](#_Toc103143611)

[Reference Documents 4](#_Toc103143612)

[II. Scope of Work and Deliverables 5](#_Toc103143613)

[About This Section 5](#_Toc103143614)

[Background 5](#_Toc103143615)

[**General Requirements or Goals and Objectives** 6](#_Toc103143616)

[III. Proposal Format, Required Documents, and Delivery 10](#_Toc103143617)

[About This Section 10](#_Toc103143618)

[Required Format for a Proposal 10](#_Toc103143619)

[Method for Delivery 10](#_Toc103143620)

[Organize Your Proposal As Follows 10](#_Toc103143621)

[IV. Evaluation Process and Criteria 14](#_Toc103143622)

[About This Section 14](#_Toc103143623)

[Proposal Evaluation 14](#_Toc103143624)

[Scoring Scale 15](#_Toc103143625)

[Notice of Proposed Award 15](#_Toc103143626)

[V. Business Participation Programs (Preferences/Incentives) 19](#_Toc103143627)

[Disabled Veteran Business Enterprise (DVBE) 19](#_Toc103143628)

[DVBE Incentive 19](#_Toc103143629)

[Small Business / Microbusiness / Non-Small Business 20](#_Toc103143630)

[Target Area Contract Preference Act 23](#_Toc103143631)

[VI. Administration 25](#_Toc103143632)

[RFP Defined 25](#_Toc103143633)

[Definition of Key Words 25](#_Toc103143634)

[Cost of Developing Proposal 25](#_Toc103143635)

[Software Application Development 25](#_Toc103143636)

[Printing Services 26](#_Toc103143637)

[Confidential Information 26](#_Toc103143638)

[Darfur Contracting Act of 2008 26](#_Toc103143639)

[Iran Contracting Act of 2010 26](#_Toc103143640)

[California Civil Rights Laws 27](#_Toc103143641)

[RFP Cancellation and Amendments 27](#_Toc103143642)

[Errors 27](#_Toc103143643)

[Modifying or Withdrawal of Proposal 27](#_Toc103143644)

[Immaterial Defect 27](#_Toc103143645)

[Disposition of Bidder’s Documents 28](#_Toc103143646)

[Bidders’ Admonishment 28](#_Toc103143647)

[Grounds to Reject a Proposal 28](#_Toc103143648)

[Protest Procedures 29](#_Toc103143649)

[Agreement Requirements 29](#_Toc103143650)

**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. Iran Contracting Act Form (Required if resulting agreement will be $1M OR

MORE)

1. California Civil Rights Laws Certification (Required if resulting agreement will be $100K OR MORE)

# I. Introduction

**NOTE ABOUT SIGNATURES**

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

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

## Purpose of RFP

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

## Key Activities and Dates

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

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| RFP Release | February 24, 2023 |
| Pre-Bid Conference \* | March 6, 2023 |
| Deadline for Written Questions **by 5:00 p.m.** \* | March 6, 2023 |
| Distribute Questions/Answers and Addenda (if any) to RFP | March 17, 2023 |
| **Deadline to Submit Proposals by 5:00 p.m. \*** | **April 7, 2023** |
| Notice of Proposed Award | April 17, 2023 |
| Commission Business Meeting | June 14, 2023 |
| Contract Start Date | June 30, 2023 |
| Contract Termination Date | June 30, 2025 |

## Available Funding and How Award is Determined

There is $500,000 available for the contract resulting from this RFP. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder receiving the highest points.

This contract will have a ceiling value of $1.5M; however, CEC commits to initial funding of only $500K to support analysis in the scope of this contract. CEC may add funding beyond the current $500K, and up to $1.5M, as funding becomes available.

**The Energy Commission currently only has $500,000 of the potential $1,500,000, maximum possible funding for the resulting Agreement. Therefore, upon execution of the resulting Agreement, the successful applicant will only has authority to spend up to $500,000. In the future, the Energy Commission may allocate none, some, or the entire remaining contingent amount up to a maximum total Agreement amount of $1,500,000. The successful applicant shall only be authorized to spend more than the existing $500,000 upon written authorization of the Commission Agreement Officer and only up to the amount so authorized. Applicants should submit applications for the full $1,500,000.**

The CEC 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 CEC 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. For more information, contact the Department of General Services 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 CEC will not award agreements to non-complying entities. The CEC reserves the right to modify the terms and conditions prior to executing agreements.

All corporations, limited liability companies (LLCs), limited partnerships (LPs) and limited liability partnerships (LLPs) that conduct intrastate business in California are required to be registered and in good standing with the California Secretary of State prior to its project being recommended for approval at an CEC Business Meeting. If not currently registered with the California Secretary of State, bidders are encouraged to contact the Secretary of State’s Office as soon as possible to avoid potential delays in beginning the proposed project(s) (should the application be successful). For more information, contact the Secretary of State’s Office at [SOS Website](http://www.sos.ca.gov/). Sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to the CEC prior to their project being recommended for approval at an CEC Business Meeting.

## Pre-Bid Conference

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4381 or refer to the CEC's website at [CEC Website](http://www.energy.ca.gov/) to confirm the date and time.

March 6, 2023

10:00 am – 12:00 pm

California Energy Commission

Zoom Only

## Zoom Instructions:

## To join the Zoom meeting, go to <https://zoom.us/join> and enter the Meeting ID below and select “join from your browser.” Participants will then enter the meeting password listed below and their name. Participants will select the “Join” button.

### Join Zoom Meeting:

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

### <https://energy.zoom.us/j/83250434746?pwd=Sk10QTd2WXBZM3hKeE1MTVNZU0c1dz09>

### Webinar ID: 832 5043 4746

### Password: 391164

### Topic: Pre-Bid Conference – SB 100 Technical Support

**Telephone Access Only**:

For iPhone one-tap :

    US: +12133388477,,83250434746#  or +16692192599,,83250434746#

Or Telephone:

    Dial:

        US: +1 213 338 8477  or +1 669 219 2599  or +1 971 247 1195  or +1 206 337 9723  or +1 346 248 7799  or +1 602 753 0140  or +1 720 928 9299  or +1 786 635 1003  or +1 929 436 2866  or +1 646 518 9805  or +1 651 372 8299  or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

    Webinar ID: 832 5043 4746

    International numbers available: <https://energy.zoom.us/u/kbNxZp7n1m>

## 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 CEC’s Contract Officer assigned to the RFP.

## Contact Information

Eilene Cary, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

Telephone: (916) 776-0739

E-mail: [Eilene.Cary@energy.ca.gov](mailto:Eilene.Cary@energy.ca.gov)

## Responses to this RFP

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

## Reference Documents

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

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

All above reference documents are on display and available for review in the CEC’s Library. Library hours are Monday - Friday from 8:00 a.m. to 4:00 p.m., closed for lunch 12:00-1:00p.m. The Library is open to the public by appointment only and is located at: California Energy Commission, 715 P Street, MS-18, Sacramento, CA 95814. *For additional questions or assistance, please email the Library at*[*library@energy.ca.gov*](mailto:library@energy.ca.gov)

# II. Scope of Work and Deliverables

## About This Section

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

## ACRONYMS/GLOSSARY

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

|  |  |
| --- | --- |
| **Acronym** | **Definition** |
| CAISO | California Independent System Operator |
| CAM | Commission Agreement Manager |
| CEC | California Energy Commission |
| DER | Distributed Energy Resource |
| EAD | Energy Assessments Division |
| PM | Program Manager |
| SB 100 | Senate Bill 100 – The 100 Percent Clean Energy Act of 2018 |
| TACPA | Target Area Contract Preference Act |

## Background

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

The EAD of the CEC leads the modeling and analysis for the SB100 reports. As such, EAD is responsible for developing the modeling approach for the next SB100 report. The approach will need to evaluate and compare different portfolios of resources to identify the extent to which each provides for electric system reliability. This analysis will require the development of an innovative new modeling approach to fulfill the requirements of SB 100 (Senate Bill 100). EAD is requiring support for this work from a consultant team with expertise in developing this type of analysis.

**General Requirements or Goals and Objectives**

**TASK LIST**

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

**TASK 1- AGREEMENT MANAGEMENT**

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

**Task 1.1 Kick-off Meeting**

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

Expected Total Hours: 15

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager, Director

**The Contractor shall:**

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

**The CAM shall:**

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

**Deliverables:**

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

**Task 1.2 Invoices**

Expected Total Hours: 150

Expected General Classifications: Accountant, Analyst, Scientist, Engineer, Project Manager, Director

**The Contractor shall:**

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

**Deliverables:**

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

**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.

Expected Total Hours: 150

Expected General Classifications: Project Manager, Director

**The Contractor shall:**

* Manage and coordinate Subcontractor activities. The Contractor is responsible for the quality of all Subcontractor work and the CEC 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 CEC’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.

Expected Total Hours: 150

Expected General Classifications: Project Manager, Director

**The Contractor shall:**

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

**Deliverables**:

* Monthly Progress Reports (including monthly invoice)

**TECHNICAL TASK**

**Task 2 - Technical Support**

Expected Total Hours: 6000

Expected General Classifications: Analyst, Scientist, Engineer, Project Manager, Director

The goal of this task is to provide technical expertise to support EAD in the development of an approach to evaluate resource portfolios to meet SB 100 goals and other related electricity policy goals. The CEC CAM will prioritize work performed by the Contractor within this Task.

**The Contractor shall:**

* **Modeling Strategy**: Provide broad support to improve modeling approaches to address multiple end uses (e.g., mid-term and long-term SB 100 reliability analysis and SB 423 analysis), considering the need for production cost modeling and capacity expansion modeling. Support could include, but is not limited to, recommending models or model enhancements to increase analytical capabilities, optimize existing or future models, developing tools to analyze data inputs and results, identifying appropriate granularity of modeling, and optimizing approaches. Support could also include creating approaches to integrate multiple assessments into a cohesive analytical strategy to support the 2025 SB 100 Report, including production cost modeling, capacity expansion modeling, land use screens, distributed energy resources, and social costs and non-energy benefits.
* **Data Inputs and Assumptions Improvements**: Support may include, but is not limited to, identifying or evaluating inputs and assumptions, gathering data on relevant system characteristics (e.g., power plants, transmission systems, fuel supplies, and system operations) and conducting evaluations to support improvements in assumptions. This may also include providing insight on state policies, utility plans, and trends that impact electricity supply and demand throughout the Western Electricity Coordinating Council (WECC) area and how modeling can account for WECC resources and trends.
* **Model Validation**: Guide development of approaches to validate model inputs, assumptions and results, including validation metrics such as reasonable confidence levels.
* **Modeling Surge Capacity**: While it is the intent for CEC staff to conduct modeling, there are times when CEC may require additional modeling support due to the nature of the modeling or the volume of modeling necessary. Support may be needed to run production cost models, capacity expansion models, or other models as required to supplement or compliment CEC staff efforts.
* **Documentation**: Provide support in developing modeling documentation to capture modeling structure, inputs, assumptions, and results. Documentation may be required for different audiences, including CEC staff and public stakeholders.
* Produce the *Monthly Modeling Update Reports* which shall include all data, documents, models, tools, results, and materials collected and produced in this task, as prioritized by the CEC CAM.

**Deliverables:**

* Monthly Modeling Update Reports

**SCHEDULE OF DELIVERABLES AND DUE DATES**

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

# III. Proposal Format, Required Documents, and Delivery

## About This Section

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

## Required Format for a Proposal

All Proposals submitted under this RFP must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. The technical Proposal should be no more than 10 pages. **The cost proposal should be no more than 3 pages.**

## Method for Delivery

The method of delivery for this solicitation is the CEC 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 [CEC 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 9

CA Civil Rights Laws Certification Attachment 10

### SECTION 2, Technical Proposal

The technical Proposal shall include the following elements:

* Approach to Tasks in Scope of Work
* Approach to Managing Work
* Previous Work Products
* Client References Attachment 6

### SECTION 3, Cost Proposal

**Cost Justification**  
Budget Forms Attachment 7. See also 3A below. Labor Hours by Personnel and Task

**The Following Provides Additional Direction for Section 2, Technical Proposal**

**Total page count for the Technical Proposal is 10 pages. Information included in forms or in appendices described by the text do not contribute to the page count**.

1. **Approach to tasks in Scope of Work**
2. Describe the Bidder’s approach to providing services listed under each element in the Scope of Work.
3. For each Scope of Work element, also provide a summary of relevant work performed within the last five years by the Bidder team that demonstrates the value that the approach provided and the relevance of the work to evaluating pathways to achieving the CEC’s SB 100 objectives. Include links to relevant reports.
4. Include any additional detail on project qualifications the Bidder wishes to share in an appendix to the Proposal.
5. **Approach to Managing Work**
6. Provide a short description of each involved firm and roles of the Bidder (Contractor) and Subcontractors (if any) on the team.
7. Describe the Bidder’s (Contractor’s) approach to managing contracts.
8. Describe the organizational structure of the team. Include an organizational chart of the entire contract team. Bidder should define and identify key staff members. Describe roles of key staff members. Identify the percentage of time each key staff member will be available throughout the contract.
9. In an appendix to the Proposal, Identify the location of the Bidder’s and Subcontractor’s headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
10. In an appendix to the volume, include resumes for key team members. Include in each resume the job classification, relevant experience, education, academic degrees and professional licenses.
11. **Previous Work Products**

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

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

1. **Client References**

The Bidder shall complete Client Reference Forms. Three client references are required for the Contractor and three for each subcontractor.

**The Following Provides Additional Direction for Section 3, Cost Proposal**

**A.** **Cost Justification (3 pages)**

**Describe all proposed expenditures and personnel costs identified in its bid for the Prime and Team Members. Describe how the costs are appropriate on the expertise, experience, and resources of the project team and the expected work under the contract.**

**B. 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 CEC 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 CEC does not have or does not want to spend, the CEC 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 CEC 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.

1. **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.

**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 CEC will organize an Evaluation Committee. The Evaluation Committee may consist of CEC 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 CEC for the purpose of clarification and verification of information provided in the Proposal. However, these interviews may not be used to change or add to the contents of the original Proposal.

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

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

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

## Scoring Scale

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

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

## Notice of Proposed Award

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

|  |  |
| --- | --- |
| **EVALUATION CRITERIA** | **Possible Points** |
| 1. **Bidder’s Approach to Tasks in the Scope of Work** | 30 |
| 1. Demonstrated experience developing modeling strategies for capacity expansion models, deterministic production cost models, and reliability models, such as, probabilistic production cost models, as well as the combining multiple models and results into a cohesive analytical strategy. 2. Demonstrated ability and experience in developing model inputs and assumptions that are generally applicable across various models and tailoring those assumptions for specific software platforms and models. 3. Demonstrated breadth and depth of knowledge of west-wide decarbonization efforts and their impacts to state goals. 4. Demonstrated experience at model validation metrics, confidence levels, and approaches. 5. Demonstrated ability and experience in running capacity expansion models, production cost models, and other related electricity system models to supplement or compliment a broader modeling effort. 6. Demonstrated experience documenting electricity system models for consumption by users of the model and public stakeholders. 7. **The CEC places preference on:**    1. Experience with and working knowledge of PLEXOS software, published by Energy Exemplar, or providing support for organizations using PLEXOS[~~is preferred]~~.    2. **Inputs, assumptions, and methods that can be made available to the public to the maximum extent feasible.**    3. **Software tools that have the option for ongoing technical support beyond the contract term.** |  |
| 1. **Past Experience and Its Relevance to the Scope of Work** | 10 |
| 1. Relevance of past experience to the types of support identified in the scope of work. 2. Quality of example(s) of similar project(s) that were managed by the Bidder (Contractor). |  |
| 1. **Approach to Managing Work - Organization** | 15 |
| 1. Team composition demonstrates breadth and depth of experience with scope of work areas. |  |
| 1. Demonstrated expertise of program manager relative to contract scope. |
| 1. Clearly defined functions to be performed by key team members and how the staffing pertains to the contract scope. 2. Resume provided for all key personnel (Bidder and subcontractors) as defined by Bidder. 3. Demonstrated breadth and depth of coverage for all technical areas and functions to be performed by Bidder and Subcontractors. |
| 1. **Approach to Managing Work – Program Management** | 10 |
| 1. Demonstrates strong capability to effectively and efficiently manage personnel and sub-contractors. 2. Demonstrates adequate fiscal management and controls. 3. Demonstrated experience and success at managing multiple, complex issues and resolving problems and disputes. 4. Has well-established quality control processes. |  |
| 1. **Client References** | 5 |
| 1. 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** ~~[, and no references are required]~~ for **each** Subcontractor[~~s~~]. References will be checked and scored accordingly. |  |
| **Total Possible Points for Criteria 1 – 5**  **(Minimum Passing Score for Criteria 1 – 5 is 70% or 56 points)** | 70 |
| **COST CRITERIA** | [~~30~~] |
| 1. **Total Expected Labor Costs (Cost Points)**. The Score for this criteria will be derived from the mathematical cost formula set forth below **under Cost Criteria**. | **15** |
| 1. **Cost Justification (Cost Points). Bidder has justified all proposed expenditures and personnel costs identified in its bid for the Prime and Team Members. Bidder has established reasonable justification for the costs based on the expertise, experience, and resources of the project team and the expected work under the contract.** | **15** |
| **Total Possible Points** | **100** |
| **Minimum Passing Score (70%)** | **70** |
| **BIDDER’S TOTAL SCORE** |  |

**Cost Criteria**

Total Expected Labor Costs (**15**[~~30]~~/30 Cost Points).

Step 1

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

Step 2

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

Total Expected Labor Cost Points:

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

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

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

Example:

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

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

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

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

Points Allocation (30 possible points):

Proposal A: 100% possible points = **15**[~~30~~] points

Proposal B: 94.57% possible points = **14.185**[~~28.37]~~ points

Proposal C: 97.82% possible points = **14.675**[~~29.35]~~ points

# V. Business Participation Programs (Preferences/Incentives)

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

This section describes the following business participation programs:

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

## Disabled Veteran Business Enterprise (DVBE)

**Compliance Requirements**

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

## 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 Target Area Contract Preference Act (TACPA). Incentive points cannot be used to achieve any applicable minimum point requirements.

|  |  |
| --- | --- |
| DVBE  Participation Level | DVBE Incentive  Points |
| 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

### *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,,id=96099,00.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. (Government Code section 4530.)

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

CEC- California Energy Commission

Proposal- Formal written response to this document from Bidder

RFP- Request for Proposal, this entire document

State- State of California

## Cost of Developing Proposal

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

## Software Application Development

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

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

Any exceptions to the Electronic File Format requirements above must be approved in writing by the CEC 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)

## Iran Contracting Act of 2010

Prior to bidding on, submitting a Proposal or executing a contract or renewal for a State of California contract for goods or services of $1,000,000 or more, a vendor must either:

a) certify it is **not** on the current list of persons engaged in investment activities in Iran created by the California Department of General Services (“DGS”) pursuant to Public Contract Code section 2203(b) and is not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; **(See Option #1 on Attachment 11)**

b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code section 2203(c) or (d). **(See Option #2 on Attachment 11)**

(The Iran Act above only applies to solicitations for $1 million or more.

## California Civil Rights Laws

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

See Attachment 12.

## RFP Cancellation and Amendments

If it is in the State’s best interest, the CEC 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 CEC will send an addendum to all parties who requested the RFP and will also post it on the CEC’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 CEC, 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 CEC may waive any immaterial defect or deviation contained in a Bidder’s Proposal. The CEC’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 Iran 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.

### 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.**