**REQUEST FOR PROPOSALS ADDENDUM 1**

**Distributed Energy Resource Programmatic and Technical Analysis**



RFP-22-806

www.energy.ca.gov/contracts/

State of California

California Energy Commission

May 2023

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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. Iran Contracting Act Form
10. California Civil Rights Laws Certification

# I. Introduction

**NOTE ABOUT SIGNATURES**

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

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

## Purpose of RFP

The purpose of this request for proposals is to select a contractor team to support the CEC with analysis of Customer Energy Use Data (including AMI data, as available) to help the CEC better understand the State’s energy load; impact of decarbonization actions and equipment on the grid, buildings, ratepayer energy costs or burden, and energy usage; and performance of decarbonization equipment and measures, including distributed energy resources (DER), under different applications. These tasks will support the development of policy recommendations and strategies that can provide greater grid reliability, building decarbonization, and customer value; improve energy demand and supply forecasts for the state; guide the development and implementation of programs that deploy building and energy system decarbonization measures; provide tools for improved and more accurate program targeting; and identify data gaps and future research needs.

For purposes of this solicitation, energy system and building decarbonization activities and measures include energy efficiency, building electrification, efficient electric equipment, load flexibility (including load management and demand response), reduced refrigerants and leakages, renewable generation, energy storage, microgrids, and decarbonizing electric and gas systems.

## 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.

**Note: Added language appears in bold underline, and deleted language appears in ~~strikethrough~~ and within square brackets.**

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| RFP Release | May 18, 2023 |
| Pre-Bid Conference \* | May 24, 2023 |
| Deadline for Written Questions \* | May 24, 2023, by 5:00 p.m. |
| Distribute Questions/Answers and Addenda (if any) to RFP | June [~~2]~~ **8**, 2023 |
| **Deadline to Submit Proposals by 5:00 p.m. \*** | **June 21, 2023** |
| Notice of Proposed Award | July 7, 2023 |
| Commission Business Meeting | August 9, 2023 |
| Contract Start Date | September 2023 |
| Contract Termination Date | October 2026 |

## Available Funding and How Award is Determined

There is $1,000,000 currently available for the contract resulting from this RFP. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder receiving the highest points.

The Energy Commission currently only has $1,000,000 of the potential $2,000,000, maximum possible funding for the resulting Agreement. Therefore, upon execution of the resulting Agreement, the successful applicant will only have authority to spend up to $1,000,000. In the future, the Energy Commission may allocate none, some, or the entire remaining contingent amount up to a maximum total Agreement amount of $2,000,000. Applicants should submit applications for the full $2,000,000.

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

## Eligible Bidders

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

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

## Pre-Bid Conference

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

May 24, 2023

2:00 pm – 3:30 pm

California Energy Commission

Zoom Only

## 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/81398429918?pwd=NlQ3T1NEdEx0UVZrV01Md0MzYmMyUT09#success](https://energy.zoom.us/j/81398429918?pwd=NlQ3T1NEdEx0UVZrV01Md0MzYmMyUT09%23success)

### Webinar ID: 813 9842 9918

### Password: 413084

### Topic: Pre-Bid Conference – Distributed Energy Resource Programmatic and Technical Analysis

**Telephone Access Only**:

For iPhone one-tap:

+12133388477, 81398429918# US (Los Angeles)

+16692192599, 81398429918# US (San Jose)

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 213 338 8477 or +1 669 219 2599 or +1 602 753 0140 or +1 720 928 9299 or +1 971 247 1195 or +1 206 337 9723 or +1 346 248 7799 or +1 786 635 1003 or +1 929 436 2866 or +1 646 518 9805 or +1 651 372 8299

Webinar ID: 813 9842 9918

    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 Energy Commission’s Contract Officer assigned to the RFP.

## Contact Information

Phil Dyer, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

E-mail: [Phil.Dyer@energy.ca.gov](mailto:Phil.Dyer@energy.ca.gov)

## Responses to this RFP

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

# 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.

The chosen “Contractor” will assist the Energy Assessments Division by performing the tasks specified in this Scope of Work under the direction of the CEC’s CAM. The CAM will oversee the management and administration of the agreement. The resulting agreement will include defined tasks for Task 1. The Scope of Work will be defined in several work authorizations (WAs). Additional WAs may be defined on an as-needed basis. The specific activities and the degree of effort for each activity may vary. Work assigned through WAs will depend on availability of funding as well as the CEC’s demand for service as determined by the CAM.

No work shall be undertaken except for Task 1 unless authorized by the CAM through a WA. The CAM will prepare and issue the written WAs and shall set a maximum price, budget, and schedule for the work to be performed. The CAM will work, in consultation with the Contractor, to assign work to either the Contractor or a Subcontractor.

**ACRONYMS/GLOSSARY**

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

|  |  |
| --- | --- |
| **Acronym** | **Definition** |
| CAM | Commission Agreement Manager |
| CEC | California Energy Commission |
| EAD | Energy Assessments Division |
| DER | Distributed Energy Resource |
| WA | Work Authorization |

## Background

California is a leader in advancing renewable energy generation; developing efficiency standards for buildings and appliances; advancing load management and flexible demand appliances; and supporting the development and implementation of DER, broad building decarbonization, and a growing market of electric vehicles. To meet the state’s clean energy goals, it is necessary to advance and deploy these activities and resources. One of the most significant barriers to better planning and deploying of decarbonization programs has been the lack of data on existing customer energy usage. The CEC now has Customer Energy Use Data (including AMI data, as available) from customers in the service territories of Pacific Gas and Electric, Southern California Edison, San Diego Gas and Electric, Los Angeles Department of Water and Power, Sacramento Municipal Utility District, and Southern California Gas Company.

CEC is seeking a contractor team to analyze Customer Energy Use Data (including AMI data, as available) to support multiple CEC program needs.

* Informing Policy: Through and supporting CEC’s Order Instituting Informational Proceeding on Distributed Energy Resources in California’s Energy Future (22-DER-01), California Energy Efficiency Action Plan, and/or Integrated Energy Policy Report, CEC will require analysis of customer data to, among other things, assess the impacts and benefits decarbonization measures and activities can provide to customers, communities, and electricity and natural gas systems. This analysis should take into account, where relevant, building type, end use, energy usage, climate zone, occupant incomes, equity, and different combinations of decarbonization activities. CEC is also interested in investigating co-optimization of DER, EV infrastructure, building decarbonization strategies, and/or load flexibility with utility-scale resources and evaluate strategies to optimize benefits and value, particularly for under-resourced communities.
* Forecasting/Planning: The CEC seeks to continually improve electric and natural gas demand and supply forecasts and to develop credible future scenarios of resource deployment to inform system planning. This includes near-, mid-, and long-term analyses such as annual demand and supply forecasts, mid-term reliability studies, and long-term planning to achieve SB 100 goals. Analysis of electric and natural gas use will inform assumptions on deployment and the resulting changes in load to improve forecasts and scenario development.
* Program Development and Implementation: The CEC has on-going and new programs that would benefit from analyses of Customer Energy Use Data. Existing programs include the load management standards; flexible demand appliance standards; building and appliance energy efficiency standards; the Electric Program Investment Charge (EPIC) research, development and deployment program; and Strategic Reliability Reserve. CEC is also developing and implementing new incentive programs to advance building decarbonization, energy equity, electric vehicle charging, and grid reliability. Analysis of Customer Energy Use Data (including AMI data, as available) will enable the CEC to better design programs, target customers, make program changes, and guide RD&D.
* Program Evaluation, Measurement, and Verification: To assess program performance, measure impact and costs, and make necessary improvements in a time sensitive and nimble fashion, CEC will need evaluation, measurement and verification plans, recommendations, tools, and/or support that provide as close to real time guidance as feasible. This initially includes the Equitable Building Decarbonization Program but may be expanded to other local, state and federal decarbonization incentive programs.
* Assessment of Pathways to Share Relevant Information and Data with Others: State agencies, tribes, local governments, utilities and community choice aggregators, community planners, researchers, commercial aggregators, program implementers, DER providers, federal government, other states, and others could gain value from analysis of California’s Customer Energy Use Data. Because the Customer Energy Use Data (including AMI data, as available) may have personally identifiable information (PII), it cannot be shared publicly in a complete form. CEC is looking for specific methods, strategies or recommendations to anonymize data at a level that enables the CEC to provide information at a granularity that is valuable to external parties and further advances and expands decarbonization while still preventing the release of PII.

The volume of and detail in the Customer Energy Use Data (including AMI data, as available) opens up myriad possibilities for statistical and regression analysis that enables, for example, comparisons across similar building types, customer types, decarbonization actions, and climate zones to identify how decarbonization activities/measures are performing for customers relative to similar customers with no changes. With energy rate information, it can also be possible to assess cost savings to the customer and effectiveness of incentives. This analysis on a large scale can be used to inform forecasting, policy, and program development by determining how widespread or targeted decarbonization can reduce or shift load to support the grid. It would also be possible to inform the development of performance-based incentive structures, using average implementation costs by measure or package of measures.

A key component of each work authorization in this contract will be the analysis of Customer Energy Use Data (including AMI data, as available). This may be for small geographic locations, for all customers in the utility service territories for which CEC has data, or somewhere in between. This will require the contractor work with CEC to access potentially large volumes of Customer Energy Use Data (including AMI data, as available) through the CEC’s Snowflake-based data platform. The contractor will need an analytic platform that can ingest the data, conduct statistical or regression analysis on and with the data, develop quantitative results, provide reports of results in appropriate CEC format so they can be used for public review, and provide briefings on the results to decision makers, staff, and the public.

The Contractor shall provide technical assistance for the following tasks, as directed by the CAM.

**General Requirements or Goals and Objectives**

**TASK LIST**

|  |  |
| --- | --- |
| **Task #** | **Task Name** |
| 1 | Agreement Management |
| 2 | DER Analytics Leveraging Customer Energy Use Data |

**TASK 1- AGREEMENT MANAGEMENT**

**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]~~ **30**

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.

* If necessary, prepare an updated Schedule of Deliverables based on the decisions made in the kick-off meeting.
* Submit signed Information Security Program Plan Attestation that Contractor has an Information Security Program Plan (ISPP) that meets the minimum requirements as stated in SAM 5300 and any other applicable law. CAM will provide ISPP Attestation form.
* Submit signed Non-Disclosure Agreements (NDAs) from Contractor and Subcontractor employees prior to the sharing of confidential information with the employees. CAM will provide NDA form.
* Contractor shall ensure that all individuals employed by Contractor or a Subcontractor who will have access to confidential information take an annual security awareness training and submit the Employee Security Awareness Training Certificates.

Submit verification that confidential information and personal information is destroyed at agreement end (or when work is completed).  
  

**The CAM shall:**

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

**Deliverables:**

* Draft and Final Agendas
* Summary of the kickoff to be included in the monthly progress report.
* Signed non-disclosure agreement from Contractor and Subcontractor employees
* Signed Information Security Program Plan Attestation Form
* Employee Security Awareness Training Certificates
* Verification of destruction of confidential information and personal information

**Task 1.2 Invoices**

Expected Total Hours: [~~150~~]**300**

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 Energy Commission’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~~] **300**

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 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.

Expected Total Hours: [~~150~~] **300**

Expected General Classifications: Project Manager, Director

**The Contractor shall:**

* Prepare 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**:

* Monthly Progress Reports (including monthly invoice)

**TASK 1.5 WORK AUTHORIZATIONS**

The goal of this task is to develop and manage all technical and budgetary aspects of work authorizations (WA) in accordance with the requirements of this Agreement for work to be performed under Technical Tasks 2.

Expected Total Hours: [~~60~~] **120**

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

**The Contractor shall:**

* Help prepare WAs in accordance with the contract requirements.
* The WA format and content shall be specified by the CAM.
* The WA end date should be no later than 60 days prior to the term end date of the Agreement.
* Submit all required WA Documents to the CAM.
* Administer WAs.
* Establish and maintain contractual agreements with entities performing work.
* Develop project schedules.
* Manage Subcontractor activities in accordance with the Agreement terms and conditions.
* Provide oversight and first-level review of reports and documentation, and comment on the content of deliverables.
* Review and approve all WA invoices.
* Provide audit and accounting services for all WAs.
* Immediately report any significant variances affecting performance of WAs and recommend mitigation actions for consideration by the Project Manager and CAM. Examples of significant variances include the inability to submit deliverables by key WA due dates, unavailability of key personnel that will affect timely submittal of deliverables, and key technical issues that would require change in scope, redirection of the effort, or discontinuation of the project.
* Coordinate with the CAM to close out completed WAs and remaining unallocated balances.
* Monitor and track each WA and the overall agreement.
* Provide updated WA project schedules, as needed, and determine if each WA is on schedule and deliverables are satisfactory.
* Determine the fiscal status of each WA and the overall Agreement.
* Prevent cost overruns.
* Track the start, progress, and closure of each WA.

**Deliverables:**

WA Documents

**Task 1.6 Final Report**

Expected Total Hours: [~~50~~] **100**

Expected General Classifications: Project Manager, Director

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work completed under this Agreement. The Final Report shall be prepared in language easily understood by the public or layperson with a limited technical background.

The Final Report must be completed before the termination date of the Agreement in accordance with the Schedule of Deliverables.

The Final Report shall be a public document.  If the Contractor has obtained confidential status from the Energy Commission and will be preparing both a public and a confidential version of the Final Report, the Contractor shall perform the following subtasks for both the public and confidential versions of the Final Report.

**Deliverables**:

Final Report

**TECHNICAL TASKS**

**Task 2: DER Analytics Leveraging Customer Energy Use Data**

Expected Total Hours: [~~6000~~] **12000**

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

The goal of this task is to obtain a range of analytical studies using Customer Energy Use Data (including AMI data, as available) in combination with other data sets provided by CEC. These assignments will be varied and complex.

**2.1 Analysis to Inform Policy Options:**

Conduct analysis to evaluate the benefit of decarbonization activities or DER individually or in combination. Analysis may be conducted by utility territory, across all utility territories for which CEC has data, or somewhere in between. Identify customer types, equipment mixes, and geographies that provide the greatest customer and grid value. Assist CEC in conducting cost comparison of different scenarios and assess where financial incentives may be necessary to support deployment to meet other state priorities, such as for energy equity. Conduct analysis of both electric and fossil gas use that assists in informing decarbonization policy.

**2.2 Analysis to Improve Forecasting/Planning:**

Conduct analyses to inform the electricity hourly load shapes used for DER end-uses in the California Energy Demand forecast, including electric vehicle charging and discharging, battery storage charging and discharging, electric space heating, and electric water heating technologies. Assess how a customer’s electricity and fossil gas consumption changes with DER adoption by comparing electricity and gas consumption before and after adoption. Work with CEC to identify potential future scenarios of DER deployment and analyze how the scenarios might impact customer energy use and cost and electric system reliability.

**2.3 Analysis, Recommendations, Plans, and Tool Development to Support Program Development, Implementation & Verification:**

Conduct analyses of Customer Energy Use Data (including AMI data, as available) to inform program design, development, requirements, and implementation; support the targeting of regions, buildings and technologies; and support program administration. Develop and provide plans, recommendations, tools, and/or program support for program EM&V that can be used to assess program performance, measure impact and costs, and make necessary improvements in a time sensitive and nimble fashion. Develop tools to analyze Customer Energy Use Data (including AMI data, as available) and decarbonization and resiliency measures, in coordination with other data (e.g. income, CalEnviroScreen, climate zones, building age and characteristics, electric and gas rates, GHG, etc.) to support program targeting and assist CEC and program implementers in project and measure selection. Work with CEC to evaluate program effectiveness and make improvements across a number of decarbonization and resiliency programs and use-cases. Support and provide training and resources to CEC staff and program implementers (potentially public- or third-parties) on above analyses, plans, recommendations, and tools. Support the development and training of CEC staff to strengthen their skills and ability to conduct analysis of Customer Energy Use Data (including AMI data, as available).

**2.4 Supporting the Development of Strategies to Share Relevant Information with Interested Parties:**

Support the CEC in developing strategies that may include anonymizing or otherwise aggregating data to a level that enables sharing the information without releasing PII or other confidential data and is useful for planners and program implementers, including communities, community choice aggregators, and DER deployment program implementers. This may include advice on how to make this data available through CEC’s existing data infrastructure or CEC’s planning library, which is in development.

**Deliverables:**

* Monthly Update Reports

**SCHEDULE OF DELIVERABLES AND DUE DATES**

Note: Actual deliverables will be specified in each Work Authorization

|  |  |  |
| --- | --- | --- |
| **Task Number** | **Deliverable** | **Due Date** |
| **1** | Agreement Management |  |
| 1.1 | * Draft and Final Agendas * Summary of the kickoff to be included in the monthly progress report. * Signed non-disclosure agreement from Contractor and Subcontractor employees * Signed Information Security Program Plan Attestation Form * Employee Security Awareness Training Certificates * Verification of destruction of confidential information and personal information | Monthly |
|  | Monthly invoice (to be included with monthly progress reports) | Monthly |
|  | Manage Subcontractors | Ongoing |
| 1.4 | Monthly Progress Reports (including monthly invoice) | Monthly |
| 1.5 | WA Document | Monthly |
| 1.6 | Final Report | End of term |
| **2** | DER Analytics Leveraging Customer Energy Use Data | To Be Determined in each WA. |

# 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. **Section 2, Technical and Cost Proposal subsections A, B, and C should be no more than 20 pages. The page limit does not apply to Resumes, Labor Hours by Personnel and Task, Client References, Previous Work Products, Budget forms or associated attachments.**

## Method for Delivery

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

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

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

## Organize Your Proposal As Follows

### SECTION 1, Administrative Response

Cover Letter

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Contractor Status Form Attachment 1

Darfur Contracting Act Form Attachment 2

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Completed Disabled Veteran Business Enterprise form, if applicable Attachment 3

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Contractor Certification Clauses Attachment 5

TACPA Forms If applicable

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CA Civil Rights Laws Certification Attachment 10

### 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

~~[Key Personnel Resumes]~~

Previous Work Products

Budget Forms Attachment 7. See also G below.

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 and for each subcontractor.

1. **Previous Work Products**

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

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

1. **Budget Forms**

Category Budget Attachment 7

Direct Labor Attachment 7

Fringe Benefits Attachment 7

Travel Attachment 7

Equipment Attachment 7

Materials & Miscellaneous Attachment 7

Subcontracts Attachment 7

Indirect Costs and Profit Attachment 7

Loaded Hourly Rate Calculation Attachment 7a

Total Expected Labor Cost Attachment 7b

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.

Loaded Hourly Rate Calculation (Attachment 7a)

This attachment will be used for the purposes of calculating the average hourly rate score under cost criterion 5.1, located in the Evaluation Criteria Worksheet. The loaded hourly rate is defined as direct labor, fringe benefits, non-labor rates (overhead, general and administrative, etc., as applicable), and profit (if applicable).

1. Use one form for the Bidder (Prime Contractor) and one for each subcontractor. Insert your company or organization name at the top of the form.

2. For each staff person from this company or organization that will be directly billed to this Agreement:

Provide the job classifications or title.

Insert the unloaded hourly rates in the direct labor column. You must use the rates provided for your company or organization when calculating the loaded hourly rates. Follow the instructions on the form, Loaded Hourly Rate Calculation, in Attachment 7a.

# 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.

During the administrative and completeness screening, the Contracts Office may schedule a clarification interview with a Bidder that will either be held by telephone, by email, virtually, 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.

**SCREENING CRITERIA FOR HANDLING OF COMMISSION (OR A THIRD PARTY) CONFIDENTIAL INFORMATION**

This solicitation anticipates that Contractor may receive Confidential Information or Personal Information from the Energy Commission (or a third party) or be required to handle Confidential Information or Personal Information belonging to someone other than Contractor. Because of the need for security in handling this Confidential Information and Personal Information, the Energy Commission will screen applicants based on their existing security processes. Bidder’s responses will be evaluated in Stage one Administrative and Completeness Screening.

For more information on confidentiality and security requirements, the agreement will include special terms and conditions for Confidential Information and Personal Information. See Attachment 8, Exhibit E for definitions and specific agreement terms.

For Bidder and all subcontractors, sub-awardees, vendors, and other project partners, (including match funders and any other entity that might handle the Energy Commission’s or third party’s Confidential Information or Personal Information), applicant shall answer the following questions. Only answer these questions for Bidder and any other entity related to the agreement that will be given access to Confidential Information or Personal Information.

Any “no” answer means Bidder will be screened out in Stage One Administrative and Completeness Screening and disqualified from further participation in the solicitation.

Bidder must answer yes/no for each question in Attachment 1 Contractor Status Form. Bidder self certifies the answer. Bidder does NOT need to submit any additional documentation for the solicitation screening.

1. Does Bidder have an Information Security Officer?
2. Does Bidder have an Information Security Program in place?
3. Does Bidder encrypt Confidential Information in transit and at rest?
4. Does Bidder require employees to sign an acceptable use policy/responsible use policy for using information technology assets and resources?
5. Does Bidder require employees to take information security training?
6. Does Bidder require employees to sign a non-disclosure agreement before the employee is allowed access to Confidential Information?
7. Does Bidder have internal protocols for handling a security incident or data breach?

### 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, by email, virtually, or in person at the Energy Commission for the purpose of clarification and verification of information provided in the proposal. However, these interviews may not be used to change or add to the contents of the original Proposal.

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

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

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

## Scoring Scale

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

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

## Notice of Proposed Award

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

|  |  |
| --- | --- |
| **EVALUATION CRITERIA** | **Possible Points** |
| 1. **Bidder’s Approach to Tasks in the Scope of Work** | 30 |
| 1. Demonstrated ability and experience in conducting analysis of both electric and fossil gas use to evaluate the benefit of decarbonization activities or DER individually or in combination. Ability to conduct cost comparisons of different scenarios and assess where financial incentives may be necessary to support deployment to meet other state priorities, such as for energy equity. 2. Demonstrated breadth and depth of knowledge to conduct analyses to inform the electricity hourly load shapes used for DER end-uses in the California Energy Demand forecast, including electric vehicle charging and discharging, battery storage charging and discharging, electric space heating, and electric water heating technologies. Ability to assess how a customer’s electricity and fossil gas consumption changes with DER adoption by comparing electricity and gas consumption before and after adoption. Ability to identify potential future scenarios of DER deployment and analyze how the scenarios might impact customer energy use and cost and electric system reliability. 3. Demonstrated breadth and depth of knowledge to conduct analyses of Customer Energy Use Data to inform program design, development, requirements, and implementation; support the targeting of regions, buildings and technologies; and support program administration. Ability to develop and provide plans, recommendations, tools, and/or program support for program EM&V that can be used to assess program performance, measure impact and costs, and make necessary improvements in a time sensitive and nimble fashion. Ability to develop tools to analyze Customer Energy Use Data and decarbonization and resiliency measures, in coordination with other data (e.g. income, CalEnviroScreen, climate zones, building age and characteristics, electric and gas rates, GHG, etc.) to support program targeting and assist CEC and program implementers in project and measure selection. Ability to evaluate program effectiveness and make improvements across a number of decarbonization and resiliency programs and use-cases. Ability to provide training and resources to CEC staff and program implementers (potentially public- or third-parties) on above analyses, plans, recommendations, and tools, and strengthen the skills and ability of CEC staff to conductCustomer Energy Use Data analysis. 4. Demonstrated ability to develop strategies that may include anonymizing or otherwise aggregating data to a level that enables sharing the information without releasing PII or other confidential data and is useful for planners and program implementers, including communities, community choice aggregators, and DER deployment program implementers. 5. The CEC places preference on:    1. Inputs, assumptions, and methods that can be made available to the public to the maximum extent feasible.    2. 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 Subcontractors. 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 for each Subcontractor. 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~~] 49 points)** | 70 |
| **COST CRITERIA** |  |
| 1. Total Expected Labor Costs (Cost Points). The Score for this criterion 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 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 (15 possible points):

Proposal A: 100% possible points = 15 points

Proposal B: 94.57% possible points = 14.185 points

Proposal C: 97.82% possible points = 14.675 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 Incentive
* 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.

***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 for Incentive Points***

* If Bidder is a DVBE, then Bidder has satisfied the participation requirements if it commits to performing at least .01% 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 .01% of the contract.

***Required Forms***

Bidders must complete Attachments 1, 3 and 4 to document DVBE participation for DVBE incentive points.

* 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](mailto: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 is applied by adding the incentive to the Proposal/Bid for Bidders that include more than the minimum required 0.00% 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.

|  |  |
| --- | --- |
| DVBE Participation Level | DVBE Incentive Points |
| 0.01% - 0.99% | 1 |
| 1.00% - 1.99% | 2 |
| 2.00% - 2.99% | 3 |
| 3.00% - 3.99% | 4 |
| 4.00% 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

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

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

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

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

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

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

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

TACPA Preference Request (STD 830):

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

Bidder’s Summary of Contract Activities and Labor Hours:

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

# VI. Administration

## RFP Defined

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

## Definition of Key Words

Important definitions for this RFP are presented below:

**Word/Term Definition**

Bidder- Respondent to this RFP

CAM- Commission Agreement Manager

DGS- Department of General Services

DVBE- Disabled Veteran Business Enterprises

Energy Commission California Energy Commission

Proposal- Formal written response to this document from Bidder

RFP- Request for Proposal, this entire document

State- State of California

## Cost of Developing Proposal

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

## Software Application Development

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

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

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

## Printing Services

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

## Confidential Information

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

## Darfur Contracting Act of 2008

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

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

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

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

## 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 9)**

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 9)**

(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 10.

**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.
* 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.