**REQUEST FOR PROPOSALS**

**ADDENDUM 1**

**Technical Support For Energy Assessments**



RFP-23-802

www.energy.ca.gov/contracts/

State of California

California Energy Commission

April 2024

##### Table of Contents

[I. Introduction 1](#_Toc162965603)

[**NOTE ABOUT SIGNATURES** 1](#_Toc162965604)

[Purpose of RFP 1](#_Toc162965605)

[Key Activities and Dates 1](#_Toc162965606)

[Available Funding and How Award is Determined 2](#_Toc162965607)

[Eligible Bidders 2](#_Toc162965608)

[Pre-Bid Conference 3](#_Toc162965609)

[Questions 3](#_Toc162965610)

[Contact Information 4](#_Toc162965611)

[Responses to this RFP 4](#_Toc162965612)

[Reference Documents 4](#_Toc162965613)

[II. Scope of Work and Deliverables 5](#_Toc162965614)

[About This Section 5](#_Toc162965615)

[Definition of Key Words for Scope of Work and Deliverables 5](#_Toc162965616)

[**Work Authorizations** 5](#_Toc162965617)

[III. Proposal Format, Required Documents, and Delivery 14](#_Toc162965618)

[About This Section 14](#_Toc162965619)

[Required Format for a Proposal 15](#_Toc162965620)

[Method for Delivery 15](#_Toc162965621)

[Organize Your Proposal As Follows 15](#_Toc162965622)

[IV. Evaluation Process and Criteria 19](#_Toc162965623)

[About This Section 19](#_Toc162965624)

[Proposal Evaluation 19](#_Toc162965625)

[Scoring Scale 20](#_Toc162965626)

[Notice of Proposed Award 20](#_Toc162965627)

[V. Business Participation Programs (Preferences/Incentives) 26](#_Toc162965628)

[Disabled Veteran Business Enterprise (DVBE) 26](#_Toc162965629)

[DVBE Incentive 29](#_Toc162965630)

[Small Business / Microbusiness / Non-Small Business 31](#_Toc162965631)

[Target Area Contract Preference Act 33](#_Toc162965632)

[VI. Administration 35](#_Toc162965633)

[RFP Defined 35](#_Toc162965634)

[Definition of Key Words 35](#_Toc162965635)

[Cost of Developing Proposal 35](#_Toc162965636)

[Software Application Development 35](#_Toc162965637)

[Printing Services 36](#_Toc162965638)

[Confidential Information 36](#_Toc162965639)

[Darfur Contracting Act of 2008 36](#_Toc162965640)

[Executive Order N-6-22 – Russia Sanctions 37](#_Toc162965641)

[California Civil Rights Laws 37](#_Toc162965642)

[RFP Cancellation and Amendments 37](#_Toc162965643)

[Errors 38](#_Toc162965644)

[Modifying or Withdrawal of Proposal 38](#_Toc162965645)

[Immaterial Defect 38](#_Toc162965646)

[Disposition of Bidder’s Documents 38](#_Toc162965647)

[Bidders’ Admonishment 38](#_Toc162965648)

[Grounds to Reject a Proposal 38](#_Toc162965649)

[Protest Procedures 39](#_Toc162965650)

[Agreement Requirements 40](#_Toc162965651)

**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
10. California Civil Rights Laws Certification

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

# 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 (RFP) is to select an experienced, full-service Prime Contractor with strengths in the technical, administrative and project management aspects of energy analytical methods, and in program management of the subcontractor team. The (Prime and Subcontractors) team will provide technical assistance to the Energy Assessment Division (EAD). The EAD mission is driven by provisions of the Warren-Alquist Act to assess California’s energy systems and trends, providing information for decision-makers and the public that produce policies that balance the need for adequate resources with economic, public health, safety, and environmental goals. Key products developed by the division in collaboration with other agencies include the state’s energy demand forecast, Senate Bill 100 report, California Resource and Reliability Outlook, and assessments of the state’s petroleum market. EAD also provides additional technical analysis of the electricity system and infrastructure, . natural gas and petroleum for the Integrated Energy Policy Report. Support provided through this contract may be required for any of the analyses that EAD leads.

## 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 | April 12, 2024 |
| Deadline for Written Questions by 5:00 p.m.\* | April 22, 2024 |
| Pre-Bid Conference \* | April 22, 2024 |
| Distribute Questions/Answers and Addenda (if any) to RFP | April 26, 2024 |
| **Deadline to Submit Proposals by 11:59 p.m. \*** | **May 3, 2024** |
| Notice of Proposed Award  | May 10, 2024 |
| Commission Business Meeting | June 12,2024 |
| Contract Start Date | August 30, 2024 |
| Contract Termination Date | August 30, 2027 |

## Available Funding and How Award is Determined

There is $650,000 currently available for the contract resulting from this RFP which must be encumbered by June 30, 2024 and liquidated by June 30, 2026. 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 $650,000 of the potential $2,500,000, 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 $650,000. In the future, the Energy Commission may amend the Agreement to allocate none, some, or the entire remaining contingent amount up to a maximum total Agreement amount of $2,500,000, together with corresponding amendments to the scope of work. Applicants should submit applications for the full $2,500,000. The Energy Commission does not anticipate the contract being amended beyond the proposed term.

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 call (916) 654-4381 or refer to the Energy Commission's website at [CEC Website](http://www.energy.ca.gov/) to confirm the date and time.

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

April 22, 2024

11 a.m. – 12:00 p.m.

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/w/86848485911?tk=2_dgdcQDtTilcDOhxBRrUckaYB7NOabDz7oUH_Si1m4.DQYAAAAUOJK6FxZldFRUX0drVVRrbWRjTVRNWVlKRml3AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA&pwd=TmRzTFdhYWxxUERzYk0zTlhKTnMvUT09&uuid=WN_0SUA3YS5SHmDiIA9ZjJlmA>

**Webinar ID: 868 4848 5911**

**Password: 931046**

**Topic**: Pre-bid conference - Technical Support for Energy Assessments

**Telephone Access Only:**

Or One tap mobile:

 +16692192599,,86848485911# US (San Jose)

 +12133388477,,86848485911# US (Los Angeles)

Or join by phone:

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

 US: +1 669 219 2599 or +1 213 338 8477 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 +1 651 372 8299 or +1 786 635 1003 or +1 929 436 2866 or +1 646 518 9805

 Webinar ID: 868 4848 5911

 Participant ID: 183507

 International numbers available: <https://energy.zoom.us/u/kwQzrvR2T>

## 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 electronic mail. 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

Brad Worster, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

Telephone: (916) 897-1647

E-mail: brad.worster@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:

California Energy Commission, Integrated Energy Policy Report is available at:

<https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report>

SB 100 Joint Agency documents are available at:

<https://www.energy.ca.gov/sb100>

All above reference documents are on display and available for review in the Energy Commission’s Library. Library hours are Monday - Friday from 8:30 a.m. to 4:30 p.m., closed for lunch 12:00-1:00p.m. The library is located at: California Energy Commission, 715 P Street, Third Floor, Sacramento, CA 95814, (916) 931-5326.

# 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 Energy Commission’s CAM. The CAM will oversee the management and administration of the agreement. The resulting agreement will include defined tasks for Task 1. Additionally, Work Authorizations (WAs) can be used on an as-needed basis as described below. 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 Energy Commission’s demand for service as determined by the CAM.

## Definition of Key Words for Scope of Work and Deliverables

Important definitions for the Scope of Work are presented below:

|  |  |
| --- | --- |
| **Word/Term** | **Definition** |
| CAM | Commission Agreement Manager |
| CEC | California Energy Commission |
| PM | Program Manager |
| RFP | Request for Proposal, this entire document |
| State | State of California |
| WAs | Work Authorizations |

**Work Authorizations**

The Agreement that results from this solicitation shall be conducted as a “work authorization” Agreement except for Task 1 work. For Tasks 2 - 5, no work shall be undertaken unless authorized by the Contract Agreement Manager (CAM) through a specific written document called a “work authorization.” The CAM will prepare and issue the written work authorizations 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.

**General Requirements or Goals and Objectives**

**TASK LIST**

|  |  |
| --- | --- |
| **Task #**  | **Task Name**  |
| 1  | Agreement Management  |
| 2  | Electricity System and Infrastructure Analysis |
| 3 | Improve Energy Demand Forecasting Methods and Conduct Other Energy Demand Analyses. |
| 4 | Natural Gas Assessments and Forecasting |
| 5 | Data Management |

**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.

**The Contractor shall:**

* Attend a “kick-off” meeting with the CAM and a representative of the CEC 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.
* If necessary, preparation and amendment of Form 805 to identify any individuals designated as consultants.
* 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:**

* An Updated Schedule of Deliverables (if applicable)
* 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**

**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 1.3). Invoices must be submitted to the CEC’s Accounting Office.

**Deliverables:**

* Invoices

**Task 1.3 Progress Reports**

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement.

**The Contractor shall:**

* 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

**Task 1.4 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 thru Task 5.

**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

**TECHNICAL TASKS**

**Task 2 Electricity System and Infrastructure Analysis**

The goal of this task is to obtain a range of analytical expertise on electricity system supply resources and reliability.

**At the direction of the CAM through a properly executed Work Authorization, the Contractor shall:**

* 1. Provide expertise and analyses on the full range of electricity system resources, including fossil generation, solar, wind, energy storage, hydropower, geothermal, nuclear, and technologies using low carbon fuels, such as renewable natural gas and hydrogen. Analysis may include resources interconnected at the distribution or transmission level. Analyses may include evaluating current and historical resource deployment in California, US and internationally, performance characteristics, costs of the resources and associated support infrastructure. Analyses may include evaluating current and future market trends for these technologies and assessing the supply chains for these technologies. Analysis may also include evaluation of transmission and distribution system components.
	2. Conduct analysis on resource plans for load serving entities in the California Independent System Operator and publicly owned utility territories to characterize trends and identify potential excesses or shortfalls in resource availability to meet system reliability requirement and state clean energy policies. Support the identification and investigation of issues associated with resource availability in California and the west. Provide support in evaluating the nexus between the gas system (e.g., prices, shortfalls) and fossil plant operation and availability and electricity system prices.
	3. Provide expertise and analyses on electric system reliability, including developing new or using existing CEC models to evaluate electric system reliability and risks to reliability at different time scales, such as imminent summer conditions, and longer outlooks (e.g., five-, ten-, and fifteen-year timescales). Support the development of relevant inputs and assumptions for the models and different reliability scenarios for evaluation. Provide modeling and model quality control and validation support. Provide support in identifying potential additional (e.g., contingency) resources that may be necessary to support grid reliability during an extreme event. Assist in tracking resource availability during extreme events.
	4. Support tracking and evaluation of electricity system trends and issues across the western United States for their potential impact on California.
	5. Provide expertise on demand flexibility to support reliability and state clean energy goals. This includes evaluating current and historical performance of distributed energy resources (e.g., solar, storage, and flexible appliances) using publicly available data or using interval meter data provided by CEC and their control strategies. Analysis may include assessment in different utility or load serving entities in California and will require different approaches depending on the availability of data. Support may also include evaluating virtual power plants for their ability to support electric system reliability on a larger scale in California.
	6. Provide support in analyzing current potential and future threats to energy systems (electricity, natural gas, and petroleum) in California to support CEC’s emergency response role. This may include conducting risk assessments to different energy system infrastructure and supplies. Support may also be required to update operational plans for emergencies.
	7. Provide support in developing reports and presentations on electric system supply and reliability analyses for audiences of different technical levels. Support may also be required to develop and maintain dashboards in Tableau for use by CEC internally or on the publicly available CEC website.

**Task 3 Improve ENERGY Demand forecasting methods AND CONDUCT OTHER ENERGY DEMAND ANALYSES**

The goals of this task are to 1) obtain technical assistance in the preparation and improvement of forecasts of annual and hourly energy demand, energy efficiency savings, fuel substitution impacts, and transportation energy demand; and 2) obtain technical assistance and recommendations for other energy demand analyses which are not directly related to the forecast.

**At the direction of the CAM through a properly executed Work Authorization, the Contractor shall:**

* 1. Provide objective and independent expert assistance to make recommendations for improvements in or modifications to electricity, natural gas, and transportation energy demand forecasting methods, models, and data availability. Provide analyses of the advantages and disadvantages of adopting new methods and data related to forecasting. Identify and assess various hourly demand and 1-in-X peak demand forecasting methodologies and techniques used by academic and other experts. Assist staff in implementing demand forecasting improvements.
	2. Recommend and implement a methodology to develop hourly load shapes for different geographic zones throughout the Western Electricity Coordinating Council region.
	3. Transfer or migrate energy demand models to modern platforms such as R or Python.
	4. Conduct energy use surveys or interviews. Provide analysis of information gathered during surveys or interviews and develop inputs to the forecasting models for the residential, commercial building, industrial, agricultural, and transportation sectors.
	5. Provide analysis and data collection in support of efforts related to building and appliance standards, building electrification, energy efficiency and demand side programs and energy demand. Analyze energy demand impacts of residential and commercial building decarbonization strategies, as well as industrial and agricultural sector decarbonization strategies and assess impacts on energy demand. Assist staff in implementing methods to estimate energy demand impacts in the demand forecast.
	6. Assess the impacts of climate change on energy demand and the uncertainty around energy demand. Assess drought impacts on the agricultural sector energy demand. Assess wildfire impacts on energy demand such as increased adoption and use of AC and decreased solar PV generation.
	7. Evaluate retail electricity and natural gas price forecasting methodologies for residential, commercial, industrial, and transportation sectors incorporating input variables used in developing the electricity demand forecast.
	8. Analyze energy and travel demand impact of California’s transportation decarbonization goals and strategies, such as electrification, shared and micro mobility, sustainable land use development, and alternative fuels (e.g. hydrogen).
	9. Develop recommendations for further geographic disaggregation of Energy Commission demand forecasts. Identify how further geographic disaggregation can be supported, given availability of utility customer data, economic-demographic historical and forecast data, efficiency program and self-generation data, and other required inputs. Provide recommendations for modifying Energy Commission models to have the capability to forecast at higher levels of disaggregation and assist staff in implementing these recommendations.
	10. Provide analysis and data collection in support of transportation energy demand forecasting. Provide analysis and evaluation of existing and future issues associated with the adoption of electric and plug-in hybrid electric vehicles in California including the influence of federal and state policy and technology development. Identify and obtain data pertaining to historical and projected vehicle attributes and format these attributes for use in Energy Commission forecasting models.
	11. Provide analysis and data collection in support of developing electric vehicle charging load shapes that incorporate vehicle grid integration technologies and using EVs as battery storage.
	12. Provide analytical support for sensitivity analysis and exploratory modeling to identify key uncertainties regarding customer demand and resources. Provide recommendations and strategies to incorporate uncertainty analysis into the forecasting process.
	13. Identify, assess, and implement methodologies to forecast adoption of efficiency measures, building electrification measures, and demand response participation.
	14. Evaluate the potential future adoption, structure, and impact of new tariff rates on energy consumption and peak including time-of-use tariffs. Provide analysis on different electricity rate structures including time-of-use that may encourage consumer investments in load reduction, storage or distributed generation technologies.
	15. Provide staff with training on forecasting methods and models, and other analytical techniques or methods that could be used to improve the CA Energy Demand Forecast. Train staff in pre/post regression analysis of customer-level interval meter billing data to determine load impacts from technologies such as electric vehicles, water or space heating electrification, or demand response.

**Task 4 Natural Gas ASSESSMENTS and forecasting**

The goal of this task is to obtain a range of analytical expertise on natural gas system supply resources and reliability.

**At the direction of the CAM through a properly executed Work Authorization, the Contractor shall:**

* 1. Provide support in conducting assessments of California’s transmission and distribution natural gas infrastructure, including gas storage facilities, pipelines, and other system components, in the context of operations, safety, and reliability. Support may include evaluating impacts to natural gas availability to core and non-core customers from system failures within and outside California. Provide expertise on natural gas infrastructure operating and maintenance costs and other operating parameters and conduct analysis to inform the state’s transition away from natural gas and the impacts on infrastructure and rates.
	2. Provide assessments of global, national, and local natural gas trends (including supply and prices), issues, and events and synthesize the effects to California’s natural gas market. This includes tracking and understanding the impacts of potential or new federal or state regulations to California’s natural gas system.
	3. Provide expertise and analyses to understand the operational interdependencies between the natural gas and electricity systems in California and west-wide. Support may include evaluating the potential for retirement or reconfiguration of fossil gas plants in California and the west and the resulting impact to natural gas demand and infrastructure.
	4. Provide expertise in hydraulic modeling methods to assess gas system operations under various gas demand scenarios and make findings and recommendations.
	5. Provide expertise on and analysis of low carbon fuels, such as renewable natural gas and hydrogen, and their potential role in the state’s efforts to decarbonize the natural gas system. This may include understand the current California, US and international markets, generation technologies, and the conversion of these resources to support different sectors (e.g., industrial, commercial, and residential).
	6. Provide support in developing reports and presentations on natural gas system supply and reliability analyses for audiences of different technical levels. Support may also be required to develop and maintain dashboards in Tableau for use by CEC internally or on the publicly available CEC website.

**TASK 5: DATA MANAGEMENT**

The goal of this task is to improve the Energy Assessments Division’s data products.

**At the direction of the CAM through a properly executed Work Authorization, the Contractor shall:**

1. Provide technical support with the development and implementation of systems needed to organize, manage, and present large volumes of energy data stored in the data warehouse.
2. Provide technical support in the development and implementation of data visualizations including tables, queries, views, scripts, reports, and other tools.
3. Provide technical support to help facilitate working groups relevant to database structures, program requirements, and form development.
4. Provide technical support, training, and best practices for cloud database management.

**SCHEDULE OF DELIVERABLES AND DUE DATES**

Note: Actual deliverables will be specified in each Work Authorization

|  |  |  |
| --- | --- | --- |
| **Task Number**  | **Deliverable**  | **Due Date**  |
| 1  |  Agreement Management  |  Ongoing |
| 1.1 | * Draft and Final Agendas
* Summary of the kickoff to be included in the monthly progress report.
 |  Monthly  |
|  | Monthly invoice (to be included with monthly progress reports) | Monthly |
| 1.3 | Monthly Progress Reports (including monthly invoice) | Monthly |
| 1.4 | WA Document | Monthly |
| 2  | Electricity System and Infrastructure Analysis | To Be Determined in WA. |
| 3 | Improve Energy Demand Forecasting Methods and Conduct Other Energy Demand Analyses | To Be Determined in WA |
| 4 | Natural Gas Assessments and Forecasting | To Be Determined in WA |
| 5 | Data Management | To Be Determined in 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, 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 deadline to submit applications through the CEC’s GSS is **11:59 p.m**. The GSS system automatically closes at 11:59 p.m. If the full submittal process has not been completed before 11:59 p.m., your application will not be considered. NO EXCEPTIONS will be entertained.

The CEC strongly encourages Applicants to upload and submit all applications by 5:00 p.m. because CEC staff will not be available after 5:00 p.m. or on weekends to assist with the upload process. And please note that while we endeavor to assist all would be Applicants, we can’t guarantee staff will be available for in-person consultation on the due date, so please plan accordingly.

Please give yourself ample time to complete all steps of the submission process: do not wait until right before the deadline to begin the process. Due to factors outside the CEC’s control and unrelated to the GSS system, upload times may be much longer than expected. For example, some past Applicants experienced unexpected issues on their end, causing long delays that prevented timely submission. They spent significant time and resources on applications the CEC will not consider. Please plan accordingly. For instructions on how to apply using the GSS system, please see the How to Apply document available on the CEC website at: [https://www.energy.ca.gov/media/1654](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.energy.ca.gov%2Fmedia%2F1654&data=05%7C01%7C%7C40ade96a8bfb41ce317608db692a8d0d%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C638219403729080954%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=DDMulTd%2BXx92x4z1VmvjpBo11LI3KdJGP3shnV4nbmI%3D&reserved=0).

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

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

## Organize Your Proposal As Follows

**SECTION 1, Administrative Response**

Cover Letter

Table of Contents

Contractor Status Form Attachment 1

Darfur Contracting Act Form Attachment 2

Small Business Certification If applicable

Completed Disabled Veteran Business Enterprise form Attachment 3

Bidder Declaration form GSPD-05-105 Attachment 4

Contractor Certification Clauses Attachment 5

TACPA Forms If applicable

Iran Contracting Act Form Attachment 9

CA Civil Rights Laws Certification Attachment 10

**SECTION 2, Technical and Cost Proposal**

Approach to Tasks in Scope of Work

Organizational Structure

Approach to Managing Work – Program Management

Client References Attachment 6

Previous Work Products (Optional)

Budget Forms Attachment 7. See also F 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 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.
6. Provide a current resume for all team members listed, including job classification and description, relevant experience, education, academic degrees and professional licenses.
7. **Approach to Managing Work – Program Management**
	* + 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. Identify the percentage of time each team member will be available throughout the contract.
8. **Client References**

Each bidder shall complete Client Reference Forms. Three client references are required for the prime Contractor.

1. **Previous Work Products**

Providing work products is optional. Each bidder may provide up to three previous work products relevant to this scope of work.

Weblinks are preferred, but one electronic copy of each product, may be submitted.

1. **Budget Forms**

Category Budget Attachment 7

Direct Labor Attachment 7

Fringe Benefits Attachment 7

Travel Attachment 7

Equipment Attachment 7

Materials & Miscellaneous Attachment 7

Subcontracts Attachment 7

Indirect Costs and Profit Attachment 7

The Bidder must submit information on **all** of the attached budget forms and this will be deemed the equivalent of a formal Cost Proposal.

Detailed instructions for completing these forms are included at the beginning of Attachment 7.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the Contractor for this RFP. Bidder must include all people anticipated who will provide service on the Agreement. The Energy Commission may consider adding a person that the Bidder did not include in its Proposal. However, because the additional person might affect the Bidder's score or take additional time that the Energy Commission does not have or does not want to spend, the Energy Commission reserves the right to do any of the following, along with any other existing rights:

* Assess how the new person might affect the Bidder’s score, including possibly rescoring the Proposal
* Refuse to add the new person
* Add the new person.

Bidders are cautioned that they should include all team members in their Proposal.  The Energy Commission does not want to be in the position of assessing additional persons after the Notice of Proposed Award.

The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their **actual** rates up to these rate caps. The labor rates shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).

All budget forms are required because they will be used for the contract prepared with the winning Bidder.

**NOTE:** The information provided in these forms will **not** be kept confidential.

# IV. Evaluation Process and Criteria

## About This Section

This section explains how the proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals.

## Proposal Evaluation

A Bidder’s proposal will be evaluated and scored based on their response to the information requested in this RFP. The entire evaluation process from receipt of proposals to posting of the Notice of Proposed Award is confidential.

To evaluate all Proposals, the Energy Commission will organize an Evaluation Committee. The Evaluation Committee may consist of Energy Commission staff or staff of other California state entities.

The Proposals will be evaluated in two stages:

**Stage One: Administrative and Completeness Screening**

The Contracts Office will review Proposals for compliance with administrative requirements and completeness. Proposals that fail Stage One shall be disqualified and eliminated from further evaluation.

**Stage Two: Technical and Cost Evaluation of Proposals**

Proposals passing Stage One will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria in this solicitation.

During the evaluation and selection process, the Evaluation Committee may schedule a clarification interview with a Bidder that will either be held by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the proposal. However, these interviews may not be used to change or add to the contents of the original Proposal.

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

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

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

## Scoring Scale

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

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

## Notice of Proposed Award

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

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Possible Points (70)** |
| 1. **Approach to tasks in Scope of Work**
 |  |
| **Task:2 Electricity System and Infrastructure Analysis** | 15 |
| a) Demonstrated breadth and depth of knowledge of the lifecycle of generation and storage resources, including analysis of supply chains, project development, operation and maintenance, and retirement. Demonstrated expertise in transmission and distribution systems. This includes understanding of the current and future market trends for all systems.b) Demonstrated ability to analyze resource plans to assess the ability of load serving entities or the state to achieve state policy goals. Demonstrated ability to identify challenges and potential solutions to resource shortfalls. Demonstrated expertise in analyzing the nexus between the gas system and electric system operations.c) Demonstrated ability to model system reliability using different analytical approaches, such as stack analyses and loss of load expectation analyses. d) Demonstrated breadth and knowledge of western grid operations and trends. e) Demonstrated breadth and depth of knowledge and experience of demand flexibility, including the use of energy efficiency, and the control of distributed generation, distributed storage, and other demand side programs to support state policy goals. f) Demonstrated breadth and depth of knowledge of and experience with methods and techniques used to evaluate distributed generation technology performance. g) Demonstrated breadth and depth of knowledge of emergency planning in all energy sectors, including electricity, fossil gas and petroleum, including conducting threat identification and develop strategies to address threats to the systems.h) Demonstrated ability to generate high quality written reports and presentations to audiences of different technical levels. Ability to create visualize data to explain complex trends and issues. Ability to develop dashboards in Tableau.  |  |
| **Task:3 Improve Energy Demand Forecasting Methods and Conduct Other Energy Demand Analyses** | 15 |
| a) Demonstrated breadth and depth of knowledge and experience with energy demand forecasting methodologies and model implementation, including econometric modeling methods, end-use methods, and hybrid methods for different sectors, including residential, commercial, industrial, agricultural, self-generation and transportation. b) Demonstrated breadth and depth of knowledge and experience with hourly demand forecasting and 1-in-X peak demand forecasting methodologies and model implementation c) Demonstrated breadth and depth of knowledge and experience with transferring or migrating forecasting models to a modern programming language such as R or Python d) Demonstrated breadth and depth of knowledge and experience with conducting energy use surveys and interviews, and analyzing information gathered during energy surveys to develop new model inputs for residential, commercial building, and industrial, agricultural, and transportation sectors e) Demonstrated breadth and depth of experience in assessing the potential adoption and impacts of building and appliance standards, energy efficiency, fuel substitution, and other demand-side programs on electricity and gas demandf) Demonstrated breadth and depth of knowledge and experience with methodologies to incorporate climate change impacts such as increased temperatures, droughts, and wildfires, in electricity and gas demand forecasts g) Demonstrated breadth and depth of knowledge and experience with electricity and gas price forecasting methodologies. Experience analyzing new tariff rates and assessing their impact on electricity and gas consumption, peak electricity demand, and adoption of distributed generation technologies.h) Demonstrated breadth and depth of knowledge and experience with California transportation decarbonization goals and strategies, transportation demand forecast methodologies, electric vehicle policies and technology trends, vehicle grid integration technologies, and methodologies to forecast behavior-based forecast components such as vehicle miles traveled and hourly charging patterns for EVs i) Demonstrated breadth and depth of knowledge and experience with geographic disaggregation methodologies to evaluate forecast model capability at higher levels of disaggregation j) Demonstrated breadth and depth of knowledge and experience of sensitivity analysis and exploratory modeling to identify key uncertainties regarding customer demand and resources k) Demonstrated breadth and depth of knowledge and experience in providing training on forecasting methods and models.l) Demonstrated breadth and depth of knowledge and experience in analyzing customer-level interval meter billing data to determine load impacts from energy programs or technologies m) Demonstrated depth and quality of work examples |  |
| **Task:4 Natural Gas Assessments and Forecasting** | 15 |
| a) Demonstrated breadth and depth of knowledge of and experience with natural gas infrastructure including pipelines, storage facilities, and other system components, as well as costs associated with operating and maintaining the infrastructure. b) Demonstrated breadth and depth of knowledge and experience in analyzing global, national, and local natural gas trends and issues and understanding the impacts on California’s natural gas market from legislation and regulations. c) Demonstrated breadth and depth of knowledge of and experience in understanding the interdependencies between the natural gas and electricity systems in California and West-wide, especially in relation to possible fossil gas reconfiguration or retirement.d) Demonstrated breadth and depth of experience with natural gas modeling platforms and methods for producing forecasts and assessing gas system operations. e) Demonstrated breadth and depth of knowledge of low carbon fuels, such as renewable natural gas and hydrogen, including an understanding of the current California, US and international markets, generation technologies, and the conversion of these resources to support different sectors (e.g., industrial, commercial, and residential). f) Demonstrated ability to generate high quality written reports and presentations to audiences of different technical levels. Ability to create visual data to explain complex trends and issues and develop dashboards in Tableau.g) Demonstrated depth and quality of work example h) Demonstrated depth and quality of work examples |  |
| **Task:5 Data Management**  | 10 |
| a) Demonstrated breadth and depth of knowledge of and experience developing data collection portals and cloud-based data storage systems related to the electric sector, energy consumption, power generation, and large volumes of customer-based GIS datab) Demonstrated breadth and depth of knowledge of and experience in the development and implementation of data tools that support the publication of Tableau visualizations as well as creating summary tables, queries, views, scripts, reports, and other tools).c) Demonstrated breadth and depth of knowledge of and experience in technical administration related to database structures, data programming requirements, and form development including the creation of data dictionaries, database administration documents, and training manualsd) Demonstrated ability to provide technical support, training, and best practices for cloud-based database management. |  |
| 1. **Organizational Structure**
 | 5 |
| a) Organizational chart shows efficient, well-defined team structureb) Adequate coverage of scope of work requirements c) Clearly defined functions to be performed by key team members and how the staffing pertains to this contractd) Resume provided for all key personnel (Bidder and Subcontractors) as defined by Bidder. |   |
| 1. **Approach to Managing Work – Program Management**
 | 10 |
| a) Demonstrates strong capability to manage personnel and sub-contractors effectively and efficiently.b) Demonstrates adequate fiscal management and controls c) Demonstrated experience and success at managing multiple, complex issues and resolving problems and disputes d) Has capability for word processing, document management, spreadsheet expertise, and technical writing and editing e) Has well-established quality control processes |  |
| **Cost Criteria** | **Possible Points (30)** |
| **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**. | 25 |
| **2. Cost Justification**. Bidder has provided a written description that justifies all proposed personnel identified in its bid for all technical areas and functions to be performed by 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. | 5 |
| **Total Possible Points** | **100** |
| **Minimum Passing Score (70%)** | **70** |

**Cost Criteria**

**Total Expected Labor Costs (25/30 Cost Points)**

**Step 1**

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

**Step 2**

**The Bidder (Prime 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 = 30 points**

**Proposal B: 94.57% possible points = 28.37 points**

**Proposal C: 97.82% possible points = 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**

***DVBE Participation Required***

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

***Bidder or Subcontractor Suspension***

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

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

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

***Required Forms***

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

* Contractor Status Form (Attachment 1).

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

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

***DVBE Definition***

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

* A veteran of the U.S. military, naval, or air service of the United States, including but not limited to, the Philippine Commonwealth Army, the Regular Scouts (“Old Scouts”), and the Special Philippine Scouts (“New Scouts”);
* The veteran must have a service-connected disability of at least 10% or more; and
* The veteran must be domiciled in California.

***DVBE Certification and Eligibility***

* To be certified as a DVBE, your firm must meet the following requirements in Military & Veterans Code section 999(b)(7):

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

(ii) The management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.

(iii) It is a sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.

* DVBE limited liability companies must be wholly owned by one or more disabled veterans. Public Contract Code section 10115.9.
* Each DVBE firm listed on the DVBE Declarations Std. form 843 (Attachment 3) and on the Bidder Declaration form GSPD-05-105 (Attachment 4) must be formally certified as a DVBE by the Office of Small Business and DVBE Services (OSDS). The DVBE program is not a self-certification program. Bidder must have submitted application to OSDS for DVBE certification by the Bid due date to be counted in meeting participation requirements.

***Printing / Copying Services Not Eligible***

DVBE Subcontractors cannot provide printing/copying services.  For more information, see section VI Administration, which states that printing services are not allowed in proposals.

***To Find Certified DVBEs***

Access the list of all certified DVBEs by using the Department of General Services, Procurement Division (DGS-PD), online certified firm database at [The State of California Certifications Webpage](https://www.caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx). Search by “Keywords” or “United Nations Standard Products and Services Codes” (UNSPSC) that apply to the elements of work you want to subcontract to a DVBE. Check for Subcontractor ads that may be placed on the California State Contracts Register (CSCR) for this solicitation prior to the closing date. You may access the CSCR at [California State Contracts Register Webpage](https://www.caleprocure.ca.gov/pages/Events-BS3/event-search.aspx). For questions regarding the online certified firm database and the CSCR, please call the OSDS at (916) 375-4940 or send an email to: OSDCHelp@dgs.ca.gov.

***Commercially Useful Function***

DVBEs must perform a commercially useful function relevant to this solicitation, in order to satisfy the DVBE program requirements. California Code of Regulations, Title 2, Section 1896.71 provides:

“(a) A DVBE contractor, subcontractor or supplier of goods and/or services that contributes to the fulfillment of the contract requirements, shall perform a Commercially Useful Function (CUF) for each contract.

(b) A DVBE contractor, subcontractor, or a supplier of goods and/or of services is deemed to perform a CUF if the business does all of the following:

(1) Is responsible for the execution of a distinct element of work of the contract (including the supplying of services and goods);

(2) Carries out its obligation by actually performing, managing, or supervising the work involved;

(3) Performs work that is normal for its business services and functions;

(4) Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment;

(5) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

(c) A contractor, subcontractor or supplier will not be considered to perform a commercially useful function if its role is limited to that of an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.

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

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

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

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

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

Bidder shall comply with all rules, regulations, ordinances, and statutes that apply to the DVBE program as defined in Military & Veterans Code sections 999 and 999.5(d). Information submitted by the Bidder to comply with this solicitation’s DVBE requirements will be verified. If evidence of an alleged violation is found during the verification process, the State shall initiate an investigation, in accordance with the requirements of Public Contract Code Section 10115, et seq., and Military & Veterans Code Section 999 et seq., and follow the investigatory procedures required by California Code of Regulations Title 2, Section 1896.90 et. seq. Contractors found to be in violation of certain provisions may be subject to loss of certification, penalties, sanctions, civil actions and/or contract termination.

***DVBE Report***

Upon completion of the contract for which a commitment to achieve DVBE participation was made, the Contractor that entered into a subcontract with a DVBE must certify in a report to the Energy Commission: 1) the total amount the prime Contractor received under the contract; 2) the name and address of the DVBE(s) that participated in the performance of the contract and the contract number; 3) the amount and percentage of work the Contractor committed to provide to one or more DVBEs under the requirements of the Contract and the amount each DVBE received from the Contractor.; 4) that all payments under the contract have been made to the DVBE(s) (Energy Commission may require proof that payment was made); and 5) the actual percentage of DVBE participation that was achieved. If the Energy Commission does not receive the report, the Commission shall provide notice to the Contractor and if still not received, shall withhold $10,000 (or full payment if less than $10,000) from Contractor’s final payment. (For more details about the $10,000 withholding, see specific Agreement language in the Sample Agreement Example, Exhibit D, paragraph 4.) A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. Military & Veterans Code Section 999.5(d).

***The Office of Small Business and DVBE Services (OSDS)***

OSDS offers program information and may be reached at:

Department of General Services

Office of Small Business and DVBE Services

707 3rd Street, 1st Floor, Room 400

West Sacramento, CA 95605

[DGS Website](https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/How-to-do-business-with-the-state-of-California)

Phone: (916) 375-4940

E-mail: OSDSHelp@dgs.ca.gov

***DVBE Law***

* Public Contract Code Section 10115 et seq.
* Military & Veterans Code Section 999 et. seq.
* California Code of Regulations Title 2, Section 1896.60 et. seq.

## DVBE Incentive

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

**How the Incentive is Applied:**

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

The Incentive is applied by adding the incentive to the Proposal/Bid for Bidders that include more than the minimum required 3.00% DVBE participation. In other words, if a Bidder includes 3.01% DVBE participation or greater, it will receive the DVBE incentive. If you include 3% DVBE participation, you will not receive the incentive. You will only receive the incentive, if you include 3.01% or greater DVBE participation.

The DVBE Incentive Program may be used in conjunction with the Small Business preference which gives a 5% preference to small business Bidders or 5% to non-small business Bidders committed to subcontracting 25% of the overall Bid with small businesses.

**How Incentive Amount is Calculated:**

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

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

***Required Forms***:

* Contractor Status Form (Attachment 1).
* DVBE Declarations Std. Form 843 (Attachment 3)
* Bidder Declaration Form GSPD-05-105 (Attachment 4)

***DVBE Incentive Law***

* Military & Veterans Code Section 999.5(a)
* California Code of Regulations Title 2, Section 1896.99.100 et.seq.

## Small Business / Microbusiness / Non-Small Business

***Preference***

Bidders who qualify as a State of California certified small business will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business.  Bidders qualifying for this preference must submit a copy of their Small Business Certification and document their status in Attachment 1, Contractor Status Form.

***Required Forms***

* Submit a copy of your Small Business Certification
* Contractor Status Form (Attachment 1)
* Complete the “Small Business Preference Claim” section

Bidder Declaration Form GSPD-05-105 (Attachment 4)

***Certification***

A business must be formally certified by the Department of General Services, Office of Small Business and DVBE Services (OSDS), in order to receive the small/microbusiness preference.

***Non Profit Veteran Service Agency***

Bidders that qualify as a Non Profit Veteran Service Agency can be certified as a small business and are entitled to the same benefits as a small business.

***Definitions***

* *Small business* means a business certified by the Office of Small Business Disabled Veteran Services (OSDS) in which:

(1) It is independently owned and operated; and

(2) The principal office is located in California; and

(3) The officers of the business in the case of a corporation; officers and/or managers, or in the absence of officers and/or managers, all members in the case of a limited liability company; or the owner(s) in all other cases, are domiciled in California; and

(4) It is not dominant in its field of operation(s), and

(5) It is either:

(A) A business that, together with all affiliates, has 100 or fewer employees, and annual gross receipts of fourteen million dollars ($14,000,000) or less as averaged for the previous three tax years, as adjusted by the Department pursuant to Government Code § 14837(d)(3); or

(B) A manufacturer as defined herein that, together with all affiliates, has 100 or fewer employees.

* *Microbusiness* means a small business certified by OSDS, which meets all of the qualifying criteria as a small business, and is:

(1) A business that, together with all affiliates, has annual gross receipts of three million, five hundred thousand dollars ($3,500,000) or less as averaged for the previous three tax years, as adjusted by the Department pursuant to Government Code §14837(d)(3); or

(2) A manufacturer as defined herein that, together with all affiliates, has 25 or fewer employees.

* *Non Profit Veteran Service Agency* means an entity that:
1. Is a community-based organization,
2. Is a nonprofit corporation (under Section 501(c)(3) of the [Internal Revenue Code](http://www.irs.gov/charities/charitable/article/0%2C%2Cid%3D96099%2C00.html)), and
3. Provides housing, substance abuse, case management, and employment training services (as its principal purpose) for:
	* low income veterans,
	* disabled veterans, or
	* homeless veterans
	* and their families

***Commercially Useful Function***

A certified small business or microbusiness shall provide goods or services that contribute to the fulfillment of the contract requirements by performing a “commercially useful function” defined as follows:

(1) The Contractor or Subcontractor is responsible for the execution of a distinct element of the work of the contract; carrying out its obligation by actually performing, managing or supervising the work involved; and performing work that is normal for its business services and functions;

(2) The Contractor or Subcontractor is not further subcontracting a greater portion of the work than would be expected by normal industry practices;

(3) The Contractor or Subcontractor is responsible, with respect to materials and supplies provided on the subcontract, for negotiating price, determining quality and quantity, ordering the material, installing (when applicable), and paying for the material itself;

(4) A Contractor or Subcontractor will not be considered as performing a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to achieve the appearance of small business participation.

***Late Payment of Invoices***

Certified small/microbusinesses are entitled to greater interest penalties paid by the state for late payment of invoices than for non-certified small business/microbusiness.

***Small Business / Microbusiness Law***

* Government Code section 14835 et. seq.
* California Code of Regulations, Title 2 Section 1896 et. seq.

**Non-Small Business**

***Preference***

The preference to a non-small business Bidder that commits to small business or microbusiness Subcontractor participation of twenty-five percent (25%) of its net Bid price will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business. A non-small business that qualifies for this preference may not take an award away from a certified small business.

***Required Forms***

* Submit a copy of the Subcontractor’s Small Business Certification
* Contractor Status Form (Attachment 1)
* Complete the “Small Business/Non-Small Business Preference Claim” section

Bidder Declaration Form GSPD-05-105 (Attachment 4)

***Certification***

A Subcontractor business must be formally certified by the Department of General Services, Office of Small Business and DVBE Services (OSDS), in order to receive the Non-Small Business Preference.

***Non-Small Business Law***

* Government Code section 14838 (b)
* California Code of Regulations, Title 2 Section 1896 et. seq.

## Target Area Contract Preference Act

**Note on TACPA:**

* The following TACPA preference only applies to a contract if the total is more than $100,000 and the work site is not fixed. These paragraphs apply to all types of solicitations in this template:

--Regular RFP

--RFPs for DVBEs only

--RFPs for Small/Microbusiness only

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

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

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

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

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

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

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

TACPA Preference Request (STD 830):

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

Bidder’s Summary of Contract Activities and Labor Hours:

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

# VI. Administration

## RFP Defined

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

## Definition of Key Words

Important definitions for this RFP are presented below:

**Word/Term Definition**

Bidder- Respondent to this RFP

CAM- Commission Agreement Manager

DGS- Department of General Services

DVBE- Disabled Veteran Business Enterprises

Energy Commission-California Energy Commission

Proposal- Formal written response to this document from Bidder

RFP- Request for Proposal, this entire document

State- State of California

## Cost of Developing Proposal

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

## Software Application Development

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

* Microsoft ASP.NET framework version 4.6 or above
* Microsoft ASP.NET MVC 5.0 or above
* Microsoft ASP.Net Core 6.0 or above
* Microsoft Entity Framework 6.0 or above
* Microsoft Internet Information Services IIS 10.0 or above
* Microsoft SQL Server 2016 or above
* Microsoft SQL Reporting Services 2016 or above
* Visual Studio.NET 2019 or above
* Python, C# Programming Language with layered architectures (Presentation, Business logic, Data Access).
* MSSQL (Structured Query Language).
* Bootstrap 5.0 or above
* XML and JSON.
* Telerik, Redgate, and Postman
* AWS, Snowflake and Salesforce

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)**

## 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.

## 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.**

## RFP Cancellation and Amendments

If it is in the State’s best interest, the Energy Commission reserves the right to do any of the following:

* Cancel this RFP;
* Amend this RFP as needed; or
* Reject any or all Proposals received in response to this RFP

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission’s Web Site ([CEC Website](http://www.energy.ca.gov/)) and Department of General Services’ Web Site([DGS Website](https://www.caleprocure.ca.gov/pages/index.aspx)).

## Errors

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the RFP, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

## Modifying or Withdrawal of Proposal

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: “This proposal and the cost estimate are valid for 60 days.”

## Immaterial Defect

The Energy Commission may waive any immaterial defect or deviation contained in a Bidder’s proposal. The Energy Commission’s waiver shall in no way modify the proposal or excuse the successful Bidder from full compliance.

## Disposition of Bidder’s Documents

On the Notice of Proposed Award posting date all proposals and related material submitted in response to this RFP become a part of the property of the State and public record. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

## Bidders’ Admonishment

This RFP contains the instructions governing the requirements for a firm quotation to be submitted by interested Bidders, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Bidder responsibilities. Bidders must take the responsibility to carefully read the entire RFP, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the RFP are followed and appropriately addressed, and carefully reread the entire RFP before submitting a proposal.

## Grounds to Reject a Proposal

**A Proposal shall be rejected if:**

* It is received after the exact time and date set for receipt of Proposal’s pursuant to Public Contract Code, Section 10344.
* It is considered non-responsive to the California Disabled Veteran Business Enterprise (DVBE) participation requirements.
* Bidder is currently suspended for violating DVBE law or Proposal includes a subcontractor currently suspended for violating DVBE law. Military & Veterans Code Section 999.9(g)
* It is lacking a properly executed Certification Clauses.
* It is lacking a properly executed Darfur Contracting Act Form.
* It is lacking a properly executed Iran Contracting Act 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.