**REQUEST FOR QUALIFICATIONS**

**On-Call DCBO Services for the Siting, Transmission and Environmental Protection (STEP) Division**

**Compliance Monitoring and Enforcement Unit**

RFQ-23-701

www.energy.ca.gov/contracts/

State of California

California Energy Commission

May 2024

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2. Darfur Contracting
3. DVBE Std. 843 Form
4. Bidder Declaration Form GSPD05-105
5. Contractor Certification Clauses
6. Iran Contracting Act Form
7. Civil Rights Laws Certification Form
8. Certification Regarding Conflicts of Interest Form
9. Project Team Minimum Requirements Form
10. Client References Form
11. DCBO Best Management Practices Guide
12. Project List with Project Owner and Power Plant Operator
13. Standard Agreement Example (informational, no form required in Statement of Qualifications
14. GenAI Disclosure & Factsheet Form

# 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 on the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations) located at 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.

## 

## Background Summary

The Warren-Alquist Act (Public Resources Code sections 25000 et. seq.) grants the California Energy Commission (CEC) exclusive jurisdiction to regulate the construction, operation, modification and closure of thermal power plants 50 megawatts or greater. To begin the construction or modification process the project owner submits to the Energy Commission either an application for certification (AFC) or a petition to amend (PTA). The Energy Commission’s approval process culminates with the issuance of a final decision (Decision). The Decision utilizes new or amended conditions of certification (COCs) to ensure that the power plant will be constructed, operated, modified, or closed in accordance with all Energy Commission requirements and all applicable laws, ordinances, regulations and standards (LORS). To aid with the construction or amendment process, the Energy Commission’s Siting, Transmission, and Environmental Protection (STEP) Division assigns a compliance project manager (CPM) to assist Energy Commission staff with monitoring all COC and LORS compliance, including the California Building Standards Code (CBSC).

Many code sections applicable to power plant construction or modification comprise the CBSC, including the California Building Code (CBC). The CBC authorizes and directs a chief building official (CBO) to enforce all CBSC provisions (CBC § 104.1). The Energy Commission functions as the CBO for all jurisdictional power plants, and per the code the CBO can designate a delegate CBO (DCBO) to aid with CBO responsibilities. The DCBOs carry out the design review and construction inspections on behalf of the Energy Commission. The DCBO performs this responsibility through engineering plan and technical specification review, analysis and calculation, on-site inspections for code and LORS compliance, and if applicable, providing a COC-required independent Safety Monitor. The DCBO also works with Energy Commission staff to enforce local building codes, the facility design, geology and transmission system engineering COCs, the storm water pollution prevention plan (SWPPP), and the drainage, erosion, and sediment control plan (DESCP), as well as other applicable project LORS to ensure public health and life/safety.

The COCs are the compliance road map followed by a power plant project team; they define how a project is to proceed to completion and subsequently to begin or resume operation. Additionally, the power plant’s COCs define the various design and construction compliance tasks imposed on a project owner by the Energy Commission. These tasks may involve the performance of work not typically required by other jurisdictional agencies for other construction projects. COCs vary from project to project; the DCBO must understand this and become familiar with the site specific COCs applicable to each project. Although the DCBO’s oversight is instrumental for COC and LORS compliance, the Energy Commission always retains final authority to ensure the project is built accordingly, and the DCBO has no authority to alter or substitute any COCs.

It is the DCBO’s responsibility to ensure design document compliance is achieved by a thorough review of: engineered plans; project specifications; and the design document calculations provided by California-licensed plan review engineers. The DCBO’s lead plan reviewers must have verifiable knowledge and experience reviewing high voltage power generating facility construction documents in California.

Lastly, the owner’s resident engineer (RE) shall monitor the development, progress and quality of submittal for documentation produced by the engineers of record, to include those from engineering companies, suppliers/fabricators and construction companies. The RE shall communicate closely with the DCBO when setting priorities for DCBO document review service and DCBO acceptance of test procedures/protocols for construction purposes. The DCBO shall coordinate with the RE to help minimize project delays.

The DCBOs are also delegated the authority to conduct project site field inspections. In this capacity, the DCBOs will inspect, write corrections if applicable, and eventually approve and document all CBSC-required inspections. This is achieved by providing high quality, and certified lead building inspectors that have verifiable experience performing high voltage power generating facility inspections in California.

A project’s COCs will also require that qualified special inspectors be assigned to oversee work for which applicable LORS require special inspections. The DCBO reviews and approves the project’s special inspection program. This review will ensure that the CBSC’s special inspection requirements are met. The DCBO will review and approve any potential special inspector proposed and will oversee the special inspection program for the life of the resulting contract to ensure all requirements are met.

In addition to plan review and inspection services, the services of a safety monitor may be needed. The safety monitor will be selected by, and report directly to, the DCBO and will be responsible for verifying that the project’s safety supervisor, as required by other COCs, is implementing all Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, and Energy Commission safety requirements. If the project requires a safety monitor, the DCBO shall provide a safety monitor that is certified from a recognized state, national or international organization as a Safety Professional. The safety monitor will be in addition to normal on-site inspection personnel.

Energy Commission staff recognize that power plant construction or modification can be complex, due in part to the fast-track, design-build nature of such projects, and the potential for worksite hazards. This complexity also requires the DCBOs to use their independent judgment to ensure compliance with a vast array of COCs and LORS. Thus, qualified DCBO Firms require a team of uniquely experienced, licensed and certified, professionals with highly technical qualifications specific to high voltage electricity infrastructure. The terms “Firm”, “Contractor” or “DCBO” used in this Request for Qualification (RFQ) all refer to the company or entity submitting a Statement of Qualifications (SOQ).

## Purpose of this RFQ

The purpose of this RFQ is to initiate a competitive bid process to select a highly qualified On-Call DCBO Firm to assist the STEP Division with compliance oversight for approved project modifications or emergency power plant facility changes for a contract cycle of three years. With the DCBO’s assistance, the Compliance Office can ensure that these modifications are completed on schedule and in accordance with all COCs.

The Energy Commission is seeking one team of technical specialists led by a contractor. A single Firm, and not a group of representatives from different companies, must submit an SOQ as the prime Contractor. The prime Contractor will be responsible for all contract administrative duties, analysis, project management, report preparation, quality assurance, graphics support services, direction of team members in all contract provisions, and participation in technical work assignments. The Contractor and the team can be from the same pre-existing organization, such as a full-service consultant Firm, or they can be from separate organizations (or self-employed) and form a partnership that can successfully work together for purposes of this RFQ.

## Key Activities and Dates

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

|  |  |
| --- | --- |
| ***Activities*** | ***Action Date*** |
| RFQ release | May 8, 2024 |
| Written Question Submittal Deadline by 5:00 p.m.\* | May 15, 2024 |
| Distribute Questions / Answers and Addenda (if any) | May 22, 2024 |
| **Deadline to submit SOQ by 11:59 p.m.\*** | **June 7th, 2024** |
| SOQ Discussions with Firms\* | June 15, 2024 |
| Notice of Selection | June 22, 2024 |
| Cost Negotiations | June 18-22, 2024 |
| Notice of Proposed Award | July 9, 2024 |
| Energy Commission Business Meeting | August 14, 2024 |
| Contract Start Date | September 2024 |
| Contract End Date | September 2028 |

## 

## Available Funding

There is a maximum of up to $3,000,000.00 available to fund the 4-year contract resulting from this RFQ. This is an hourly rate plus cost reimbursement contract with a ceiling on the total contract amount.

Of this amount $1,000,000.00 is immediately available. The remaining balance of $ 2,000,000.00 from fiscal year (FY) 25/26 and 26/27 may be available contingent upon approval of the Energy Commission’s annual Budget. Funding shall be subject to the appropriation and availability for that purpose in the FY 25/26 and 26/27 Governor’s Budget. In the event funds are not available, the Energy Commission shall have no further liability with regard to the agreement.

This is an hourly rate plus cost reimbursement contract with a ceiling on the total contract amount. The agreement that results from this solicitation shall be conducted as a “work authorization” agreement. No work shall be undertaken unless authorized by the Commission Agreement Manager (CAM) through a specific written document called a “work authorization”. The Energy Commission will only execute work authorizations for available funds. The Energy Commission does not guarantee any minimum or maximum amount of work to the prime contractor or any subcontractor under the agreement.

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 the Energy Commission Contract Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

## 

## Eligible Firms

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. The University of California, California State University, or United States Department of Energy (DOE) National Laboratories must use either the standard or the pre-negotiated Terms and Conditions on the [Department of General Services Office of Legal Services website](http://www.dgs.ca.gov/OLS/Resources) at http://www.dgs.ca.gov/OLS/Resources. All other entities must agree to use the attached standard Terms and Conditions (Attachment 6). The CEC will not award agreements to non-complying entities. The CEC reserves the right to modify the Terms and Conditions prior to executing agreements.

All corporations, limited liability companies (LLCs), limited partnerships (LPs), and limited liability partnerships (LLPs) that conduct intrastate business in California are required to be registered and in good standing with the California Secretary of State prior to its project being recommended for approval at a CEC business meeting. If not currently registered with the California Secretary of State, applicants 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 [California Secretary of State’s Office](http://www.sos.ca.gov/) at http://www.sos.ca.gov/. Sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to the CEC prior to their project being recommended for approval at a CEC business meeting.

## 

## Retainer Contract

Any contract awarded as a result of this RFQ will be a no-fee "retainer" contract. The selected contractor will be held on retainer and will be assigned work via work authorizations. Work authorizations will be assigned by expertise, or project workload. The Energy Commission makes no guarantee that any or all of the funds will be assigned in any given year.

## 

## Questions

During the RFQ process, questions of clarification about this RFQ must be directed to the CAO listed in the following Contact Information section. Potential Firms shall carefully examine the qualifications and specifications of this RFQ. **All questions must be received by 5:00 p.m. on the date indicated** in the Key Activities and Dates section.

The questions and answers will be posted on the [CEC's website](https://www.energy.ca.gov/funding-opportunities/solicitations) at https://www.energy.ca.gov/funding-opportunities/solicitations.

Any verbal communication with a CEC employee concerning this RFQ is not binding on the state and shall in no way alter a specification, term, or condition of the RFQ. Therefore, all communication should be directed in writing to the CAO listed below.

## 

## Contact Information

Pierre Washington, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

Email: [pierre.washington@energy.ca.gov](mailto:pierre.washington@energy.ca.gov)

## Responses to This RFQ

Responses to this solicitation shall be in the form of a Statement of Qualifications (SOQ) according to the format described in this RFQ. The SOQ shall detail the Firm’s qualifications to perform the tasks outlined in the Scope of Work.

## Reference Documents

Firms responding to this RFQ must familiarize themselves with the DCBO Best Management Practices Guide (“Guide”), which is included as Attachment 11 of this RFQ package. The Guide provides the Energy Commission’s expectations in the performance of the resulting contract and will become part of the final contract. The Guide is solely applicable to the contract between the Energy Commission and the selected Firm.

Upon receiving a work authorization, the On-Call DCBO should familiarize themselves with the final decision and amendments for their project specific assignments. These documents are available electronically in the docket log for each individual project listed [here](https://www.energy.ca.gov/proceedings/power-plant-listing).

Additionally, the DCBO Firm may want to familiarize themselves with the following publications available on-line and in the Energy Commission Library:

[CEC Power Plant Siting Rules of Practice and Procedure](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I6BD74060D44E11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=%28sc.Default%29)

[Synopsis of the Power Plant Siting Process](https://www.energy.ca.gov/programs-and-topics/topics/power-plants/synopsis-power-plant-siting-process#:~:text=The%20licensing%20process%20begins%20when,to%20begin%20the%20certification%20process.)

# II. SCOPE OF WORK

## 

## About This Section

In this section, the Energy Commission describes the tasks the Firm (referred to as “Contractor” in the Scope of Work) will be asked to perform under the direction of the Energy Commission Contract Agreement Manager (CAM). This section also describes the work assignment process, deliverables, and due dates.

## 

## Work Authorizations

The Agreement that results from this solicitation shall be conducted as a “work authorization” Agreement. No work shall be undertaken unless authorized by the 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.

## 

## No Work Guarantee

The Energy Commission does not guarantee any minimum or maximum amount of work to the prime Contractor or any Subcontractor under the Agreement.

## 

## Workshops & Hearings

All workshops and hearings are sponsored, organized, and facilitated by the Energy Commission. The Energy Commission is responsible for any costs associated with a workshop or hearing. Contractor will provide labor only.

## DCBO Work Requirements

The Energy Commission utilizes the California Code of Regulations, Title 24, Parts 1 through 12, herein referred to as the California Building Standards Code (CBSC) for jurisdictional power plants. The design and construction of all civil, structural, mechanical (except process piping), electrical, and fire prevention facilities must comply with the CBSC, so these codes apply to all power plant construction, modification or closure. Energy Commission DCBOs are required to have total familiarity with the codes. The CBSC includes the following code parts relevant to power generation facilities and their commonly referenced names:

* Part 1 - California Administrative Code
* Part 2 - California Building Code (Volumes 1 and 2)
* Part 3 - California Electrical Code
* Part 4 - California Mechanical Code
* Part 5 - California Plumbing Code
* Part 6 - California Energy Code
* Part 7 - Vacant (no longer in use)
* Part 8 - California Historical Building Code
* Part 9 - California Fire Code
* Part 10 - California Existing Building Code (formally - California Code for Building

Conservation)

* Part 11 - California Green Building Standards Code
* Part 12 - California Referenced Standards Code
* American National Standards Institute (ANSI)
* American Petroleum Institute (API)
* American Society of Civil Engineers (ASCE)
* American Society of Mechanical Engineers (ASME)
* American Society for Testing and Materials (ASTM)
* Institute of Electrical and Electronics Engineers (IEEE)
* National Fire Protection Association (NFPA)
* Underwriters Laboratories (UL)
* American Welding Society (AWS)
* National Electrical Code (NEC)
* National Electrical Safety Code
* Additional LORS of note include, but are not limited to, the California Professional Engineers Act (Business and Professions Code sections 6700-6799), California Professional Land Surveyors’ Act (Business and Professions Code sections 8700-8805) and California Contractors License Laws.

A properly designed, constructed or modified power plant will meet or exceed all applicable LORS. Some of the applicable LORS include, but are not limited to, the list below. Energy Commission DCBOs must have complete familiarity with all applicable LORS.

## Work Performance

The Energy Commission cannot accurately predict far into the future when work will be required under this agreement. The need for DCBO services will vary in response to many factors. Further, once the need for work is initiated, the work may need to proceed at a quick pace to meet the required deadlines. Accordingly, the contractor will need to be able to respond to the Energy Commission’s requests for DCBO services on a timely basis. The contractor shall respond to requests for work in accordance with the following pattern:

* The CAM shall provide at least two (2) weeks’ notice that a significant work effort will be required and the contractor will need to assemble an effective and trained team during that period.
* The contractor shall provide individual experts to handle specific issues with only two (2) working days’ notice.
* The contractor shall return telephone calls and emails from the CAM and provide an initial response within four (4) hours.
* The contractor and all team members shall meet the agreed upon product deadlines on the day they are due.
* The contractor and all team members shall meet the agreed upon event deadlines on the day, hour, and location needed.
* The contractor shall provide quality assurance on its draft products before delivery to the CAM.

## DCBO Tasks and Work Performance

This section contains a generalized version of the roles, responsibilities, and varied tasks expected of a DCBO Firm. Please note that although the DCBO functions as the Energy Commission's delegate, the Energy Commission has the final authority and responsibility to ensure that each power generating facility certified is built or modified in accordance with the Energy Commission’s Decision and the applicable LORS.

As an Energy Commission delegate, the DCBO must abide by any interpretation of the CBSC, and other applicable LORS, made by the Energy Commission. In addition, all DCBO team members must be approved by Energy Commission staff, including additions or replacement team members.

The DCBO will perform contract administration functions, complete a series of specific plan review, site-inspection, and construction-monitoring and reporting tasks, and provide technical/interpretive support services when necessary.

## DCBO Administrative Tasks

### Task 1 – Project Team Management and Quality Control

The goal of this task is to perform contract management and administrative duties and to manage the work assigned via work authorizations. Tasks 1.1, 1.2, 1.3 and 1.4 are authorized to be completed without a separately executed work authorization as these activities involve the development and management of work authorizations and coordination of the team.

###### Task 1.1 –Contract Management and Administrative Duties

The DCBO shall:

* Understand and become familiar with each project’s COCs applicable to each project.
* Attend and participate in Energy Commission team meetings as requested by the CAM.
* Work with the CPM to ensure all pre-construction submittals, if applicable, are complete before issuance of a notice to proceed.
* Prepare, after approval of potential work tasks by the STEP Division management, information for work authorization development for the CAM, including proposed task language, schedule of deliverables, and work authorization budget.
* Prepare and execute agreements with subcontractors, if applicable, that convey all provisions contained in the agreement and specific work authorizations between the Energy Commission and the contractor.
* Enforce subcontract provisions, and in the event of failure of the subcontractor to perform satisfactorily, recommend actions to resolve the problem.
* Require subcontractors to provide invoices which correctly identify personnel, rates, actual hours, and direct expenses charged to each task of each work authorization and which provide adequate documentation to justify expenses, including electronic copies of completed deliverables. Maintain electronic record of invoices and invoice documentation, including completed deliverables. Subcontractor invoices will be reviewed by the contractor and the CAM for accuracy and completeness.
* Provide monthly progress reports by the tenth of each month to the CAM on the contractor’s and subcontractors’ progress on work assignments, including a summary of contract expenditures to date.
* Submit monthly invoices to the Energy Commission’s Accounting Office with a copy to the CAM. Invoices shall indicate the labor costs, operating expenses, fees and Disabled Veterans Business Enterprise (DVBE) amounts. Invoices shall coincide with the monthly progress report timeframe. Invoices will not list work authorizations not issued at the time of invoice preparation.
* Share contract-related information with Energy Commission staff and track the status of all work authorizations on a secure website. This secure website can also house the On-Call DCBO project activity reporting data required in Tasks 1.2 and/or the more complex Document Submittal and Tracking System (DSTS) delineated in Task 2 below.

###### Task 1.2 – Document Submittal and Tracking System

More significant power plant repair and restoration activities can often involve concurrent demolition, design and construction efforts. This “fast-track” approach requires well-organized processes in place to name and track all submittals in their various stages of development and review. Conversely, significant time may pass between subsequent submittals of the same package. To keep all parties on track with larger reconstruction/repair projects, it is important that all DCBO comments are well documented, and that a standardized electronic file-naming protocol is used. The On-Call DCBO shall:

* Track and maintain power plant project submittals on a web-based electronic document submittal and tracking system (DSTS), designed to minimize hard-copy transmittals, that includes but is not limited to the following:
  + Username and password protection to restrict access to submittals.
  + The DSTS must provide submittal associative links to review comments, document approvals, inspection requests, and construction approvals.
  + File names that include:
    - The COC section abbreviation and number (i.e. “STRUC-1”);
    - A short but recognizable description of the submittal type and document contents; and
    - The version or revision number, including the date received and the date returned or approved.
* A multi-level file structure that can organize the submittals by various document characteristics and allow the user to easily identify the status of the submittal through the approval process. For example, using a query function, the user should be able to identify and/or review:
  + The COC section requiring the submittal;
  + Chronological order and date of the submittal;
  + Approval status of the submittal, including partial approvals;
  + Time anticipated (due date) for completion of the DCBO’s review;
  + Document review comments;
  + Subsequent re-submittal of the corrected documents;
  + Approval signature by the DCBO Firm;
  + A separate file for the latest approved revision and another file for all the previous revisions (i.e., if the latest approved revision is number 5, then that revision should have its own file; revisions 1-4 should be together in another file to be used if needed);
  + Construction inspection requests;
  + Notices of non-conformance;
  + Inspection comments, rejections, and approvals;
  + Special inspections; and
  + Safety Inspections.
* A query function to locate and determine the status of every submittal, drawing, inspection, report, or other document. The query function must have the capability to link with the submittal and to gather data relating to the various sections within the COC. For example, an authorized individual should be able to query a list of all STRUC-1 compliance submittals.
* Maintain a DSTS log that follows the file structure logic to track submittals from original receipt through final inspection. The submittal log should provide a means to identify:
* Which documents are contained within a submittal;
* Which documents have been approved;
* Which documents have been revised; and
* The current document revision number.
* Maintain an accessible historical DSTS document archive of all documents submitted to the DCBO for authorized individuals. Simply having the most current version of a document in the document tracking system does not provide an adequate record of the submittal history.
* Maintain the minimum types of project documents including: construction drawings; supporting calculations; construction specifications; inspections; special inspections; worker safety records; and when applicable, environmental monitoring records.
* Documents submitted to the DCBO must be in an Adobe Acrobat® .pdf, secure, electronic file format, and if an Engineer of Record (EOR) is associated with the submittal, it must include a digital signature.

If approved by the CAM, minor variations to the document tracking structure described herein, and alternative methods of saving documents within a traditional, multi-level file structure, may be acceptable, provided they function in a similar manner. Database and/or document tracking systems are acceptable, provided they are organized with a search engine that locates submittals and documents in the same logical fashion as would be done within a traditional data file-server structure.

###### Task 1.3 –Project Coordination Meetings

As directed by the CAM, the On-Call DCBO shall attend project-specific coordination meetings and be prepared to provide information regarding the timing, schedule, and critical path issues for COC compliance and monitoring.

### Task 2 – Rapid Onsite Mobilization and Response and Pre-Construction Compliance Assistance

Work Authorizations for this task may include, but are not limited to, the following activities:

* Oversight for unanticipated or temporary project modifications, or for reconstruction activities that include a list of pre-construction submittals that must be approved before the Energy Commission can authorize reconstruction or issue a formal Notice to Proceed.
* Preliminary site assessments, document review and pre-construction COC compliance, although the Energy Commission retains the final authority over all matters relating to interpretation of the COCs. The amount of time required for this type of work will vary from project to project.

### Task 3 – Reports

Work Authorizations for this task may include, but are not limited to, the following activities:

* Create an Energy Commission staff accessible and secure web folder for each approved work authorization to track progress and house reporting information.
* Gather and review all applicable pre-existing project specific “as-builts” and compliance plans. The On-Call DCBO shall work with the CAM to ensure all pre-construction submittals are complete before issuance of a notice to proceed.
* Prepare, as directed by the work authorization, project-specific periodic compliance reports (PCR). The documents on the website will be posted in an MS Word- or Excel-compatible format, and applicable submittals may need to be converted to Adobe Acrobat® .pdf files. The PCRs for each applicable work authorization include, but are not limited to, applicable components listed below:
  + List of On-Call DCBO staff onsite and their duties;
  + Executive summary of current demolition, repair or reconstruction activities, broken down by facility design engineering elements:
    - General (GEN);
    - Civil (CIVIL);
    - Structural (STRUC);
    - Mechanical (MECH);
    - Electrical (ELEC);
    - Safety; and
    - Environmental (as applicable);
  + Project completion percentage, based on the amount of work completed to date for all systems before plant operation or restart;
    - Compliance issues with applicable LORS and all COCs;
    - List of issued or potential non-conformance reports;
    - List and status of submitted plans;
    - Status of interconnections;
  + Natural Gas
    - Electrical
    - Backfeed
    - Potable Water
    - Waste Water
    - Fire Water
  + A “look ahead” schedule or scheduling forecast for construction progress;
  + A site map (including a scale bar and directional key) and date-stamped project photographs identifying construction activities with a brief description broken down by facility design engineering elements;
  + Estimate of construction staff/contractors onsite;
  + List of field inspections performed since previous PCR (inspection reports shall be posted for CAM review no longer than 3 days after inspection was done); and
  + List of any job-related accidents whether recordable or not.

Provide initial and periodic refresher training support to the CAM, CPM, Energy Commission staff and project team on the On-Call DCBO’s project activity reporting website as applicable.

Maintain, via a document control manager (DCM), a log of all email correspondence pertinent to the work authorizations, including all submittals, reviews, comments, approvals, inspection requests, and inspection activity.

Provide document security and backup protocols to the CAM for review and approval to ensure that the electronic submittal process is secure and data can be re-established if it is lost or damaged.

### Task 4 – Construction Plan Review

The bulk of the work performed by the On-Call DCBO involves the review of construction drawings, calculations, and other documents supporting the project’s engineering activities. The On-Call DCBO should also anticipate document submittals concurrent with demolition activities and on-going construction.

Project owners often submit multiple documents/drawings within a single submittal. The On-Call DCBO shall review the submittal and approve individual documents within a submittal, if possible, to expedite the document review process. The documents/drawings that require re-work will be allowed to be resubmitted alone as a revision to the original submittal.

Work authorizations for this task may include, but are not limited to, the following activities:

* Review, and when found to be in compliance with all applicable LORS, approve the selection of dynamic analysis and/or alternative methods of analysis for the design of those major structures designated in the project’s Facility Design COCs;
* Ensure that the results of all plan checks and construction inspections are available to the CAM via the On-Call DCBO website;
* Retain all approved plans, specifications, calculations, and marked-up “as-builts” for 90 days after the project’s construction completion date, after which the On-Call DCBO shall deliver them to the project owner for long-term retention at the project site or other accessible location;
* Provide electronic copies of the approved plans, specifications, calculations, marked-up “as-builts,” and other relevant submittals to the CAM in the form of DVDs, compact discs or a USB memory stick within 90 days of the project’s construction completion date (see Task 7);
* Code interpretation and enforcement support; and
* Potential plan amendment analyses support.

### Task 5 –Construction Compliance and Field Inspections

The On-Call DCBO’s responsibilities may also include conducting field inspections and providing COC compliance oversight. In this role, the DCBO is responsible for the inspection of constructed facilities to ensure compliance with the approved construction drawings. The CBSC requires that all plans be reviewed and approved before construction. There are tasks not typically performed by building department inspectors that are a part of the Energy Commission’s On-Call DCBO responsibilities. These include, but are not limited to, compliance items identified below and within each individual project’s COCs.

Work Authorizations for this task may include, but are not limited to, the following activities:

* Review and approve any of a project’s proposed special inspection programs; approve the qualifications and experience of the proposed special inspectors; monitor the DCBO-approved special inspectors work as needed in the field; and review the special inspectors daily reports to ensure all CBC requirements are met.
* Maintain, as directed by the CAM, a site presence and an on-site field office during demolition and construction activities.
  + Issue as necessary correction notices and non-conformance reports to ensure COC and LORS compliance.
* Select, as directed by the CAM, a certified safety monitor who reports directly to the On-Call DCBO and the CAM; the certified safety monitor’s role includes, but is not limited to, conducting on-site (including linear facilities) safety inspections to verify that the construction safety supervisor implements all appropriate Cal/OSHA and Energy Commission safety requirements.
  + The safety monitor will conduct on-site safety inspections during demolition and construction at intervals necessary to fulfill those responsibilities.
  + The safety monitor will have the authority to issue a stop work order for unsafe conditions found on the work site. The stop work order will be in writing and given to the construction safety supervisor with the necessary conditions to remedy the unsafe condition(s) before work can resume.
  + The safety monitor will ensure that the corrective actions have been properly taken by the construction safety supervisor before work can resume.
* Provide an inspection notification process that includes independent feedback to the project team and CAM when multiple or repeated inspection failures have occurred.
* Select an On-Call DCBO team engineer, as directed by the CAM, to oversee engineering demolition and reconstruction compliance, as may be required by the facility design, geology, and transmission system engineering COCs, as well as the storm water pollution prevention plan and erosion control Plan (SWPPP) and the drainage, erosion, and sediment control plan (DESCP).
* Engineering and construction monitoring support.

### Task 6 – Non-Compliance and Incident Reporting and Resolution

The primary responsibility of the On-Call DCBO is to ensure compliance with local building codes; the CBSC; the facility design, geology and transmission system engineering COCs; worker safety; fire protection; the SWPPP, the DESCP, and other applicable LORS. As per Task 1 above, if a non-conformance report is issued, it must be reported to the CAM (on a per incident basis or in the next PCR). The non-conformance report should only be issued after all other measures are exhausted (i.e. correction notices, discussion with CAM, etc.) to seek compliance.

Work authorizations for this task may include, but are not limited to, the following activities:

* Communicate any concerns regarding a project owner’s design and quality assurance/quality control (QA/QC) process and documentation to the CAM for issue resolution.
* Take any action allowed by the California Code of Regulations, the CBSC and applicable LORS to ensure that the Energy Commission’s interests are properly addressed and protected.
* Seek the cooperation and assistance of the CAM prior to initiating a stop-work order. For emergency situations, the DCBO may initiate a stop-work prior to notifying the CAM or the compliance office manager if the CAM is not available. For any action taken under emergency conditions, the CAM must be notified within 4 hours of the action.

### Task 7 – “As-Built” Document Package and Archiving

The On-Call DCBO is responsible for the oversight/development of the as-built document package within 90 days of project/amendment construction completion. The as-built drawings originate from redlined construction drawings and these drawings are maintained by the project development team at the power plant site. The On-Call DCBO construction inspectors will ensure that the project development team captures field changes. The On-Call DCBO will receive the revised construction drawings from the project development team’s EOR and combine them with the project supporting documents to create the as-built document package. The submittal of the as-built document package to the Energy Commission is for document archival purposes as required by the COC’s.

Work Authorizations for this task may include, but are not limited to, the following activities:

* Ensure that the project development team captures field changes for the as-built document package.
* Receive the project development team’s revised construction drawings from the EOR and combine them with the project supporting documents to create the as-built document package.
* Develop and submit as-built electronic file package consisting of construction drawings and supporting documents including, but not limited to, the following:
  + Construction drawings;
  + Supporting calculations;
  + Construction specifications;
  + Inspection records;
  + Special inspection records; and
  + Worker safety records, etc.
* Submit one copy to the Energy Commission and one copy to the project owner of all volumes of the as-built document package on CD-ROM, DVDs or a a USB memory stick, saved in Adobe Acrobat® .pdf file format, and organized by COC section:
  + General - GEN;
  + Civil – CIVIL;
  + Structural – STRUC;
  + Mechanical – MECH;
  + Electrical – ELEC; and
  + Transmission Systems Engineering– TSE.

The DCBO is responsible for verifying the completeness of this package, which should include any additional related facilities within the Energy Commission’s jurisdiction that are not included in the six facility design elements above.

DCBO Work Performed Prior to Issuance of Final Decision

The Energy Commission must ensure that the projects are designed, constructed, and operated in conformity with the project’s final decision or amendment; the CBSC; the local building codes, and all other applicable LORS. Any compliance approvals by Energy Commission staff prior to the issuance of any DCBO approvals are subject to change, and staff compliance approvals provided before the issuance of the final decision does not imply that the Energy Commission will approve the project for actual construction and operation.

# III. SOQ Format, Required Documents and Delivery

## About This Section

This section contains the format requirements and instructions on how to submit an SOQ in response to this RFQ. The format is prescribed to assist the Firm in meeting State requirements and to enable the Energy Commission to evaluate each SOQ uniformly and fairly. Firms must follow all SOQ format instructions, answer all questions, and supply all requested data.

## Pricing/Rates Information

Do not submit any price quotes or bids in your SOQ since this will be negotiated with the top-rated Firm.

## Required Format for an SOQ

All SOQs submitted under this RFQ must be typed using a standard 11‑point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled.

## Preferred Method for Delivery

Firms must submit the SOQ (Sections 1, 2, and 3).

The method of delivery for this solicitation is the [CEC Grant Solicitation System](https://gss.energy.ca.gov/), located at https://gss.energy.ca.gov/. 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 MS Word and Excel Office Suite formats unless originally provided in the solicitation in another format. Attachments requiring signatures (see Note about Signatures, Section I) may be scanned and submitted in PDF format. **The system will not allow electronic documents to be submitted after the SOQ due date and time. To avoid file size limitations, please submit each document as a separate file and do not combine multiple documents.**

The deadline to submit SOQs 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 SOQ will not be considered. NO EXCEPTIONS will be entertained.

The CEC strongly encourages Applicants to upload and submit all SOQs 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 [CEC website](https://www.energy.ca.gov/funding-opportunities/funding-resources) under General Funding Resources located at https://www.energy.ca.gov/funding-opportunities/funding-resources. You may contact the CAO identified in the Contact Information section of this solicitation for more assistance.

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

## Organize Your SOQ as Follows:

### SECTION 1, Administrative Response

|  |  |
| --- | --- |
| Cover Letter |  |
| Table of Contents |  |
| Contractor Status Form | *Attachment 1* |
| Darfur Contracting Act Form | *Attachment 2* |
| Disabled Veteran Business Enterprise (DVBE) Declarations Form (STD 843) | *Attachment 3* |
| Bidder Declaration Form (GSPD-05-105) | *Attachment 4* |
| Contractor Certification Clauses Form (CCC 1005) | *Attachment 5* |
| Iran Contracting Act Form | *Attachment 6* |
| Civil Rights Law Certification Form | *Attachment 7* |
| Generative AI Disclosure Form | *Attachment 14* |

### SECTION 2, Minimum Qualifications

|  |  |
| --- | --- |
| Certification Regarding Conflicts of interest Form | *Attachment 8* |
| Project Team Minimum Requirements Form | *Attachment 9* |

### SECTION 3, Technical Responses / Background

|  |  |
| --- | --- |
| Project Team Management and Quality Control Experience |  |
| Project Team Organizational Structure & Cost Minimization |  |
| Project Team Relevant Experience and Qualifications |  |
| Approach to Tasks in Scope of Work |  |
| Analytical Tools |  |
| Client References Form | *Attachment 10* |

1. **Minimum Qualifications**

In order for a Firm’s SOQ to be accepted and scored on the technical substance, the Firm must meet the Project Team Minimum Requirements. The Energy Commission will determine if the Firm meets the minimum requirements. If not, the Firm shall be eliminated, and the SOQ will not be evaluated and scored. The minimum qualifications include:

1. **Conflict of Interest (Attachment 8)**

The Firm must meet the conflict-of-interest minimum requirement described in this section. The Firm must certify in Attachment 8 that it has not worked on a power plant application (including amendments) for any project listed on the Project List with Project Owner and Power Plant Operator (Attachment 12) and that the Firm has not received income from a project owner listed on Attachment 12 in the past twelve months, except for income received from a project owner pursuant to a memorandum of understanding or a contract between the Energy Commission and the Firm for work as the Energy Commission’s DCBO.

“Application” means an application for certification for an energy facility or an application for a small power plant exemption. Application also means a petition to amend an existing license already issued by the Energy Commission.

“Project owner” means the entity submitting an application for certification for an energy facility. Project owner also means the project developer or operator filing a petition to amend an existing license. Project owner includes the business entity responsible for filing the application for certification or petition to amend, all of its parent companies and subsidiaries, and investors of the business entity with fifty percent or more ownership interest.

List the projects from Attachment 12 for which the Firm has worked on the power plant Application.

List the project owners from Attachment 12 from which the Firm has received income in the past twelve months, except for income received from a project owner pursuant to a MOU or a contract between the Energy Commission and the Firm for work as the Energy Commission’s DCBO.

1. **Project Team Minimum Requirements Form (Attachment 9)**

For each expertise/position listed in Table 1, the Firm must submit the name of the team member, a short description of the person’s qualifications, experience, and education/license/certification, and a copy of those licenses and certifications.

The Firm must have at least one team member for each of the delegated positions with at least the minimum qualifications, experience, and education as identified in Table 1. The firm must identify at least one name for each position in Attachment 11. If the Firm fails to satisfy all of the project team minimum requirements at the time of SOQ submission the Firm shall be eliminated and the SOQ will not be evaluated and scored. The successful Firm must continue to satisfy all of the project team minimum requirements throughout the term of the contract resulting from this RFQ. One person may fulfill multiple positions as long as that person meets the minimum requirements for each position.

**Table 1: Project Team Minimum Requirements**

| **Delegated Position** | **Qualifications** | **Experience** | **Education/ License/ Certification Requirements** |
| --- | --- | --- | --- |
| Chief Building Official (CBO) | Verifiable experience as a Chief Building Official on complex industrial\* facilities and high-voltage power generating facilities in California | Minimum: 2 years as a CBO on a power generating facility | Minimum: combination building inspector from a recognized state, national or international organization |
| Deputy Chief Building Official | Verifiable experience as a Deputy Chief Building Official on complex industrial\* facilities (preferably with high-voltage power generating facilities) in California | Minimum: 2 years as a Deputy CBO for complex industrial facilities (preferably high voltage power generating facilities) | Minimum: Building inspector, but desired combination inspector, from a recognized state, national or international organization |
| Fire Marshall | Certified California fire plan reviewer and certified California fire inspector with verifiable experience as a fire marshall on complex industrial\* facilities and high-voltage power generating facilities in California | Minimum: 2 years reviewing fire plans for a high voltage power generating facility | Minimum: Fire marshal and fire plans reviewer from a recognized state, national or international organization |
| Lead Structural Plan Review Engineer | California licensed structural engineer or California licensed civil engineer with verifiable knowledge and experience in structural engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial\* facilities and power generating facilities structures and equipment supports in California | Minimum: 2 years, reviewing plans for a high voltage power generating facility | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Electrical Plan Review Engineer | California licensed electrical engineer with verifiable knowledge and experience in electrical engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial\* facilities and power generating facilities’ electrical systems that include low, medium and high voltages | Minimum: 2 years reviewing plans for a high voltage power generating facility | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Mechanical Plan Review Engineer | California licensed mechanical engineer with verifiable knowledge and experience in mechanical engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial\* facilities and high-voltage power generating facilities mechanical systems that include but are not limited to: chemical conveying systems; potable water; fire protection; pressure vessels; steam piping; and high pressure gas lines | Minimum: 2 years reviewing plans for a high voltage power generating facility | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Civil/Geology Plan Review Engineer | California licensed civil engineer with verifiable knowledge and experience in civil engineering, and is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial\* facilities and high-voltage power generating facilities that include but are not limited to: foundation investigations; geotechnical/ soils reports; site preparation; excavation; compaction; secondary containment; foundations; erosion and sedimentation control structures; drainage facilities; underground utilities; culverts; site access roads and sanitary sewer systems | Minimum: 2 years reviewing civil plans for complex industrial facilities (preferably high voltage power generating facilities) | Engineering degree that is licensed and in good standing with the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists for the discipline to be reviewed |
| Lead Building (Life/Safety) Plan Reviewer | Certified commercial building plan reviewer with verifiable knowledge and experience reviewing plans for life/safety compliance on complex industrial\* facilities (preferably with high-voltage power facilities) in California. Experience should include but not be limited to reviewing: Occupancy classification; type of construction; allowable square footage; fire separations; elevators; ADA; building egress; and Green Building, including planning and design, energy efficiency, water efficiency, resource efficiency and environmental quality | Minimum: 2 years Reviewing Life/Safety Plans for Complex industrial\* facilities (preferably high voltage power generating facilities) | Certification from a recognized state, national or international organization as a commercial plan reviewer |
| Mechanical Plan Review Engineer | Mechanical engineer with verifiable experience and knowledge, that with supervision from the lead mechanical plan review engineer, is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial\* facilities (preferably with high-voltage power generating facilities) mechanical systems that include but are not limited to; chemical conveying systems; potable water; fire protection; pressure vessels; steam piping; and high pressure gas lines | 1 Year Reviewing Plans for complex industrial\* facilities (preferably high voltage power generating facilities) | Engineering Degree |
| Electrical Plan Review Engineer | Electrical engineer with verifiable experience and knowledge, that with supervision from the lead electrical engineer is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial\* facilities and power generating facilities electrical systems that include low, medium and high voltages | 1 Year Reviewing Plans for complex industrial\* facilities (preferably high voltage power generating facilities) | Engineering Degree |
| Structural Plan Review Engineer | Structural engineer or civil engineer with verifiable experience and knowledge, that with supervision from the lead structural plan review engineer is fully competent and proficient in reviewing construction documents (plans, calculations and specifications) of complex industrial\* facilities and power generating facilities, structures and equipment supports in California | 1 Year Reviewing Plans for complex industrial\* facilities (preferably high voltage power generating facilities) | Engineering Degree |
| Lead Onsite Inspector | Certification from a recognized state, national or international organization as a combination building inspector with verifiable experience as a lead inspector on high voltage power generating and complex industrial\* facilities in California | Minimum 2 years as a lead inspector on high-voltage power generating facilities in California | Certification from a recognized state, national or international organization as a building (life/safety), electrical, mechanical and plumbing inspector |
| Onsite Inspector | Certification from a recognized state, national or international organization as a combination building inspector with verifiable knowledge and experience as an inspector on complex industrial\* facilities (preferably high voltage power generating facilities) in California | 1 year as an inspector on complex industrial\* (preferably high voltage power generating) facilities in California | Certification from a recognized state, national or international organization as a building (life/safety), electrical, mechanical and plumbing inspector |
| Worker Safety Monitor | Verifiable experience as a safety representative on complex industrial\* (preferably high voltage power generating) facilities | 2 years as a safety professional on complex industrial\* (preferably high voltage power generating) facilities | Certification from a recognized state, national or international organization as a safety professional |
| Document  Control | Verifiable experience to include but not be limited to: collecting, maintaining and distribution of all documents necessary for successful project delivery; management, tracking and distribution of engineering documents; tracking of review deadlines; distribution of tasks including inspection requests, engineering document review requests and other miscellaneous project requirement due dates; compilation of project documents; and review and editing of inspection reports, engineering letters, etc. | Minimum 1 year |  |
| Project  Assistant | Verifiable experience to include but not be limited to: assisting field and office staff with the creation of project deliverables; coordinate office and field supply requirements for specific assignments; perform clerical duties to generate and revise documents as necessary; performing technical writing duties as assigned; and website maintenance (upload/download documentation) as necessary. Should be proficient in the following: Microsoft Word, Excel, PowerPoint; presentation development; technical writing; editing; process implementation; and must have excellent communication skills with attention to detail | Minimum 1 year |  |

\*Complex industrial experience is defined as having systems similar to a high-voltage power generating facility that include but are not limited to: high pressure gas system; high pressure steam, chemical carrying pipeline systems, etc.

1. **Project Team Management and Quality Control Experience**

* Describe how the Firm would initiate, schedule, and manage the project team for a complex construction project, including a narrative of the team’s communication protocol among the Firm’s team members (including subcontractors), the project owner’s team members, and the CAM.
* Describe the Firm’s approach to the contract management and administration of this agreement. Identify the contract management team members.
* Describe the Firm’s code interpretation and conflict resolution processes with contractors, local jurisdictions, and the public.
* Describe the Firm’s approach to provide quality assurance for each team member’s performance, and to identify and resolve performance problems effectively.
* Describe the Firm’s approach to minimize turnover and provide a stable professional team for the duration of the agreement, including the ability to effectively and efficiently add and train new team members as needed.

1. **Project Team Organizational Structure & Cost Minimization**

* Describe the composition and organizational structure of the Firm, including providing an organizational chart of the entire team. In addition, provide the following:
  + Identify all responsible engineering team members and supervisorial/senior monitoring team members, with photo identification (See Task 1);
  + Identify senior team members familiar with the facility types specific to the Energy Commission’s jurisdiction; and
  + Provide the number of employees in the Firm and the number of years the Firm has been in business.
* Describe the composition and organizational structure of each subcontractor, including providing an organizational chart for each subcontractor. In addition, provide the following:
  + The number of employees;
  + The number of years in business; and
  + Key team members.
* Identify the primary contact person for the Firm and each subcontractor. The primary contact person for the Firm must attend the discussion session described in Section IV. Additionally, at least one individual representing the team’s expertise in each of the technical areas of your SOQ is encouraged to attend the discussion session.
* Identify the locations of the Firm’s and each subcontractor’s headquarters and/or satellite office(s).
* Provide a short description of each subcontractor and key members of the team. Describe the relationship between the Firm and the subcontractors on your team. Indicate any history of a working relationship between the team members noting any significant success stories.
* Describe the Firm’s ability to pay subcontractors on a timely basis.

1. **Project Team Relevant Experience and Qualifications**

* Identify and list all of the Firm’s staff and subcontractors (all team members) who will be committed to the tasks. Describe their roles and familiarity with the technical areas pertinent to the tasks identified in the Scope of Work. Include job classifications, relevant experience, education level, and academic degrees (as applicable).
* Identify which, if any, of the Firm’s project team is a subcontractor and what their tasks will be.
* Provide a brief description of the Firm’s familiarity with the Energy Commission’s AFC/PTA processes and COCs, in conjunction with the scope of the DCBO’s duties and responsibilities.
* Identify the percentage of time each team member will be available throughout the contract term.
* Highlight any awards, specialized facility compliance experience, or current certifications of the project team that are applicable to the tasks in the Scope of Work.
* Provide a description of the project team’s experience evaluating code compliance for projects with a significantly large and varied array of conditions for approval.
* Provide a description of the project team’s experience on past power plant projects under the Energy Commission’s jurisdiction.
* Identify the project team’s qualified experts in plan review and in construction inspection and monitoring.
* Include a current set of qualifications for all project team members expected to conduct plan review services.
* Provide a current resume for all team members listed:
  + Include relevant documentation, qualifications, and technical certifications.
  + Include all third-party plan review service providers, and the relevant documentation, qualifications, and technical certifications for the subcontractors.
  + Provide a list of projects completed in the last five years by the project team that demonstrate familiarity with these elements of energy facility compliance plans.
  + Energy Commission COCs (including facility design, hazardous materials, worker safety, fire protection, soil and water, and transmission safety engineering).
  + Construction and operational safety and health programs;
  + Injury and illness prevention programs; and
  + Emergency action and fire prevention plans.
* Provide a list of projects completed by the project team in the last five years that demonstrate engineering plan-review experience with the following:
  + Facility design review (i.e., civil and structural, electrical, and mechanical engineering).
  + Pipeline safety.
  + Storm water management.
  + Transmission system engineering.
  + Geology and seismic safety experience; and
  + Geothermal or solar technology experience (as applicable).
* Identify any work done in the last five years with any thermal power plant developer or owners that have projects in California.
  + Include relevant documentation, qualifications, and technical certifications; and
  + Include all third-party plan review service providers, and the relevant documentation, qualifications, and technical certifications for the subcontractors.

1. **Approach to Tasks in Scope of Work**

Describe the Firm’s general and specific proposed approaches to providing the following services listed in the Scope of Work, highlighting outstanding features, qualifications, and experience of each team member.

* Task 1 – Project Team Management and Quality Control
  + Task 1.1 Contract Management and Administrative Duties
  + Task 1.2 Document Submittal and Tracking System
  + Task 1.3 Project Coordination Meetings
* Task 2 – Rapid Onsite Mobilization and Response and Pre-construction Compliance Assistance
* Task 3 – Reports
* Task 4 – Construction Plan Review
* Task 5 – Construction Compliance and Field Inspections
* Task 6 – Non-compliance and Incident Reporting and Resolution
* Task 7 – “As-Built” Document Package and Archiving

1. **Analytical Tools**

* Describe any technical capabilities that would facilitate communication with the Energy Commission. Please note the team members must provide their own computers and software and these costs are not reimbursable under the Agreement.
* Describe what types of computers and/or analytical tools will be used to accomplish the tasks listed in the Scope of Work.
* List the names and editions of all software to be used in accomplishing the tasks listed in the Scope of Work.

1. **Client References**

The Firm and each Subcontractor shall complete a Client Reference Form. Three client references are required for the Firm and three Client references are required for each Subcontractor.

1. **Example of Prior Work**

The Firm and each Subcontractor shall provide one example of each type of a work product listed below that is representative of the services it will provide under the Agreement.

If more than one Subcontractor will be providing technical support in a technical expertise area, each Subcontractor shall submit one example product that demonstrates experience in potential work assignments described in this RFQ for the technical expertise area.

# IV. Evaluation PROCESS and Criteria

## Selection Process Steps

The Energy Commission will organize a committee whose members have expertise in evaluation of architectural and engineering services. The Evaluation Committee will evaluate the SOQs as follows:

### Administrative and Completeness Screening Criteria (Mandatory)

Each SOQ will be screened for compliance with the Administrative Screening Criteria below. The Energy Commission will evaluate each SOQ to determine its responsiveness to these requirements. SOQs that fail or do not fully comply with any of the Administrative and Completeness Screening Criteria shall be disqualified and eliminated from further evaluation (see Note about Signatures, Section I).

* SOQ must be received by the exact time and date set for receipt of SOQs.
* SOQ must be responsive to the California Disabled Veteran Business Enterprise (DVBE) participation requirements.
* Firm cannot be currently suspended for violating DVBE law. SOQ cannot include a subcontractor currently suspended for violating DVBE law. Military & Veterans Code Section 999.9(g)
* SOQ must include a properly executed Contractor Certification Clauses.
* SOQ must include a properly executed Darfur Contracting Act Form.
* SOQ must include a properly executed Iran Contracting Act Form.
* SOQ must include a properly executed Civil Rights Laws Certification Form.
* It is lacking a properly executed GenAI Disclosure & Factsheet Form
* The SOQ includes Generative Artificial Intelligence, but Bidder fails to disclose this.
* SOQ must not contain false or intentionally misleading statements or references that do not support an attribute or condition contended by the Firm.
* SOQ must not be intended to erroneously and fallaciously mislead the State in its evaluation of the SOQ and the attribute, condition, or capability is a requirement of this RFQ.
* SOQ must not have a conflict of interest as stated in this RFQ.
* SOQ must not contain confidential information or contain any portion marked confidential.

If CEC will allow confidential information, need to delete the above bullet regarding confidential information.

* Firm must agree to the terms and conditions as attached to the solicitation. Firm must sign the Contractor Status Form indicating acceptance with the terms and conditions. Firm must not state anywhere in the SOQ that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

### Grounds to Reject an SOQ

In addition to the Administrative Screening Criteria identified above, the Energy Commission reserves the right to reject an SOQ if:

* The SOQ is unsigned (see Note about Signatures, Section I).
* The SOQ is not prepared in the format described.
* The Firm has submitted multiple SOQs.
* The SOQ does not literally comply or contains caveats that conflict with the RFQ and the variation or deviation is not material, or it is otherwise non-responsive.
* The Firm has previously completed a PIER agreement, received the PIER Royalty Review letter, which the Energy 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 SOQ includes use of Generative Artificial Intelligence that presents an unacceptable level of risk to the State, as determined by the Energy Commission.

Minimum Qualifications

**The Evaluation Committee will determine if the Firm meets the minimum qualifications. If not, the Firm shall be eliminated and the SOQ will not be evaluated and scored.**

### Evaluation of Qualifications

The Evaluation Committee will review and score all remaining SOQs based on the Evaluation Criteria in this RFQ. The preliminary technical score for each SOQ will be the average of the combined scores of all Evaluation Committee members.

Ranking an SOQ

After each SOQ is scored, it will be placed on a list, in rank order, with the highest scoring SOQ placed first and the remainder in descending order based on score.

### Notice of Firms Selected for Discussions

### Approximately 5 business days before the time scheduled for discussions, the Energy Commission will notify all Firms indicating whether they will be invited to participate in the discussions.

### Discussions

The Evaluation Committee shall conduct discussions during the Evaluation Process with no less than three (3) Firms, unless fewer than three (3) Firms apply, regarding qualifications and methods for furnishing the required services. Firms invited to participate in the Discussion will be scored by the Evaluation Committee on their response. The Evaluation Committee may use patterned questions and/or questions specific to an SOQ to conduct these discussions. The Evaluation Committee may provide the Firms with a copy of the questions and/or issues to be addressed and a format for structured discussions.

Firms should anticipate discussions to occur through virtual meetings via MS Teams. The project lead must participate and at least one (1) person from each technical area is encouraged participate in the discussion.

Upon completion of the discussions, the Evaluation Committee may adjust the preliminary scores and re-rank the Firms. From the Firms with which discussions are held, the Evaluation Committee shall select no less than three (3), unless fewer than three (3) Firms apply, in order of preference, based upon the established criteria, who are deemed to be the most highly qualified to provide the required services.

## Notice of Selection

Subsequent to the SOQ evaluations and the discussions with Firms, the Energy Commission will post a “Notice of Selection” of the top-scoring Firm on the Energy Commission’s website at [CEC Website](http://www.energy.ca.gov/).

## Negotiations

Pursuant to Title 20, California Code of Regulations (CCR), section 2565 and Public Contract Code (PCC) 6106, within 14 days after posting the Notice of Selection, the Energy Commission will begin negotiations with the top ranked Firm for an acceptable fee (hourly rates and markup on direct costs, if any).

The top ranked Firm will be required to submit:

1) Proposed percentage that the Firm will markup on any direct costs incurred, if any. Direct cost items, such as equipment purchase or rental, copying, etc. must be charged to the Energy Commission at the same actual cost that the Firm is charged by outside vendors or subcontractors, or the same cost the Firm charges other customers. The Energy Commission will negotiate with the Firm on any markup that the Firm proposes to charge, if any, on top of the actual cost of the item.

2) A list of rates for people listed in the SOQ, after written notification of selection. The Energy Commission may consider negotiating rates for a person that the Firm did not include in the SOQ. However, because the additional person might affect the Firm’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 Firm’s score, including possibly rescoring its SOQ
* Refuse to add the new person
* Add the new person.

If the Energy Commission determines that it will not accept a new person or hourly rate that the Firm proposes for a particular person, the Energy Commission will stop rate negotiations for that person, and proceed with negotiations for the remainder of the people. Firms are cautioned that they should include all team members in their SOQ.  The Energy Commission does not want to be in the position of assessing additional persons during rate negotiations.

If negotiations with the top ranked Firm fail, the Energy Commission will enter into negotiations with the next highest scoring Firm, and so on.

## Notice of Proposed Award

Subsequent to the negotiations, the CEC will post a “Notice of Proposed Award” on the [CEC website](https://www.energy.ca.gov/funding-opportunities/solicitations) at <https://www>.energy.ca.gov/funding-opportunities/solicitations.

California Energy Commission

Contracts, Grants, and Loans Office, MS-18

715 P Street

Sacramento, CA 95814

The Evaluation Committee may reject Firms and SOQs if they are not considered to be in the best interest of the CEC.

## 

## 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 Firm’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 Firm’s response or proposed solution. Firm 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 Firm’s response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

## 

## Evaluation of Statement of Qualifications – Criteria

|  |  |
| --- | --- |
| Evaluation of Statement of Qualifications – Criteria | Points Possible |
| WRITTEN EVALUATION CRITERIA |  |
| 1. Project Team Management and Quality Control Experience |  |
| 1. Ability of the Firm to initiate, schedule, and manage the project team for a complex construction project, and effectiveness of communication protocol among the Firm’s team members (including subcontractors), the Project Owner’s team members, and the CAM. | 75 |
| 1. Ability of the Firm to perform its prime contract management and administration duties. | 20 |
| 1. Effectiveness of the Firm’s code interpretation and conflict resolution processes. | 60 |
| 1. Ability of the Firm to provide quality assurance for each team member’s performance, and to identify and resolve performance problems effectively. | 80 |
| 1. Ability of the Firm to minimize turnover and effectively and efficiently recruit and train new team members as needed. | 20 |
| 1. Project Team Organizational Structure |  |
| 1. Effectiveness of project team organization. | 25 |
| 1. Depth of knowledge of senior team members with the facility types specific to Energy Commission jurisdiction. | 80 |
| * 1. Ability of the Firm to create and maintain a positive working relationship with subcontractors. | 20 |
| * 1. Ability of the Firm to pay subcontractors on a timely basis. | 20 |
| 1. Project Team Relevant Experience and Qualifications |  |
| 1. Depth of experience of team members, including awards, specialized experience, current certifications, and overall team qualifications. | 50 |
| 1. Team members’ familiarity with Energy Commission’s AFC/PTA processes and COCs. | 20 |

|  |  |
| --- | --- |
| 1. Depth of team members’ code compliance experience for projects with a significantly large and a varied array of conditions for approval. 2. Expertise in plan review and construction inspection and monitoring. 3. Experience on past power plant projects under the Energy Commission’s jurisdiction. | 100 |
| 1. Knowledge of the following elements of energy facility compliance plans: 2. Energy Commission COCs (including Facility Design, Hazardous Materials, Worker Safety, Fire Protection, Soil and Water, and Transmission Safety Engineering); 3. Construction and operational safety and health programs; 4. Injury and illness prevention programs; and 5. Emergency action and fire prevention plans. | 30 |
| 1. Demonstrates engineering plan-review experience with the following: 2. Facility design review (i.e., civil and structural, electrical, and mechanical engineering); 3. Pipeline safety; 4. Storm water management; 5. Transmission system engineering; 6. Geology and seismic safety experience; and 7. Geothermal or solar technology experience (as applicable). | 100 |
| 1. Approach to Tasks in Scope of Work   Describes the Firm’s general and specific proposed approaches to providing the services listed in the Scope of Work, highlighting outstanding features, qualifications, and experience of the team. |  |
| 1. Task 1 – Project Team Management and Quality Control | 25 |
| 1. Task 2 – Rapid Onsite Mobilization and Response and Pre-Construction Compliance Assistance | 25 |
| 1. Task 3 – Reports | 20 |
| 1. Task 4 – Construction Plan Review | 25 |
| 1. Task 5 –Construction Compliance and Field Inspections | 25 |
| 1. Task 6 – Non-Compliance and Incident Reporting and Resolution | 25 |
| 1. Task 7 – “As Built” Document Package and Archiving | 25 |

|  |  |
| --- | --- |
| 1. Analytical Tools |  |
| 1. Ability of the Firm to use computers and/or analytical tools to accomplish the tasks listed in the Scope of Work and what types of computers and/or analytical tools will be used. 2. Technical capabilities of Firm that would facilitate communication with the Energy Commission. | 20 |
| 1. Client References |  |
| 1. Quality of the Client References for the Firm and each sub-contractor. | 10 |
| **Written Evaluation Maximum Points Possible** | **900** |
| *Discussion Evaluation Criteria* | *Points Possible* |
| Discussion |  |
| 1. Quality of presentation. | 25 |
| 1. Clean and concise responses to questions. | 25 |
| 1. Demonstrated knowledge of the subject/issues. | 25 |
| 1. Demonstrated ability to anticipate and resolve problems. | 25 |
| Discussion Evaluation Maximum Points Possible | 100 |
| **Maximum Points (Written SOQ and Discussion)** | **1000** |
| *Written SOQ Evaluation Minimum Passing Score (75%)* | *750* |

# V. Business Participation Programs (Preferences/Incentives)

## About This Section

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

This section describes the following business participation programs:

* Disabled Veteran Business Enterprise Participation Compliance Requirements
* Disabled Veteran Business Enterprise Incentive

## Disabled Veteran Business Enterprise (DVBE) Participation Compliance Requirements

***DVBE Participation Required***

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

***Firm or Subcontractor Suspension***

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

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

1. If Firm is a DVBE, then the Firm has satisfied the participation requirements if it commits to performing at least 3% of the contract with the Firm, or in combination with other DVBE(s).
2. If Firm is not a DVBE, the Firm can satisfy the requirement by committing to use certified DVBE subcontractors for at least 3% of the contract. The DVBE percentage is determined by percentage of work that the Firm anticipates will be assigned to the DVBE subcontractor during the course of the contract.

***Required Forms***

**Firm must complete Attachments 1, 3 and 4 to document DVBE participation. If the Firm does not include these forms, the SOQ 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)

The “Corresponding % of bid price” column under Section 2 of the Bidder Declaration Form (Attachment 4) will be used to determine DVBE percentage. The percentages listed here must reflect the percentage of work that the Firm anticipates each Subcontractor will complete. If the Firm lists a DVBE sub on Attachment 4, and fails to list a percentage or indicates a percentage less than the 3% requirement in the “Corresponding % of bid price” column, the SOQ will be rejected as non-responsive to DVBE compliance requirements.

***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):
  + 1. 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. Firm must have submitted application to OSDS for DVBE certification by the SOQ 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.

***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.

© 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***

Firm 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 Firm 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 SOQs from responsible Firms. The incentive will vary in conjunction with the percentage of DVBE participation.

The Incentive is applied by adding the incentive to the SOQ for Firms that include more than the minimum required 3.00% DVBE participation. In other words, if a Firm 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.

**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. Incentive points cannot be used to achieve any applicable minimum point requirements.

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

***Required Forms***:

* Contractor Status Form (Attachment 1).

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

* 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.

# VI. Administration

## RFQ Defined

The competitive method used for this procurement of services is an RFQ. An SOQ submitted in response will be scored and ranked based on the criteria in this RFQ. Every SOQ must establish in writing the Firm’s ability to perform the RFQ’s tasks. The Energy Commission shall conduct discussions and then select the most qualified Firm. The Energy Commission will negotiate an Agreement with the selected Firm for compensation that the Energy Commission determines to be fair and reasonable.

## Definition of Key Words

Important definitions for this RFQ are presented below:

|  |  |
| --- | --- |
| ***Word/Term*** | ***Definition*** |
| State | State of California |
| DGS | Department of General Services |
| Energy Commission | California Energy Commission |
| RFQ | Request for Qualifications, this entire document |
| SOQ | Statement of Qualifications, formal written response to this document from Firm |
| Firm | Respondent to this RFQ |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Office |
| DVBE | Disabled Veteran Business Enterprises |
| WA | Work Authorization |

## Cost of Developing SOQ

The Firm is responsible for the cost of developing an SOQ and this cost cannot be charged to the State. The Firm is also responsible for any travel costs associated with participating in this RFQ.

## Software Application Development

If this scope of work includes any software application development, including but not limited to databases, websites, models, or modeling tools, the Firm shall utilize the following standard Application Architecture components in compatible versions **(check on these 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). Firms shall not include printing services in their SOQs.

## Confidential Information

The Energy Commission will not accept or retain any SOQs that contain confidential information or have any portion marked confidential.

If CEC will allow confidential information as part of the bid, need to delete the “Confidential Information Paragraph” above.

## 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 an SOQ 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 SOQ to a State agency. **(See # 1 on Attachment 2)**

A scrutinized company may still, however, submit a bid or SOQ 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 10)**

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 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.

## 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 11.

**Generative Artificial Intelligence**

The State of California seeks to realize the potential benefits of Generative Artificial Intelligence (GenAI), through the development and deployment of GenAI tools, while balancing the risks of these new technologies. **Bidders must notify the Energy Commission in writing if the services under the Agreement will include, or make available, any GenAI technology, including GenAI from third parties or subcontractors**.

Bidder shall complete Attachment 14, GenAI Disclosure & Factsheet Form.

* If you **will not** be using or offering GenAI technology, model or service in the work under the Agreement, then check the “No” box and sign the form.
* If you **will** be using or offering GenAI technology, model or service in the work under the Agreement, then check the “Yes” box, complete the remainder of the questions, and sign the form.

Failure to submit the GenAI Disclosure & Factsheet Form shall result in rejection of the Proposal.

Failure to disclose GenAI to the Energy Commission shall result in rejection of the Proposal.

The Energy Commission reserves the right to do all of the following:

* Reject Proposals that present an unacceptable level of risk to the State.
* Void any resulting Agreement that does not comply with these provisions.
* Seek any and all relief the Energy Commission may be entitled to as a result of such non-disclosure.
* Incorporate GenAI special provisions into the final Agreement.

For purposes of these requirements, GenAI is defined as: “The class of AI models that emulate the structure and characteristics of input data in order to generate derived synthetic content. This can include images, videos, audio, text, and other digital content.”

## RFQ Cancellation and Amendments

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

* Cancel this RFQ,
* Amend this RFQ as needed, or
* Reject any or all SOQs received in response to this RFQ

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

## Errors

If a Firm discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ, the Firm shall immediately notify the Energy Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications resulting from this notice will be posted on the Energy Commission’s website without divulging the source of the request for clarification. The Energy Commission shall not be responsible for failure to correct errors.

## Modifying or Withdrawal of SOQ

A Firm may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted SOQ before the deadline to submit an SOQ. An SOQ cannot be modified after that date and time, but an SOQ may still be withdrawn. An SOQ cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the RFQ: “This SOQ is valid for 60 days.”

## Immaterial Defect

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

## Disposition of Firm’s Documents

On the submission date, all SOQs and related material submitted in response to this RFQ become the property of the State. After the Notice of Proposed Award is posted, all SOQs and related materials become public records. In addition, all evaluation and scoring sheets become public records after the Notice of Proposed Award is posted.

## Firms’ Admonishment

This RFQ contains the instructions governing the requirements for an SOQ to be submitted by interested Firms, the format in which the information is to be submitted, the material to be included, the requirements that must be met to be eligible for consideration, and Firm responsibilities. Firms must take the responsibility to carefully read the entire RFQ, 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 RFQ are followed and appropriately addressed, and carefully reread the entire RFQ before submitting an SOQ.

## Agreement Requirements

The content of this RFQ shall be incorporated by reference into the final contract. See the Agreement terms and conditions included in this RFQ.

## No Contract Until Signed & Approved

No agreement between the Energy Commission and the successful Firm is in effect until the contract is signed by the Contractor, approved at an Energy Commission Business Meeting, and signed by the Energy Commission Contracts Office Manager.

### Contract Amendment

The contract executed as a result of this RFQ will be able to be amended by mutual consent of the Energy 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.

## Conflict of Interest

Any Energy Commission employee who participates in the selection process and any Firm seeking a contract under this RFQ are prohibited from offering, soliciting, or accepting gifts, services, goods, loans, rebates or payments of any kind (such as kickbacks) to or from one another. Except as provided by the terms of the contract, this prohibition extends both to any Energy Commission employee who manages a contract awarded under this RFQ or reviews or approves contractor work products under the contract, and to the Contractor.