**RFP-24-301**

**Compliance, Monitoring, and Reporting Support for Federal Funding**

**Addendum #2**

**August 30, 2024**

Please Note: Added language appears in bold underlined font. Deleted language appears in [strikethrough] and within square brackets.

The purpose of this addendum is to make the following revisions to the

Solicitation Manual:

**Solicitation Manual**

1. Page 3, Section I. under “Introduction”

Updated:

The purpose of this RFP is to obtain assistance with the administrative monitoring, reporting, compliance, and auditing **support** requirements associated with federal funding received by the CEC through the Infrastructure Investment and Jobs Act[[1]](https://gbc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fcaenergy.sharepoint.com%2Fsites%2FCECCGL%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F870f1c6508744a06aa122b1567a29edd&wdenableroaming=1&mscc=1&hid=4E52DEA0-005C-4000-450F-6654087960F0&wdorigin=ItemsView&wdhostclicktime=1695756688878&jsapi=1&jsapiver=v1&newsession=1&corrid=5096db09-60f1-4ee5-a18a-a4ab9bcddc82&usid=5096db09-60f1-4ee5-a18a-a4ab9bcddc82&sftc=1&cac=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Normal&ctp=LeastProtected#_ftn1) (IIJA), also known as the Bipartisan Infrastructure Law (BIL)[[1]](#footnote-2), and the Inflation Reduction Act (IRA)[[2]](#footnote-3).

The CEC is administering multiple programs using funding made available through the IIJA and IRA and requires assistance with the administrative monitoring, reporting, compliance, and auditing **support** requirements applicable to each program. CEC is still in the process of identifying and applying for relevant IIJA and IRA funding opportunities. Federal funding opportunities may include, but are not limited to:

1. Page 4, Section I. under “KEY ACTIVITIES AND DATES”

**Key Activities and Dates**

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

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| RFP Release | July 8, 2024 |
| Deadline for Written Questions \* | July 30, 2024 |
| **Deadline for Written Questions #2\*** | **September 9, 2024** |
| Pre-Bid Conference \* | July 30, 2024 |
| **Pre-Bid Conference #2** | **September 9, 2024** |
| Distribute Questions/Answers and Addenda (if any) to RFP | August [~~20]~~ **30**, 2024 |
| **Distribute Questions/Answers #2** | **Week of September 18, 2024** |
| **Deadline to Submit Proposals by 11:59 p.m. \*** | **September** [~~13~~]**30**, **2024** |
| Anticipated Notice of Proposed Award | Week of [~~September~~ ~~30]~~ **October 14th** |
| Contract Start Date | December 20, 2024 |

1. Page 8, Section I. under “PRE-BID CONFERENCE”

Updated: [~~and TBD]~~ **September 9, 2024 at 10:00 am**

Updated:

**Join Zoom Meeting:**

Please click the link below to join the webinar:

[~~https://energy.zoom.us/j/83526035796?pwd=92oVCf3xOVDBtE9lVINxv0k9tXy3bv.1~~](https://energy.zoom.us/j/83526035796?pwd=92oVCf3xOVDBtE9lVINxv0k9tXy3bv.1)

[**https://energy.zoom.us/j/84696485394?pwd=G344g1EbrW2o51Ek6zHvUyJO0JuC9h.1**](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fenergy.zoom.us%2Fj%2F84696485394%3Fpwd%3DG344g1EbrW2o51Ek6zHvUyJO0JuC9h.1&data=05%7C02%7C%7C227d5e696f5a4e94887908dcc859997d%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C638605534348809529%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=j2B8mNBg6knAo7FrdekA%2BUuZ7PAWbwwp%2BG7pDrWxyis%3D&reserved=0)

**Webinar ID:** ~~835 2603 5796~~ **846 9648 5394**

**Password:** ~~1467441376~~ **meeting@10**

**Topic**: **2nd** Pre-Bidders Conference for RFP-24-301 Compliance, Monitoring, and Reporting Support for Federal Funding

**Join via audio**

US: [~~+16692192599,,83526035796#~~](tel:+16692192599,,83526035796) ~~or~~ [~~+17209289299,,83526035796#~~](tel:+17209289299,,83526035796) **+12133388477,,84696485394# or +16692192599,,84696485394#**

**Or, dial:**

US: ~~+1 669 219 2599 or +1 720 928 9299 or +1 786 635 1003 or +1 929 436 2866~~

**+1 213 338 8477 or +1 669 219 2599 or +1 346 248 7799 or +1 602 753 0140**

1. Page 19, Section II.under “subtask 1.6”

Updated: Provide [~~audit and~~] accounting services for all WAs.

1. Page 21-22, Section II.under “Technical Tasks”

Updated: The second phase will be to assist in compliance, monitoring, reporting and auditing **support** work, and will coincide with the performance period of subrecipient grant agreements funded by the Energy Commission.

Updated:

* Confidential and Public deliverables:
* [~~Draft audit reports will be considered confidential until finalized.~~
* ~~Final audit reports will not contain any Confidential Information or Personal Information.~~]
* Work authorizations will detail the exact deliverables Contractor will prepare and submit to the Energy Commission.

1. Page 26, Section II. under “Task 8”

Updated:

**Audit of Subrecipients:**

* **Contractor will not audit subrecipients. Subrecipients shall comply with either 2 CFR Part 200, Subpart F or 2 CFR Part 910, Subpart F, as applicable.**
* **Subrecipients must arrange for an independent auditor to conduct a single audit.**
* [~~Conduct audits of federal subrecipients to accomplish specific objectives as discussed and agreed with by the Energy Commission in accordance with audit standards prescribed by the Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Audit requirements include but are not limited to specifications in 2 CFR 200.501.~~
* ~~The types of possible audits include, without limitation, performance audits, attestation engagements, and reviews of financial information.~~ 
  + ~~Draft audit reports are confidential until finalized.~~
  + ~~Final audit reports are public and will not contain any Confidential Information or Personal Information.~~
  + ~~The audit scope, objectives, and deliverables will be detailed in work authorizations submitted to the Contractor.~~
* ~~Attend any compliance or auditing meetings with the state and/or federal agencies relating to project oversight and administration on all projects.~~
* ~~Ensure overall audit services comply with 2 CFR Part 200, Subpart F, and 2 CFR Part 910, Subpart F.~~]

**Audit of Energy Commission:**

* If the Energy Commission is audited **by the State of California, the Federal Government or other entity** related to its administration of the federal funding and programs, Contractor shall provide support and guidance to the Energy Commission during the audit process, including responses to questions and gathering information/data. **Contractor will not perform an audit, but provide support to the Energy Commission**
* **The scope, objectives, and deliverables for audit support will be detailed in work authorizations**

**Attend any compliance or auditing meetings with the state and/or federal agencies relating to project oversight and administration on all projects.**

1. Page 28, Section II. under “Work Scope Attachment”

Updated: [~~Annual Independent Audits~~]

1. Page 33-35, Section III**.** under “C. Relevant Experience and Qualifications”

Updated:

1. ~~[Describe experience in performing federal performance audits, compliant with 2 CFR Part 200 Subpart F and 2 CFR Part 910 Subpart F. Identify experience in any other types of federal audits.~~]

**Describe experience in assisting government agencies in a federal audit.**

Updated:

* Describe project team’s experience in the following areas of audit and financial evaluation assistance:
* [~~Describe team’s capabilities in performing audits of federal sub-recipients in accordance with audit standards prescribed by the Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States and 2 CFR Part 200, Subpart F, and 2 CFR Part 910, Subpart F or any other experience in any other types of federal audits.]~~
* **Describe experience in assisting government agencies in a federal audit.**
* Describe team’s technical expertise and qualifications of their personnel. Team must demonstrate they have sufficient independent and collective experience and professional qualifications.
* Conduct performance audits, attestation engagements, and reviews of financial information.
* Analyses of financial stability of sub-recipients to determine their capability to complete projects
* Risk and debt assessment of subrecipients
* [~~Develop draft and final audit reports~~]
* Attendance of compliance and auditing meetings federal agencies relating to federal compliance of funded projects.
* Provide support and guidance to agency/client during the audit process, including responses to questions and information gathering.

Updated:

1. **Previous Work Products**

Each Bidder ~~shall provide at least one example of a performance audit plan and a final audit report or similar work product.~~ **and** [~~I~~] **i**f subcontractors will be providing technical support in a task area, each subcontractor, shall also submit **at least** one example work product that demonstrates experience in potential work assignments described in this RFP. **Since Bidder will manage the overall Contract team, and oversee the federal grant compliance work, Bidder is encouraged to submit a work product that demonstrates Bidder’s ability to handle multiple aspects of managing large federal grant programs, such as reporting, monitoring, compliance with federal laws and requirements, experience with previous federal grant programs, etc. For subcontractors that specialize in unique technical areas, the subcontractor will have a work product to represent its expertise. For example, if a subcontractor’s expertise is in performing on-site project and construction review of subrecipients, then the work product could be a report on a previous on-site project review of a grant subrecipient.**

1. Page 38, Section IV. under “SCREENING CRITERIA”

Updated:

|  |  |
| --- | --- |
| **16. Bidder, all subcontractors, and their principals and affiliates are not on the government-wide exclusions in the System for Award Management, including Debarment and Suspension. (Indicated by Bidder checking “NO” on Attachment 1.)** | **☐ Pass ☐ Fail** |

1. Page 44-45, Section IV. under “Evaluation Criteria”

Updated:

1. [~~Describes experience in performing federal performance audits, compliant with 2 CFR Part 200 Subpart F and 2 CFR Part 910 Subpart F.  Identifies experience in any other types of federal audits.~~] **Describe experience in assisting government agencies in a federal audit.**

Updated:

* + [~~Perform audits of federal sub-recipients in accordance with audit standards prescribed by the Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States and 2 CFR Part 200, Subpart F, and 2 CFR Part 910, Subpart F or any other experience in any other types of federal audits.~~ ]
  + Conduct performance audits, attestation engagements, and reviews of financial information.
  + Analyses of financial stability of sub-recipients to determine their capability to complete projects
  + [~~Develop draft and final audit reports~~]

Updated:

1. **Previous Work Products**

Provides at least ~~one example of a performance audit plan and a final audit report or similar work product. Also provides,~~ **at least** one example work product that demonstrates experience in potential work assignments by ~~subcontractors~~ **the Bidder and its subcontractors** if providing technical support in a task area described in this RFP.

1. Page 46, Section IV Under EVALUaTION CRITERIA”

Updated:

**1. Loaded Labor Rate for years 1 and 2 (Cost Points)**.  The score for this criterion will be derived from the mathematical cost formula set forth [~~below~~**~~under Cost Criteria~~**~~.]~~ **in Attachment 7a Loaded Rates Calculations. The Bidder with the lowest cumulative average loaded hourly rate will get the most points available. All Bidders will then be compared to the bidder with the lowest the cumulative average loaded hourly rate of all hourly rates of listed in their proposal. See Cost Criteria below for more information.**

1. Page 47-50, Section IVUnder “EVALUATIOn CRITERIA”

Updated:

**Cost Criteria**

Total Expected Labor Costs (15/30 Cost Points)

~~[Step 1~~

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

~~Step 2~~

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

~~Total Expected Labor Cost Points:~~

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

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

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

~~Example:~~

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

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

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

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

~~Points Allocation (30 possible points):~~

~~Proposal A: 100% possible points = 30 points~~

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

~~Proposal C: 97.82% possible points = 29.35 points ]~~

**The method for determining the average loaded hourly rate is the formula below:**

1. **Cost Formula for calculation of average loaded hourly rate score (criterion 1 above)**

**“Lowest Bidder” is defined as the Bidder with the lowest cumulative average loaded hourly rate for all prime contractor and all Subcontractor personnel.**

**For example (using the following arbitrary hourly rates and fictional cost bids):**

**Bidder 1**

**Prime Contractor Subcontractor A Subcontractor B**

**Project Manager: $100/hr Engineer I: $90/hr Engineer IV: $120/hr**

**Engineer II: $100/hr**

**Engineer III: $110/hr**

**Bidder 1’s cumulative average loaded hourly rate = 100 + 90 + 100 + 110 + 120 divided by 5 = $104**

**Bidder 2**

**Prime Contractor Subcontractor A Subcontractor B**

**Project Manager: $100/hr Engineer I: $100/hr Engineer IV: $130/hr**

**Engineer II: $110/hr**

**Engineer III: $120/hr**

**Bidder 2’s cumulative average loaded hourly rate = 100 + 100 + 110 + 120 + 130 divided by 5 = $112**

**Bidder 3**

**Prime Contractor Subcontractor A Subcontractor B**

**Project Manager: $110/hr Engineer I: $110/hr Engineer IV: $140/hr**

**Engineer II: $120/hr**

**Engineer III: $130/hr**

**Bidder 3’s cumulative average loaded hourly rate = 110 + 110 + 120 + 130 + 140 divided by 5 = $122**

**In the examples above, Bidder 1 would be the Lowest Bidder.**

1. **The Cost Formula for calculating the Points Awarded for criterion 1 above is as follows:**
2. **Calculate Cumulative Average Loaded Hourly Rate**

**For each Bidder, we calculate the average rate, by adding all rates, and dividing by the number of rates:**

**Sum of all rates divided by Number of Rates Given = Average Loaded Hourly Rate for each Bidder: $\_\_\_\_\_\_\_\_\_\_**

1. **Create Percentage**

**Then we compare rates of all the Bidders, by creating a percentage of the Bidder’s rate, compared to the lowest Bidder’s rate. The lowest Bidder will have the highest percentage of points:**

**(Lowest Bidder’s Cumulative Average Loaded Hourly Rate divided by Bidder’s Cumulative Average Loaded Hourly Rate) = Bidder’s Percentage of Points**

1. **Apply Possible Points**

**Finally, we multiply the Bidder’s Percentage of Points by the number of possible points:**

**Bidder’s Percentage of Points X Possible Points = Points Awarded**

***Following is an example of* *Cost Score Calculation, using the above examples*:**

**Cumulative Average Hourly Rates: Bidder #1 = $104, Bidder #2 = $112, Bidder #3=$122**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| ***Bidder #1***  **104 divided by 104 = 100%** | | | ***Bidder #2***  **104 divided by 112 = 93%** | | | ***Bidder #3***  **104 divided by 122 = 85%** | | |
| **Possible Points** | **Percentage of Points** | **Points Awarded** | **Possible Points** | **Percentage of Points** | **Points Awarded** | **Possible Points** | **Percentage of Points** | **Points Awarded** |
| **15** | **100%** | **15** | **15** | **93%** | **13.95** | **15** | **85%** | **12.75** |

1. Page 68, Section VI.under **“EXCLUSIONS/DEBARMENT/SUSPENSION”**

Updated:

**Bidder, all subcontractors, and their principals and affiliates cannot be on the government-wide exclusions in the System for Award Management (SAM), including Debarment and Suspension. in accordance with the OMB guidelines at 2 CFR 180. SAM is found at: https://sam.gov/content/home. See Attachment 8, Exhibit F, paragraph 6 for detailed requirements.**

**Bidder must confirm on Attachment 1 (Contractor Status Form) that Bidder, all subcontractors, and their principals and affiliates are not on the government-wide exclusions in SAM. “Principal” is defined in 2 CFR 180.995. “Affiliate” is defined in 2 CFR 180.905.**

**During the Screening process, the Energy Commission will disqualify a Bidder if the Bidder, any Subcontractor, or their principals or affiliates are listed in the SAM exclusions. The Energy Commission will also disqualify a Bidder if Bidder does not check “YES” on the Contractor Status Form to indicate Bidder, subcontractors, principals and affiliates are not on the SAM exclusion list. “YES” means that none of these are on the SAM exclusion list.**

**Attachment 1 Contractor Status Form**

1. Page 3

Updated:

1. **Exclusion/Debarment/Suspension**

**Bidder confirms that none of the following are on the government-wide exclusions in the System for Award Management (SAM). “Principal” is defined in 2 CFR 180.995. “Affiliate” is defined in 2 CFR 180.905. “YES” means that none of these are on the SAM exclusion list.**

* **Bidder**
* **All subcontractors**
* **Bidder’s principals and affiliates**
* **Subcontractor’s principals and affiliates**

**YES**   **NO**

**Attachment 7**

**7a Loaded Rate Calculations**

The Loaded Rate Calculations template has been updated to provide a cumulative totals row for the rates. In addition, the instructions at the bottom of Attachment 7a tab have been updated to align with the updated language for cost criterion 1 in the manual.

**Attachment 8 Sample Standard Agreement**

Page 40, Exhibit D, Appendix 1, under List of Confidential Information and Personal Information:

Updated:

Financial, proprietary, market sensitive, critical energy infrastructure information and

other information needed to perform monitoring **~~and auditing~~** of subrecipients

Page 43-44, Exhibit E, Section 6. under “Restrictions on Outside Work.”

Updated:

Restrictions on Outside Work.

1. Prohibition on Participating in or Sharing Information about Energy Commission Funding Opportunities.

Under this Agreement, if the Contractor, subcontractors, or project partners **or any of their employees,** assist the Energy Commission to develop agreements, develop competitive solicitations or score applications, then **those individuals** [~~the Contractor, subcontractors, project partners, and their employees]~~ are prohibited from participating and agree not to participate (e.g., through development of an application, as an applicant, subcontractor, or match-fund partner), in any Energy Commission solicitation or other funding opportunity that solicits or includes work that is related to work done under this Agreement, **without appropriate measures to prevent any actual or apparent conflict of interest**. Except with prior written permission of the CAM, the Contractor, subcontractors, project partners, and their employees shall not share any non-public information about applicants, applications, solicitations, other funding mechanisms, or any other non-public information related to Energy Commission funding opportunities with any other person or entity.

b. **Separation of Duties and** Contractor, Subcontractor and Project Partner Financial Interests.

**In general, to ensure the separation of its duties to the Energy Commission under this Agreement,** [~~T]~~**t**he Contractor, subcontractors, project partners and their employees shall not **maintain**, negotiate, make arrangements **for**, or enter into any other agreement or working relationship with an individual or entity who is interested in or is likely to be interested in the federal funding programs administered by the Energy Commission under this Agreement.

If such an agreement or working relationship began prior to and exists at the start of this Agreement, the Contractor, subcontractor, project partner, or their employees shall complete the agreement or working relationship as soon as possible. And during the pendency of the pre-existing relationship or working relationship, the Contractor, subcontractor, project partner, or their employees shall not provide advice or guidance to the individual or entity regarding the federal funding programs administered by the Energy Commission under this Agreement.

**Based on the organizational structure of the Contractor, it may demonstrate to the Energy Commission its ability to establish and maintain organizational separation of duties between employees or subcontractors providing services to the Energy Commission under this Agreement, and other employees, subcontractors and project partners serving other entities, sufficient to ensure that there is no overlap in duties or financial interests. Upon such demonstration of appropriate measures to prevent any actual or apparent conflict of interest and establish appropriate separation of duties, the Energy Commission’s Chief Counsel’s Office may provide written approval and conditions for limited exceptions from this subsection for the Contractor, subcontractors and project partners.**

c. Restrictions Following Agreement Term.

All individuals identified as consultants are subject to restrictions of the Political Reform Act on post-governmental activity. Contractor shall ensure that all consultants are aware of these restrictions. Guidance published by the Fair Political Practices Commission on these restrictions can be found at: <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Public%20Officials%20and%20Employees/Leaving_State_Employment.pdf>

**Angela Hockaday,**

**Commission Agreement Officer**

1. Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021). <https://www.congress.gov/bill/117th-congress/house-bill/3684>. [↑](#footnote-ref-2)
2. Inflation Reduction Act, Public Law 117-169 (August 16, 2022) <https://www.congress.gov/bill/117th-congress/house-bill/5376> [↑](#footnote-ref-3)