**REQUEST FOR PROPOSALS**

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



 RFP-24-301

**Addendum 4**

www.energy.ca.gov/contracts/att

State of California

California Energy Commission

July 2024

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2. Darfur Contracting Act
3. DVBE Std. 843
4. Bidder Declaration form GSPD-05-105
5. Contractor Certification Clauses
6. Client References
7. Budget Forms
8. Sample Standard Agreement
9. Iran Contracting Act Form
10. California Civil Rights Laws Certification
11. Byrd Anti-Lobbying Amendment Certification
12. GenAI Reporting and Factsheet

# I. Introduction

## Purpose of RFP

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:

* Grants for Charging and Fueling Infrastructure, including the National Electric Vehicle Infrastructure (NEVI) Formula Program
* Energy Efficiency Revolving Loan Fund Capitalization Grant Program
* Energy Efficiency and Conservation Block Grant Program
* Home Efficiency Rebates Program
* Home Electrification and Appliance Rebates Program
* Training for Residential Energy Contractors Grants
* Resilient and Efficient Codes Implementation Grant Program
* Preventing Outages and Enhancing the Resilience of the Electric Grid Formula Grants to States and Indian Tribes.
* State Energy Financing Institutions (SEFI) Supported Projects
* Solar for All Program

Administrative requirements include but are not limited to: IIJA and IRA statutory requirements; the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200; Federal Funding and Transparency Act; National Environmental Policy Act (NEPA); National Policy Requirements; Build America, Buy America Act; and the Davis-Bacon Act, among others.

## 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 30, 2024  |
| Distribute Questions/Answers #2 | Week of September 18, 2024 |
| Deadline to Submit Proposals by 11:59 p.m. \* | [~~September 30~~] **October 11**, 2024 |
| Anticipated Notice of Proposed Award  | Week of [~~October 14~~~~th~~] **November 4th** |
| Contract Start Date |  [~~December 20, 2024~~] **January 20, 2025** |

## Available Funding and How Award is Determined

To date, the CEC anticipates receiving approximately $1.105 billion in federal funding from the following federal opportunities:

* $383,673,792 from the National Electric Vehicle Infrastructure (NEVI) Formula Program
* $61,418,470 from the EV Charger Reliability and Accessibility Accelerator program
* About $170,000,000 to support the Community Energy Reliability and Resilience Investment (CERRI) program from the formula funding for preventing outages and enhancing the resilience of the electric grid.
* $6,688,650 in formula funding from the Energy Efficiency Revolving Loan Fund Capitalization Grant Program.
* $4,522,300 in formula funding from the Energy Efficiency and Conservation Block Grant Program.
* $2,250,000 in funding for the Building Codes Implementation for Efficiency and Resilience program.
* $291,951,040 in formula funding for Home Efficiency Rebates Program
* $290,252,580 in formula funding for the Home Electrification and Appliance Rebates Program
* $10,321,930 in formula funding for the State-Based Home Energy Efficiency Training for Residential Energy Contractors program
* $17,894,329 in formula funding from the program to Support Adoption of the Latest Model Energy Codes or Zero Energy Codes.
* $249,4800,000 in funding from the Solar for All program, a portion of which will be managed by CEC.

The CEC anticipates each of these opportunities will require monitoring, compliance and reporting related to state and federal requirements. The list above may expand as additional federal opportunities are announced or awards are made.

Bidders are encouraged to collaborate with subcontractors with expertise to perform specific tasks or components, in order to create a team of professionals who are able to provide services for all the tasks in the work scope.

There is $20,000,000 available for the first two years of the Agreement resulting from this RFP.

There is a maximum total budget of $60,000,000, with a maximum Agreement term of 12 years, with optional amendments, as described below. This is a cost reimbursement Agreement and the award will be made to the responsible Bidder providing the highest score, after any applicable preference or incentive.

* Amendments to Add Funds and Time

The Energy Commission has the option to amend this Agreement and add up to $8,000,000 up to 12 times. The Energy Commission also has the option to add time to the Agreement, up to 12 years. The amendments may occur annually; more frequently if needed; or less frequently.

When the Energy Commission amends the Agreement to add funds, and the budget reaches $60 million, there shall be no additional amendments to add funds. This structure may result in funding being allocated unevenly over time with some amendments having higher amounts than others.

The Agreement amount of $20,000,000 covers the initial 2-year period. If the Energy Commission exercises the option to amend the Agreement to add time or funds, the additional funding will be added to the Agreement in an amount to be determined, up to $8,000,000 for each amendment. Each subsequent amendment can extend the agreement and add up to $8,000,000 at the Energy Commission’s sole discretion.

* Amendments to Add Funds

The Energy Commission may also amend the Agreement to add funds, but not time.

This amendment would be included as one of the 12 optional amendments.

* Amendments to Add Time

The Energy Commission may also amend the Agreement to add time, but not funds. In particular, if there is still time remaining within the possible 12-year term, but the budget has reached $60 million, the Energy Commission can still amend the Agreement to add time, up to 12 years. This amendment would be included as one of the 12 optional amendments.

The amendments are shown in the table below.

|  |  |
| --- | --- |
| Vehicle | Funding |
| Initial Agreement  | $20,000,000 |
| Amendment #1 | Up to $8,000,000 |
| Amendment #2 | Up to $8,000,000 |
| Amendment #3 | Up to $8,000,000 |
| Amendment #4 | Up to $8,000,000 |
| Amendment #5 | Up to $8,000,000 |
| Amendment #6 | Up to $8,000,000 |
| Amendment #7 | Up to $8,000,000 |
| Amendment #8 | Up to $8,000,000 |
| Amendment #9 | Up to $8,000,000 |
| Amendment #10 | Up to $8,000,000 |
| Amendment #11 | Up to $8,000,000 |
| Amendment #12 | Up to $8,000,000 |
| Total – up to $60,000,000 |
| Total duration – up to 12 years |

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

## Eligible Bidders and Agreement Terms

This is a solicitation for private-entity Bidders only; the Energy Commission will not consider bids submitted by public entities.

The Agreement resulting from this solicitation will include terms and conditions that set forth the Contractor’s rights and responsibilities. Bidders must review the draft terms and conditions (Attachment 8). Bidders must agree to all final terms and conditions to receive the Agreement award. Be aware that the terms and conditions included in Attachment 8 are subject to change based on, in addition to other potential reasons, modifications to federal program requirements or terms and conditions by the U.S. Department of Energy (DOE), Federal Highway Administration (FHWA), and U.S. Environmental Protection Agency (USEPA), feedback and guidance the Energy Commission receives from the DOE, FHWA or USEPA, and any project-specific special terms and conditions the Energy Commission deems appropriate for an Agreement. The Energy Commission will not award agreements to non-complying entities. The Energy Commission reserves the right to modify the terms and conditions prior to executing agreements.

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

### Conflicts of Interest

The selected Contractor and Subcontractors must refrain from any practices, activities, or relationships that create an economic or separation of duties conflict of interest with the Contractor’s obligations under the resulting Agreement. This includes but is not limited to any financial interest in a subrecipient, individual or entity receiving federal funding or applying for funding under the federal programs administered by the Energy Commission. Actual or apparent conflicts are fact specific. Bidders are encouraged to submit a Proposal and demonstrate to the Energy Commission how they will avoid any economic conflicts of interest, and establish and maintain adequate separation of duties, in their performance of this Agreement. Bidders will include in their Proposals a description of how they will avoid conflicts, see Section III.2.B, Technical Proposal, description of organizational structure.

Please also note that individuals from the selected Contractor and Subcontractors performing certain tasks under the resulting Agreement that qualifies as “consultant” work under the Political Reform Act will have an ongoing duty to prevent conflicts of interest from occurring in their role providing technical support to the Energy Commission for federally-funded programs, and other economic interests that have a material financial interest in the federal programs. This ongoing duty includes but is not limited to being restricted from certain other work related to the federal programs.

For further requirements regarding conflicts of interest see Exhibit E, Conflicts of Interest.

## Pre-Bid Conference

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

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

July 30, 2024 at 10:00 am and September 9, 2024 at 10:00 am

California Energy Commission

Telephone: (916) 654-4381

**Zoom Only**

**Zoom Instructions:**

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

**Join Zoom Meeting:**

Please click the link below to join the webinar:

[https://energy.zoom.us/j/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:** 846 9648 5394

**Password:** meeting@10

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

**Join via audio**

US: +12133388477,,84696485394# or +16692192599,,84696485394#

**Or, dial:**

US: +1 213 338 8477 or +1 669 219 2599 or +1 346 248 7799 or +1 602 753 0140
[More International numbers](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fenergy.zoom.us%2Fu%2FkcQkX1xayx&data=05%7C02%7C%7C6f49e96d828c4aa7fb4e08dc9f6c4d6a%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C638560534714044582%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=6MTO5bysx4cjJ4mY6Oz7ukniQmleZZnTiTUo0Nd6pDc%3D&reserved=0)

Webinar ID:

846 9648 5394

## Questions

During the RFP process, questions of clarification about this RFP must be directed to the Contracts Officer listed in the following section. You may ask questions at the Pre-Bid Conference, and you may submit written questions via electronic mail. However, all questions must be received by 5:00 pm on the day of the Pre-Bid Conference.

The questions and answers will be posted on the Commission’s website at

https://www.energy.ca.gov/funding-opportunities/solicitations.

Any verbal communication with a CEC employee concerning this RFP is not binding on the State and shall in no way alter a specification, term, or condition of the RFP. Therefore, all communication should be directed in writing to the Energy Commission’s Agreement Officer assigned to the RFP.

## Contact Information

Angela Hockaday, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California, 95814

Telephone: (916) 931-5973
E-mail: angela.hockaday@energy.ca.gov

## Responses to this RFP

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

## Reference Documents

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

* Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021). https://www.congress.gov/bill/117th-congress/house-bill/3684.
* Inflation Reduction Act, Public Law 117-169 (August 16, 2022) <https://www.congress.gov/bill/117th-congress/house-bill/5376>
* Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200
* Audit requirements in 2 CFR Part 200, Subpart F.
* Amendments to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200 for the Department of Energy Awards in 2 CFR Part 910.
* The Funding Opportunity Announcement and/or Administrative and Legal Requirements documents for each federal funding opportunity.
	+ Many Department of Energy, Energy Efficiency and Renewable Energy Office funding opportunities are listed here: <https://eere-exchange.energy.gov/>.
	+ Many Department of Energy Grid Deployment Office funding opportunities are listed here: https://www.energy.gov/gdo/funding-opportunities-and-requests-information
	+ Many Department of Transportation funding opportunities are listed here: <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/> and <https://www.fhwa.dot.gov/inflation-reduction-act/>.
* 23 C.F.R., Chapter I, Subchapter 6, Part 680 – National Electric Vehicle Infrastructure Standards and Requirements. <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-G/part-680>.
* 23 U.S.C. Chapter 1 - FEDERAL-AID HIGHWAYS

Caltrans [Local Assistance Procedures Manual](https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm). <https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm>.

* Many of the Energy Commission’s federal programs are still in development. The following list is a sample of some of the programs that are in the early stages of being released to the public:
* High Efficiency Electric Home Rebate Act (HEEHRA) program - Contract conditionally approved at April Business meeting.

<https://www.energy.ca.gov/filebrowser/download/6167?fid=6167#block-symsoft-page-title>

* Community Energy Reliability and Resilience Investment (CERRI) Program grant solicitation:

<https://www.energy.ca.gov/solicitations/2024-03/gfo-23-312-community-energy-reliability-and-resilience-investment-cerri>

* National Electric Vehicle Infrastructure (NEVI) Program grant solicitation:

<https://www.energy.ca.gov/solicitations/2023-10/gfo-23-601-californias-national-electric-vehicle-infrastructure-formula>

* + HOMES Rebate Home Energy Performance-Based, Whole-House Rebates information:

<https://www.energy.ca.gov/programs-and-topics/programs/inflation-reduction-act-residential-energy-rebate-programs>

# II. Scope of Work and Deliverables

## About This Section

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

**ACRONYMS/GLOSSARY**

*Specific acronyms and terms used throughout this SOW are defined as follows:*

| **Acronym** | **Definition** |
| --- | --- |
| Agreement | The executed contract between the CEC and the Contractor. |
| BABA | Build America, Buy America Act  |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Officer |
| CEQA | California Environmental Quality Act |
| Contractor | The Bidder awarded a contract from the CEC as a result of this RFP |
| CPR | Critical Project Review |
| CEC | California Energy Commission |
| DGS | Department of General Services |
| IIJA | Infrastructure Investment and Jobs Act |
| IRA | Inflation Reduction Act |
| NEPA | National Environmental Policy Act |
| PM | Project Manager |
| SOW | Scope of Work |
| State | State of California |
| WA | Work Authorization |

## Background

As the state's primary energy policy and planning agency, the CEC plays a critical role in creating the energy system of the future - one that is clean, safe, affordable, and reliable. In support of these efforts, the CEC is pursing and administering multiple clean energy funding opportunities made available through the IIJA and IRA.

The IIJA was signed into law by President Biden on November 15, 2021. The IIJA directs federal funding to infrastructure programs and projects, designed to modernize and upgrade American infrastructure, create good-paying union jobs, tackle the climate crisis, and advance environmental justice. IIJA funds are being delivered through a mix of formula and competitive grants, loan guarantees, and direct federal spending programs.

The IRA was signed into law by President Biden on August 16, 2022. The IRA directs federal funding to support the development of a new clean energy economy, designed to lower energy costs for families and small businesses, accelerate private investment in clean energy solutions, strengthen supply chains, and create good-paying jobs. IRA funds are being delivered through a mix of tax incentives, grants, and loan guarantees.

Through these federal funding opportunities, the CEC will further its mission to create a clean, affordable, and equitable clean energy future for all.

**Agreement Structure**

For purposes of this RFP, the “Bidder” is an entity that submits a proposal.  The “Contractor” is the Bidder or Bidders awarded an Agreement (Contract) from the CEC, as a result of this RFP, and will perform the tasks as specified in this SOW, under the direction of the CAM.

The CAM oversees the management and administration of this Agreement as specified under Task 1 in this SOW.  The administrative budget and expenses for Task 1 are directly applied to the executed Agreement, therefore, does not require a formal authorization form.

This Agreement includes technical support tasks under Tasks 2 through 9.  Any work under these tasks will not be undertaken by the Contractor unless first authorized in a written document called a “Work Authorization” (WA) that specifies the project tasks, deliverables, schedule, and budgeted costs.  WAs must be signed by both the CAM and Contractor and approved by the Department of General Services (DGS) before any work can begin.

* The CEC Project Manager (PM) works with the Contractor, in consultation with the CAM, to manage defined technical support WAs. All work performed by the Contractor under Tasks 2 through 9 will be requested and authorized by the CAM on an as-needed basis, at CEC’s discretion.  Therefore, work will depend on the demand for service.  As demand is uncertain, there will be **no guarantee of work for the Contractor or any Subcontractor**.

**Authorized Budget Expense Categories**

Authorized expenses for agreement management and technical WAs must be directly related to completing the Task activities in this Agreement as defined in this scope of work and each authorization, and may include:

* Direct Labor
* Fringe Benefits
* Travel (All travel requires prior written approval by the CAM.)
* Equipment
* Materials and Miscellaneous
* Subcontracts
* Indirect Costs and Profit

**Selection of Contractor and Subcontractor Personnel for Work Authorizations**

The CEC reserves the right to select Contractor and Subcontractor personnel for work based upon expertise and/or suitability for a particular task based on the following criteria:

* Depth and breadth of the personnel’s education, expertise, experience, knowledge, skills, and abilities to perform the work.
* Availability of personnel.
* Available budget.

Upon CEC’s request, the Contractor shall submit to the CAM a current resume for all proposed personnel, a cover letter briefly describing their qualifications relevant to a particular work request, and a budget.

When requested by the CAM, Contractor and Subcontractor personnel must respond by email to the Contractor, to confirm that they have the qualifications and availability to perform the work or that they decline the work requested.

Work assigned under each task will be completed with only the personnel chosen to perform the work, as approved in writing by the CAM. Goals and Objectives of Agreement.

**Agreement Goals**

### The primary goal of this Agreement is to obtain a range of expert assistance with the technical tasks identified in this scope to support new and ongoing federal programs administered by the CEC. The CAM will engage the Contractor’s expertise and seek responsive service and high-quality deliverables to meet critical due dates that support ongoing program activities. Technical assistance will be sought for the administrative reporting and compliance requirements applicable to each program.

**Agreement Objectives**

### The objective of this Agreement is to obtain timely expertise and requested service with the administrative monitoring, reporting, and compliance requirements associated with federal funding received by the CEC through the Infrastructure Investment and Jobs Act (IIJA), and the Inflation Reduction Act (IRA). Expert services needed include but are not limited to the following areas:

### Davis-Bacon Act or State Prevailing Wage Compliance Monitoring

### Build America/Buy America Act

### National Historic Preservation Act

### National Environmental Policy Act

### Equipment and property records

### Small, minority, and women owned business compliance and outreach.

|  |  |
| --- | --- |
| **Task #**  | **Administrative Task Name** |
| 1  | Agreement Management   |
| **Task #**  | **Technical Task Name** |
| 2 | Federal Compliance Training Support |
| 3 | Project Compliance Support |
| 4  | Financial Management |
| 5  | Evaluation of Subrecipients |
| 6 | Federal Reporting |
| 7 | Oversight Requirements |
| 8 | Audit Support |
| 9 | Modification of Performance Period and Closeout |

### ADMINISTRATIVE TASKS

**TASK 1 AGREEMENT MANAGEMENT**

The goal of this task is to provide for overall administrative management of the contract by the Contractor. In addition to the specific tasks below, the Contractor’s Program Manager (PM), under the direction and in coordination with the CAM, shall manage all administrative tasks and executed Work Authorizations under this Agreement to meet the objectives of the contract. The PM is also responsible for ensuring the quality and timely delivery of all deliverables, both technical and administrative from the Contractor Team. The PM will be the primary point of contact for the Contractor Team and is responsible for oversight of all work under this contract. The PM is also responsible for managing all subcontractor work, including ensuring quality products, enforcing subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, recommending solutions to resolve the problem. All work for WAs performed by the Contractor team shall be directed by and coordinated with the CAM or CEC-designated PM. The CAM will provide a written authorization before any work can officially begin. The administrative budget and expenses for Task 1 are directly applied to the executed contract, therefore, does not require a formal WA. Agreement management work under Task 1 is performed through the Agreement term end date.

The budget for Task 1 – Agreement Management and General Project Tasks cannot exceed **10 percent** of the total funds encumbered to the Agreement. The amount of program administration funds and its associated administrative agreement management budget is subject to change depending on the program needs and the authority to spend those funds. The CAM will notify the Contractor of these changes if they are needed.

**Subtask 1.1 Kick-off Meeting**

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

**The Contractor shall:**

* Attend a “kick-off” meeting with the CAM, the Contracts Officer, and a representative of the Accounting Office. The meeting will be held via Zoom or teleconference. The Contractor shall include their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the CAM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
* Arrange the meeting including scheduling the date and time.
* Provide a draft agenda to the CAM for review.
* Provide a final agenda to all potential meeting participants prior to the kick-off meeting.
* Discuss requirements and timing for handling of Energy Commission or Third-Party Confidential Information and Personal Information. See Task 1.7 for more information.

**The CAM shall:**

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

**Deliverables:**

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

**Subtask 1.2 – Critical Project Review (CPR) Meetings**

The goal of this subtask is to provide the opportunity for discussions between the CEC and the Contractor on the status of the Agreement. The purpose of a CPR meeting is to determine if the Agreement, or any work under any individual WA, should continue to receive CEC funding, and if so whether any modifications must be made to the tasks, deliverables, schedule, or budget. CPR meetings provide the opportunity for frank discussions between the CEC and the Contractor. As determined by the CAM, discussions may include project status, issue(s) encountered, options to resolve the issue(s), successes, recommendations, and any other agreement related topics. Participants will include the CAM and the Contractor and may include the CAO and any other individuals selected by the CAM to provide support to the CEC. CPR meetings take place as determined by the CAM.

**The Contractor shall:**

* Attend CPR meetings.
* Present any required information at each CPR meeting determined by the CPR meeting agenda.
* Respond to e-mails or other communication requests regarding project management status and issues, as requested by the CAM.
* Prepare CPR meeting notesas requested by the CAM that summarize the meeting and provide agreed upon next steps.

**The CAM shall:**

* Determine the date, and time of each CPR meeting with the Contractor’s input.
* Send the Contractor a *CPR* *Agenda* and a *List of Expected CPR Participants* in advance of the CPR meeting.
* Provide the Contractor with a *Progress Determination* on continuation of the project, in accordance with the schedule. The *Progress Determination* may include a requirement that the Contractor revise one or more deliverable.

**Contractor Deliverables:**

* CPR presentation materials
* CPR Meeting Notes

**CAM Deliverables:**

* CPR Agenda
* List of Expected CPR Participants
* Progress Determination

**Subtask 1.3 - Invoices**

**The Contractor shall:**

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

**Deliverables:**

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

**Subtask 1.4 - Progress Reports**

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

**The Contractor shall:**

* Prepare progress reports monthly. The reports should summarize all Agreement activities conducted by the Contractor team for the reporting period. Any interim reports or products produced during the period should be included as part of the monthly progress report. The report should provide a graph of expenditures to date and a projection for subsequent months of the contract period. The report should include an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due within 15 calendar days after the end of the reporting period. The CAM will provide the format for the progress reports.
* As an option, CAM or PM of a Work Authorization may hold Monthly Progress Calls to discuss how the project is progressing, and to address any emerging issues in a timely fashion.

**Deliverables**:

* Monthly Progress Reports (including monthly invoice)

**Subtask 1.5 - Management of Subcontracts Performing Technical Tasks 2-9**

If Contractor subcontracts some of the technical work in Tasks 2-9, this Subtask 1.5 is the vehicle to manage those technical subcontracts, the goals of this subtask are to: (1) procure subcontracts required to carry out the tasks under this Agreement; (2) enforce Subcontractor Agreement provisions and ensure that the subcontracts are consistent with the terms and conditions of this Agreement, and in the event of failure of the Subcontractor to satisfactorily perform services, recommend a solution to resolve the problem; (3) ensure subcontractors submit quality deliverables.

**The Contractor shall:**

* Manage and coordinate Subcontractor activities in accordance with the requirements of this Agreement.
* Be responsible for the quality of all Subcontractor work and the CAM will assign all work to the Contractor.
* Incorporate this Agreement by reference into each subcontract.
* Include any required CEC flow-down provisions in each subcontract, in addition to a statement that the terms of this Agreement will prevail if they conflict with the subcontract terms.
* If required by the CAM, submit a draft of each *Subcontract* for each Subcontractor required to conduct the work under this Agreement.
* If required by the CAM, submit a final copy of the executed subcontract.
* If the Contractor decides to add new or replace Subcontractors, they shall:
* Comply with the Terms and Conditions of the Agreement.
* Notify and receive written approval from the CAM prior to adding any new subcontractors and commencing work (see the discussion of Subcontractor additions in the terms and conditions).

**Deliverables:**

* Subcontract(s) *(*draft and final if required by the CAM*)*

**Subtask 1.6 - Work Authorizations for Technical Tasks 2-9**

The goal of this task is to develop and manage all technical and budgetary aspects of work authorizations (WA) in accordance with the requirements of this Agreement for work to be performed under Technical Tasks 2 through 9. All Technical work shall be performed through work authorizations issued for tasks 2-9. A separate WA for each federal funded program, will be developed for necessary work described under Technical Tasks 2 through 9.

**The Contractor shall:**

* Help prepare WAs in accordance with the contract requirements.
* All terms and conditions included in the executed Agreement shall apply to WAs, as applicable.
* The WA format and content shall be specified by the CAM.
* The WA end date should be no later than **60 days** prior to the term end date of the Agreement. This allows the Contractor time to complete closeout activities for all WAs/PAs and to prepare the Final Report.
* Submit all required *WA/PA* *Documents* to the CAM.
* Administer WAs.
* Establish and maintain contractual agreements with entities performing work.
* Develop project schedules.
* Manage Subcontractor activities in accordance with the Agreement terms and conditions.
* Provide oversight and first-level review of reports and documentation, and comment on the content of deliverables.
* Prepare and submit all WA invoices including subcontractor expenses, to CAM for review and approval, pursuant to Exhibit B, paragraph 3.
* Provide accounting services for all WAs.
* Immediately report any significant variances affecting performance of WAs and recommend mitigation actions for consideration by the Project Manager and CAM. Examples of significant variances include the inability to submit deliverables by key WA due dates, unavailability of key personnel that will affect timely submittal of deliverables, and key technical issues that would require change in scope, redirection of the effort, or discontinuation of the project.
* Coordinate with the CAM to close out completed WAs and remaining unallocated balances.
* Monitor and track each WA and the overall agreement.
* Provide updated WA project schedules, as needed, and determine if each WA is on schedule and deliverables are satisfactory.
* Determine the fiscal status of each WA and the overall Agreement.
* Prevent cost overruns.
* Track the start, progress, and closure of each WA.

**Deliverables:**

* WA Documents
* Updated Project Schedules

**Subtask 1.7- Handling Energy Commission or Third-Party Confidential Information and Personal Information**

There are options for when Contractor must complete the prerequisites to handling Energy Commission or Third-Party Confidential Information or Personal Information. The Contractor can complete the prerequisites at the beginning of the Agreement. Alternatively, the Contractor can complete the prerequisites before beginning work on a Work Authorization that will involve Contractor handling Confidential Information or Personal Information. At the very latest, Contractor must complete the prerequisite steps below before work is performed on a Work Authorization that will involve Contractor handling Confidential Information or Personal Information. Details are included in Exhibit D paragraph 9; and Exhibit D paragraph 9 Appendix 1. Contractor and CAM shall determine the appropriate timing depending on the specific work authorization.

* Submit signed Information Security Program Plan Attestation that Contractor has an Information Security Program Plan (ISPP) that meets the minimum requirements as stated in SAM 5300 and any other applicable law. CAM will provide ISPP Attestation form.
* Submit signed Non-Disclosure Agreements (NDAs) from Contractor and Subcontractor employees prior to the sharing of confidential information with the employees. CAM will provide NDA form.
* Contractor shall ensure that all individuals employed by Contractor or a Subcontractor who will have access to confidential information take an annual security awareness training and submit the Employee Security Awareness Training Certificates.
* Submit verification that confidential information and personal information is destroyed at Agreement end (or when work is completed).

**Deliverables:**

* Signed Information Security Program Plan Attestation Form
* Signed non-disclosure agreement from Contractor and Subcontractor employees
* Employee Security Awareness Training Certificates
* Verification of destruction of Confidential Information and Personal Information.

### TECHNICAL TASKS

Activities under Task 2 through 9 are Technical Tasks and are on an as-needed basis. Assignments for these tasks will require an approved Work Authorization before any work can officially begin. Work will be done through written WAs that include a detailed budget and define the goals and objectives, tasks, deliverables, and project schedule. All work under these tasks shall only be undertaken when authorized by the CAM and DGS through a WA.

All work performed under these tasks must be completed and approved by the due dates as specified in each WA approved by the PM. Was must have an end date no later than 60 days prior to the Agreement term end date.

Some tasks are intermittent and will only be needed on a limited basis, depending on the timing of when the Energy Commission receives federal grant funds. In addition, not all tasks will be needed for the entire length of the contract. Tasks are generally grouped into two phases. The first phase will be setting up programs funded by federal grants that the Energy Commission receives. This work is more heavily weighted at the beginning of the agreement. 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. The subrecipient grant agreements have a finite time period during which monitoring must occur. However, the exact timing of monitoring performance is difficult to predict, since federal funds may continue to flow to the Energy Commission to administer as new grant programs.

N**OTE: Energy Commission or Third-Par**t**y Confidential Information and Personal Information**

### Contractor Access to Confidential and Personal Information:

Contractor will need to have access to Confidential Information and Personal Information during the course of work under this Agreement. Monitoring work will involve access to subrecipient Confidential Information, in addition to possibly Personal Information for programs funding home upgrades. Detailed requirements for handling Confidential Information and Personal Information are included in Task 1.7; Exhibit D paragraph 9; and Exhibit D paragraph 9 Appendix.

* Confidential and Public deliverables:

### Work authorizations will detail the exact deliverables Contractor will prepare and submit to the Energy Commission.

### The first parts of the technical tasks will involve assisting the Energy Commission in structuring the process and content for compliance with federal grant requirements. There are two prongs to this assistance:

* Energy Commission requirements compliance to adhere to the grant agreements from DOE or other federal agencies;
* Subrecipients who receive federal funding from the Energy Commission via grant or other types of agreements, to adhere to federal requirements.

### TASK 2 FEDERAL COMPLIANCE TRAINING SUPPORT

### Provide support and guidance, including but not limited to:

### Identification of administrative reporting compliance requirements for one or more federally funded programs, including any changes to the requirements (this may alternatively be performed under Task 4)

### Development of materials and provision of training to Energy Commission staff, contractors, and subrecipients on federal reporting and compliance requirements, in order to transition certain routine types of work to Energy Commission staff, to the extent feasible.

### TASK 3 PROJECT COMPLIANCE SUPPORT

### Provide overall project management support and guidance, including but not limited to:

### Identification of administrative reporting compliance requirements for one or more federally funded programs, including any changes to the requirements (this may alternatively be performed under Task 2)

### Incorporation of all applicable compliance responsibilities in the terms and conditions of sub-awards (e.g., Davis-Bacon Act), and ensuring subrecipients are responsible for providing all necessary information

### Review of and guidance on subrecipient tasks and deliverables in the project scope of work related to federal compliance responsibilities

### Development of subaward monitoring and administration procedures

### Submittal of reports to federal agencies and entering data as required, such as in the federal PAGE system

### For the NEVI program and any other transportation programs that involve the CEC partnering with Caltrans, assistance with ensuring projects move through the federal-aid highway processes as outlined in the Caltrans Local Assistance Procedures Manual and 23 U.S.C. Chapter 1.

### TASK 4 FINANCIAL MANAGEMENT

### Provide support and guidance on required financial management practices for federal awards, including but not limited to:

### Federal award requirements for the Energy Commission’s financial management system

### Sufficient and effective internal controls

### Federal payment procedures

### Allowable costs determinations for the Energy Commission and subrecipients

### Revisions to budgets and program plans

### Appropriate use of program income

### Standards for conflict of interest.

### TASK 5 EVALUATION OF SUBRECIPIENTS

### Provide support, guidance, and technical assistance related to the evaluation of potential subrecipients who apply to the Energy Commission’s funding solicitations, including but not limited to:

### Technical evaluation of subrecipient qualifications and experience with applicable federal requirements, providing subject matter expertise. Contractor will not score proposals or provide specific recommendations or opinions.

### Assessment of the performance risk of sub-awardees

### Modification of subawards based on risk evaluation

### Technical assistance to subrecipients

### Debarment and Suspension checks.

### TASK 6 FEDERAL REPORTING

### Provide support and guidance for federal reporting obligations, including but not limited to:

### Reporting on program performance, including all required metrics, data, and budget information, as well as regular program and project reports (e.g., quarterly reports)

### Reporting significant developments

### Reporting on any federal interest in real property

### Closeout Reporting

### Other reporting requirements under uniform or specific federal awards.

### TASK 7 OVERSIGHT REQUIREMENTS

### Provide support, guidance, and technical assistance for federal monitoring obligations, including but not limited to:

### Monitoring subrecipients to ensure compliance with applicable federal requirements including but not limited to the following:

### Reviewing financial management and performance reports

### Following-up on any deficiencies

### Procurement review

### Performing other stewardship obligations

### Support CEC staff to perform and report on onsite reviews

### Providing training to the Energy Commission on compliance monitoring

### For the NEVI program and any other transportation programs that involve the CEC partnering with Caltrans, monitoring subrecipients to ensure compliance with the Caltrans Local Assistance Procedures Manual.

### Subrecipients will be required to comply with numerous federal requirements, as provided in the grant awards to the Energy Commission by the federal government. Contractor may be directed to assist in monitoring and compliance with all of these federal requirements. The attachment to the Work Scope lists the majority of the federal requirements. The Energy Commission will provide Contractor with the specific federal grant terms for the various programs, which detail the exact federal requirements for each program.

### Certain federal requirements are more complex and time-consuming for monitoring work. Contractor will be directed to conduct monitoring under specific federal compliance areas that have the most complex federal compliance requirements including but not limited to the following:

### Davis-Bacon Act or State Prevailing Wage Compliance Monitoring

### Coordinating required training

### Ensuring compliance by all lower tier entities

### Reviewing payrolls of subrecipients

### Posting notices and conducting onsite reviews

### Notifying Federal agencies of any labor standards issues

### Cooperating with DOL investigations

### Preparing and submitting reports

### Build America/Buy America Act

### Overseeing compliance

### Managing the waiver process

### National Historic Preservation Act

### Collecting and submitting and required information

### Utilizing California programmatic agreement

### National Environmental Policy Act

### Collecting and submitting any required information

### Preparing and submitting reports

### Equipment and property

### Monitoring maintenance and intended use

### Maintaining property records and biannual inventory

### Purchase of American made equipment

### Small, minority, and women owned business

### Monitoring outreach efforts are made toward goal, if applicable.

### TASK 8 Audit Support

**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.

**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.

### TASK 9 MODIFICATION OF PERFORMANCE PERIOD AND CLOSEOUT

### Provide support, guidance, and technical assistance for project performance period modification and closeout, including but not limited to:

* Modifying period of performance as needed
* Developing and performing closeout procedures
* Submitting all required project documentation
* Ensuring prompt payment.

### Work Scope Attachment

### The following is a list of federal grant requirements that Contractor may be asked to monitor subrecipient awards for compliance.

|  |
| --- |
| Affirmative Action and Pay Transparency RequirementsAllowable costs/indirect costsAmericans with Disabilities Act of 1990Annual Allocation RequestBuy America/Purchase of American made equipment Byrd Anti-Lobbying AmendmentCargo-Preference ActClean Air Act and the Federal Water Pollution Control ActCompliance with Federal, State, and Municipal LawConference SpendingConflict of InterestConstructionContract Work Hours and Safety Standards Act Contracting with small & minority business, women's business enterprises & labor surplus area firmsCopyrightCorporate Felony Conviction and Federal Tax Liability AssurancesCost Match/cost share Cybersecurity PlanDavis-Bacon ActDebarment and SuspensionDisadvantaged Business Enterprise Domestic Content Commitment/Domestic procurement Domestic preferences for procurementsDuplicative Funding reporting Eligible Entity Prioritization Equal Employment OpportunityEquipmentExport ControlFederal Funding and Transparency Act of 2006Financial Management Flood ResilienceFlow down requirements to subrecipients/subcontractors Foreign Entities/Collaboration Foreign Government-Sponsored Talent Recruitment ProgramForeign National InvolvementForeign TravelFraud, Waste, AbuseFree Speech and Religious Liberty Historic PreservationHuman Subjects ResearchIndemnityInsolvencyInsurance CoverageIntellectual Property / Intellectual Property Management PlanLobbyingNational Policy Assurances NEPANondisclosure and Confidentiality Agreement AssurancesNondiscriminationPayment procedures and reimbursementPerformance of Work in USPost-Award Due Diligence ReviewsProcurement Program IncomeProperty Trust RelationshipPublicationsReal PropertyRecord RetentionRefund ObligationReporting of Matters Related to Recipient Integrity and PerformanceReporting RequirementsReporting Subawards and Executive CompensationReporting, Tracking and Segregation of incurred CostsRight of WayRights in Technical DataRights to Inventions Made Under a Contract or AgreementSite VisitsSmall Utilities Set AsideStewardship activities Subaward notificationSuppliesSystem for Award Management and Universal Identifier RequirementsTechnical Assistance and Administrative ExpensesTelecommunications and Video Surveillance Services or EquipmentTransparency of Foreign ConnectionsUniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal AwardsUniform Commercial Code (UCC) Financing Statements |

# III. Proposal Format, Required Documents, and Delivery

## About This Section

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

## Required Format for a Proposal

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

## Method for Delivery

The method of delivery for this solicitation is the Energy Commission Grant Solicitation System, available at: [https://gss.energy.ca.gov/](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgss.energy.ca.gov%2F&data=04%7C01%7C%7C6db4917e18aa46a4fc0808d8d42cbd67%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C637492635908664785%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=avUY8DTO%2Fg6shuUaQADf6Qcqw3G%2BwKwDDdd5WQWxbYk%3D&reserved=0). This online tool allows applicants to submit their electronic documents to the CEC prior to the date and time specified in this solicitation. Electronic files must be in Microsoft Word and Excel Office Suite formats unless originally provided in the solicitation in another format. Attachments requiring signatures may be scanned and submitted in PDF format. Completed Budget Forms, Attachment 7, must be in Excel format.

The deadline to submit applications through the CEC’s GSS is **11:59 p.m**. The GSS system automatically closes at 11:59 p.m. If the full submittal process has not been completed before 11:59 p.m., your application will not be considered. NO EXCEPTIONS will be entertained.

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

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

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

Hard copies will **not** be accepted for this solicitation.

## Organize Your Proposal As Follows

### SECTION 1, Administrative Response

Cover Letter

Table of Contents

Contractor Status Form Attachment 1

Darfur Contracting Act Form Attachment 2

Small Business Certification If applicable

Completed Disabled Veteran Business Enterprise form Attachment 3

Bidder Declaration form GSPD-05-105 Attachment 4

Contractor Certification Clauses Attachment 5

TACPA Forms If applicable

Iran Contracting Act Form Attachment 09

CA Civil Rights Laws Certification Attachment 10

Byrd Anti-Lobbying Amendment Certification Attachment 11

GenAI Disclosure & Factsheet Form Attachment 12

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### SECTION 2, Technical and Cost Proposal

Approach to Tasks in Scope of Work

Team Structure and Coordination. (Narrative and Organizational Chart)

Relevant Experience and Qualifications

Client References Attachment 6

Previous Work Products

Budget Forms Attachment 7. See also F below.

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

Describe the Bidder’s approach to providing services listed in the Scope of Work, highlighting any outstanding features.

1. **Team Structure and Coordination (Narrative Organizational Chart)**
2. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team.
3. Provide a short description of each firm and key members on the team. Describe the relationship between the Contractor and Subcontractors as well as the communication lines and coordination between team members.
4. Identify the location of the Bidder’s and Subcontractor’s headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
5. Describe the organization, composition, and functions to be performed by staff members of the Bidder and any Subcontractors and how the staff pertains to this contract. Describe any services relevant to the expertise needed under this Agreement.
6. Describe any organizational or staffing structures established or maintained by the Bidder and any Subcontractors to avoid violating any separation of duties or economic conflicts of interest between the firms and members of the team and any potential subrecipients that may receive awards under the federally-funded programs administered by CEC.
7. Describe and document good faith efforts to include Disadvantaged Business Enterprise firms on the team. See Section V “Federal Disadvantaged Business Enterprise U.S. EPA” for details on the content that must be included in the Proposal. *NOTE: The DBE information in the Proposal is for information only. Bidders will not be scored on DBE good faith efforts in the Proposal.*
8. **Relevant Experience and Qualifications**
9. Document the project team’s qualifications as they apply to performing the tasks described in the Scope of Work, including management of the Agreement resulting from this RFP (i.e., a multi-year contract with multiple subcontractors). Describe recently completed work as it relates to the Scope of Work.
10. Identify and list all Bidder staff and Subcontractors (all team members) who will be committed to the tasks and describe their roles.
11. Provide a current resume (within the last five years) for all team members listed, including job classification and description, relevant experience, education, academic degrees and professional licenses. The recommended length for the resumes is up to two pages for each team member.
12. Describe the team’s professional awards.
13. Provide a summary of the project team’s experience managing contracts/projects similar to the Agreement that will result from this RFP.
14. Identify the percentage of time each team member will be available throughout the contract.
15. Describe experience in assisting government agencies in a federal audit.
16. Describe project team’s experience providing monitoring and compliance in each of the following areas of federal requirements:
* Identification of applicable administrative reporting compliance requirements for federally funded programs
* Provide review and guidance of subrecipient tasks and deliverables in the project scope of work in relation to federal compliance requirements
* Develop monitoring and administration procedures
* Submission of federally required reports and using systems such as PAGE
* Ensure projects move through the federal-aid highway process as applicable
* Work with Federal agencies of any labor standards issues
* Monitoring of grant recipient’s compliance of the following:
* Davis-Bacon Act or State Prevailing Wage
* Build America/Buy America Act
* National Historic Preservation Act
* National Environmental Policy Act
* Small, minority, and women owned business
* Maintaining property, maintenance and intended use records and biannual inventory monitoring of equipment and property as applicable
* Describe project team’s experience in the following areas of audit and financial evaluation assistance:
* 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
* 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.
* Describe project team’s experience in the following areas of training:
* Develop training plan
* Design training materials
* Collaborate with subject matter experts to create training on federal reporting and compliance requirements
* Develop training materials in various electronic formats for each module, including but not limited to MS PowerPoint, MS Word, recorded files
* Present and host training sessions in various formats, including but not limited to online lectures and demonstrations, informational materials, in-person class sessions
1. **Client References**

Each Bidder shall complete Client Reference Forms. Two client references are required for the Contractor and two for each subcontractor for current (within the past three years) and relevant references demonstrating similar work deliverables as described in this RFP. The CEC reserves the right to check references and may be considered in the evaluation.

1. **Previous Work Products**

Each Bidder and if 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.

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

1. **Budget Forms**

Cost Justification

Category Budget Attachment 7

Direct Labor Attachment 7

Fringe Benefits Attachment 7

Travel Attachment 7

Equipment Attachment 7

Materials & Miscellaneous Attachment 7

Subcontracts Attachment 7

Indirect Costs and Profit Attachment 7

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

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

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

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

When Bidder completes the budget forms showing hourly rates for years 1-2, the rates cannot increase during the initial two-year term.

Bidder will show rates bid for years 3-12 with a separatecolumn for each two-year term.

Bidder may include rate increases in years 3-12. However, the RFP is evaluated in part on keeping costs low, so Bidder is encouraged to consider the amount of rate increases for each year 3-12.

For years 1-2, Bidder will include the same rates for two years.

For years 3-12, Bidder will include a separate budget form, with rate increases, if any.

The year in which the Agreement is amended will include the hourly rates associated with that year, as provided by Bidder and included in the Agreement budget.

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

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

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

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

# IV. Evaluation Process and Criteria

## About This Section

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

## Proposal Evaluation

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

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

The Proposals will be evaluated in two stages:

### Stage One: A. Administrative and Completeness Screening

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

|  |  |
| --- | --- |
| **SCREENING CRITERIA** *The Proposal must pass ALL criteria to progress to Stage Two.* | **Pass/Fail** |
| 1. The proposal is received by the CEC’s Contracts, Grants, and Loans Office by the due date and time specified in the “Key Activities Schedule” in Part I of this solicitation and is received in the required manner (e.g., no emails or faxes).
 | ☐ Pass ☐ Fail |
| 1. The Contractor Status Form (Attachment 1).
 | ☐ Pass ☐ Fail |
| 1. The Darfur Contracting Act (Attachment 2).
 | ☐ Pass ☐ Fail |
| 1. The Disabled Veteran Business Enterprise form (Attachment 3) is completed.
 | ☐ Pass ☐ Fail |
| 1. The Bidder Declaration Form (Attachment 4).
 | ☐ Pass ☐ Fail |
| 1. Contractor Certification Clauses (Attachment 5).
 | ☐ Pass ☐ Fail |
| 1. Iran Contracting Act Form (Attachment 09).
 | ☐ Pass ☐ Fail |
| 1. The California Civil Rights Laws Certification (Attachment 10).
 | ☐ Pass ☐ Fail |
| 1. Byrd Anti-Lobbying Amendment Certification (Attachment 11)
 | ☐ Pass ☐ Fail |
| 1. Gen AI Disclosure & Factsheet Form (Attachment 12)
 | ☐ Pass ☐ Fail |
| 1. Proposal does not contains false or intentionally misleading information
 | ☐ Pass ☐ Fail |
| 1. Proposal isn’t intended to erroneously and fallaciously mislead the State in its evaluation
 | ☐ Pass ☐ Fail |
| 1. There is not a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5
 | ☐ Pass ☐ Fail |
| 1. Proposal does not contain any confidential information
 | ☐ Pass ☐ Fail |
| 1. Proposal was submitted by a private entity
 | ☐ Pass ☐ Fail |
|  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 |

**Stage One: B. Screening Criteria for Handling of Energy Commission (or a Third Party) Confidential Information**

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

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

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

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

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

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

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

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

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

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

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

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

## Scoring Scale

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

|  |
| --- |
| **SCORING SCALE** |
| **% 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. |
| 75% | Between Adequate and Good | Response better than 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 applicant’s response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable. |
| 85% | Between Good and Excellent | Response fully addresses the requirements being scored with a better than good degree of confidence in the applicant’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 applicant’s response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations. |
| 95% | Between Excellent and Exceptional | Response fully addresses the requirements being scored with a better than excellent degree of confidence in the applicant’s response or proposed solution. Applicant 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 applicant’s response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

## Notice of Proposed Award

* After the proposal evaluation process is completed, one Agreement shall be awarded to the Bidder meeting the requirements outlined above, who achieves the highest score after application of preference points.
* The CEC will post a Notice of Proposed Award (NOPA) on the CEC’s Web Site.

|  |  |
| --- | --- |
| **Stage Two: Evaluation Criteria**  | **Maximum****Points: 70** |
| Describe the Bidder’s breadth and depth of knowledge and experience with the following criteria, including Bidder’s approach to the scope of work. |
| 1. **Approach to tasks in Scope of Work**

Describes a clear and efficient approach of delivering necessary services to accomplish tasks listed in the Scope of Work and highlights any outstanding features, and relevant qualifications and experience. | 15 |
| 1. **Team Structure and Coordination**
2. The organization chart provided shows an efficient, well-defined structure.
3. Provides a concise description of each firm and key members of the team.  Description also details the relationship between the Contractor and the Subcontractors as well as the communication lines and coordination between team members.
4. Provides the location of the Contractor and the Subcontractor’s headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
5. Describes the organization, composition, and functions to be performed by staff members of the Contractor and any Subcontractors and how the staff relates to this contract. Describe any services relevant to the expertise needed under this Agreement.
6. Details all organizational or staffing structures established or maintained by the Contractor and any Subcontractors to avoid violating any separation of duties or economic conflicts of interest between the firms and members of the team and any potential subrecipients that may receive awards under the federally-funded programs administered by CEC.
 | 10 |
| 1. **Relevant Experience and Qualifications**
2. Describes the project team’s qualifications as they apply to performing the tasks described in the Scope of Work, including management of the Agreement resulting from this RFP (i.e., a multi-year contract with multiple subcontractors). Describe recently completed work as it relates to the Scope of Work.
3. Identifies and lists all Contractor’s staff and Subcontractors (all team members) who will be committed to the tasks and describe their roles.
4. Provides current resumes (within the last five years) for all team members listed, including job classification and description, relevant experience, education, academic degrees, and professional licenses.
5. Describes the team’s professional awards.
6. Provides a summary of the project team’s experience managing contracts/projects similar to the Agreement that will result from this RFP.
7. Identifies the percentage of time each team member will be available throughout the contract.
8. Describe experience in assisting government agencies in a federal audit.
9. Illustrates the project team’s experience providing monitoring and compliance in each of the following areas of federal requirements:
* Identification of applicable administrative reporting compliance requirements for federally funded programs
* Provide review and guidance of subrecipient tasks and deliverables in the project scope of work in relation to federal compliance requirements
* Develop monitoring and administration procedures
* Submission of federally required reports and using systems such as PAGE
* Ensure projects move through the federal-aid highway process as applicable
* Work with Federal agencies of any labor standards issues
* Monitoring of grant recipient’s compliance of the following:
* Davis-Bacon Act or State Prevailing Wage
* Build America Buy America Act
* National Historic Preservation Act
* National Environmental Policy Act
* Small, minority, and women owned business
* Maintaining property, maintenance and intended use records and biannual inventory monitoring of equipment and property as applicable
* Describe project team’s experience in the following areas of audit and financial evaluation assistance:
	+ Conduct performance audits, attestation engagements, and reviews of financial information.
	+ Analyses of financial stability of sub-recipients to determine their capability to complete projects
	+ 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.
* Describe project team’s experience in the following areas of training:
	+ Develop training plans
	+ Design training materials
	+ Collaborate with subject matter experts to create training on federal reporting and compliance requirements
	+ Develop training materials in various electronic formats for each module, including but not limited to MS PowerPoint, MS Word, recorded files
	+ Present and host training sessions in various formats, including but not limited to online lectures and demonstrations, informational materials, in-person class sessions
 | 25 |
| 1. **Client References**

Provides two client references for the Contractor and two for each subcontractor for current (within the past three years) and relevant references demonstrating similar work deliverables as described in this RFP.  | 10 |
| 1. **Previous Work Products**

Provides at least at least one example work product that demonstrates experience in potential work assignments by the Bidder and its subcontractors if providing technical support in a task area described in this RFP. | 10 |
| **Total Possible Points for Part I. Technical Score*****Note: Minimum Passing Score for Part I. Technical Score is 49.00 (70%)*** | **70** |

|  |  |
| --- | --- |
| **Cost Criteria** | **Possible Points (30)** |
| **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 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.  | 10 |
| **2. Cost Justification**.  Bidder has provided a written description that justifies all proposed personnel identified in its bid for all technical areas and functions to be performed by Prime and Team Members. Bidder has established reasonable justification for the costs based on the expertise, experience, and resources of the project team and the expected work under the contract. | 10 |
| **3. Labor Escalation of years 1 through 12****a.** The score for this criterion will be derived from the total average escalation rate from the previous years to the following biannual years (two years) for Direct Labor and Fringe Benefits for the Bidder and any subcontractors receiving $100,000 or more. Points will be awarded using the table below. **Up to 3 points available. See Attachment 7.****b.** The score for this criterion will be derived from the highest biannual (two years) escalation rate from the previous years to the following biannual years (two years) for Direct Labor and Fringe Benefits for the Bidder and any subcontractors receiving $100,000 or more. Points will be awarded using the table below. **Up to 2 points available. See Attachment 7.**

|  |  |  |
| --- | --- | --- |
| **Escalation Rate Table** | **3a Points** | **3b Points** |
| 0%-6% | 3 points | 2 points |
| 6.01%-12% | 2 points | 1 points |
| 12.01%-18% | 1 points | 0 points |
| >18.01% | 0 points | 0 points |

 | 5 |
| **4. Indirect Rate Escalation of years 1 through 12****a.** The score for this criterion will be derived from the total average escalation rate from the previous years to the following biannual years (two years) for Indirect rate for the Bidder and any subcontractors receiving $100,000 or more. Points will be awarded using the table below. **Up to 3 points available. See Attachment 7.****b.** The score for this criterion will be derived from the highest biannual (two years) escalation rate from the previous years to the following biannual years (two years) for Indirect rate for the Bidder and any subcontractors receiving $100,000 or more. Points will be awarded using the table below. **Up to 2 points available. See Attachment 7.**

|  |  |  |
| --- | --- | --- |
| **Escalation Rate Table** | **4a Points** | **4b Points** |
| 0%-3% | 3 points | 2 points |
| 3.01%-6% | 2 points | 1 points |
| 6.01%-9% | 1 points | 0 points |
| >9.01% | 0 points | 0 points |

 | 5 |

**Cost Criteria**

Total Expected Labor Costs (15/30 Cost 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 |

# V. Business Participation Programs (Preferences/Incentives)

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

This section describes the following business participation programs:

* DVBE Participation Compliance Requirements
* Small Business/Microbusiness Preference
* Non-Small Business Preference
* Small Business Participation Goal for IIJA-Funded Contracts
* Target Area Contract Act Preference
* Federal Disadvantaged Business Enterprise (US EPA)

## Disabled Veteran Business Enterprise (DVBE)

**Compliance Requirements**

***DVBE Participation Required***

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

***Bidder or Subcontractor Suspension***

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

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

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

***Required Forms***

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

* Contractor Status Form (Attachment 1).

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

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

***DVBE Definition***

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

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

***DVBE Certification and Eligibility***

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

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

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

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

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

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

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

***To Find Certified DVBEs***

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

***Commercially Useful Function***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***DVBE Report***

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

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

OSDS offers program information and may be reached at:

Department of General Services

Office of Small Business and DVBE Services

707 3rd Street, 1st Floor, Room 400

West Sacramento, CA 95605

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

Phone: (916) 375-4940

E-mail: OSDSHelp@dgs.ca.gov

***DVBE Law***

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

##

## DVBE Incentive

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

**How the Incentive is Applied:**

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

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

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

**How Incentive Amount is Calculated:**

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

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

***Required Forms***:

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

### *DVBE Incentive Law*

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

## Small Business / Microbusiness / Non-Small Business

### *Preference*

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

***Required Forms***

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

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

### *Certification*

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

***Non-Profit Veteran Service Agency***

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

***Definitions***

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

(1) It is independently owned and operated; and

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

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

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

(5) It is either:

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

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

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

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

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

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

***Commercially Useful Function***

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

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

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

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

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

***Late Payment of Invoices***

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

***Small Business / Microbusiness Law***

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

## Non-Small Business

***Preference***

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

***Required Forms***

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

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

### *Certification*

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

***Non-Small Business Law***

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

## Small Business Participation Goal For IIJA-Funded Contracts

This Agreement is funded in whole or in part with the proceeds of Division A of the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58). In order to encourage participation of small businesses in construction, alteration, demolition, repair or improvement of the state’s infrastructure, Government Code section 14838.1 provides for a 25% small business participation goal in all contracts over $500,000 financed in whole or in part by certain Divisions in IIJA, including Division A.

The State of California enacted Government Code section 14838.1 to include small businesses as prime and subcontractor participants in IIJA work, providing an important impact for the California economy with federal funds. The Energy Commission is supportive of providing maximum opportunities for small businesses to provide services for the Agreement resulting from this RFP.

The Energy Commission encourages Bidders to include at least 25% small businesses on the Agreement team. If the Bidder is a small business, or commits to use small business subcontractors, this counts toward the small business goal.

In order to create opportunities for small businesses to participate in the work supporting this Agreement, the Energy Commission will provide additional preference points specifically geared toward the IIJA small business participation goal in Government Code section 14838.1.

* Small Business Bidder:

Bidders who qualify as a State of California certified small business will receive two percent (2%) *additional* preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business.  Bidders qualifying for this preference must submit a copy of their Small Business Certification and document their status in Attachment 1, Contractor Status Form.

* Non-Small Business Bidder:

The preference to a non-small business Bidder that commits to small business or microbusiness Subcontractor participation of thirty-five percent (35%) of its net Bid price will receive two percent (2%) *additional* preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business. A non-small business that qualifies for this preference may not take an award away from a certified small business.

***To Find Certified Small Businesses***

Access the list of all certified Small Businesses 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 Small Business. 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.

If the Agreement resulting from this RFP is amended to add funds, the 25% small business goal continues to apply. At a minimum, Contractor is expected to devote the same percentage of the work to small businesses as included in its Proposal. If this is less than 25%, Contractor is encouraged to increase the amount to devote at least 25% to small businesses.

See Attachment 8, Sample Agreement Terms, paragraph 4J for additional information and agreement term related to small business participation goal in Government Code 14838.1.

On Attachment 4, Bidder Declaration:

* If Bidder is a certified Small Business, indicate this in question 1a.
* If Bidder is using subcontractor(s) that are certified Small Businesses, indicate this in questions 1b and 2. On question 2, indicate what percentage of the bid price you plan to assign to certified Small Business subcontractors.

***Required Forms***

* Submit a copy of the Small Business Certification for Prime and/or Subcontractor(s)
* Contractor Status Form (Attachment 1)
* Bidder Declaration Form GSPD-05-105 (Attachment 4)

***Small Business Law***

* Government Code section 14838.1

## Target Area Contract Preference Act

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

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

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

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

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

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

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

TACPA Preference Request (STD 830):

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

Bidder’s Summary of Contract Activities and Labor Hours:

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

## Federal Disadvantaged Business Enterprise (U.S. EPA)

The Agreement resulting from this RFP is funded in part by the U.S. Environmental Protection Agency. US EPA’s Disadvantaged Business Enterprise (DBE) Program applies. Bidders are required to make a good faith effort to include DBE participation on the contract team. If the Bidder is a certified DBE, then indicate this in the Proposal. If Bidder is not a certified DBE, then Bidder must make a good faith effort to find certified DBE subcontractors, and document this in the Proposal. See 40 CFR part 33. Also see EPA’s website for DBE participation:

<https://www.epa.gov/grants/disadvantaged-business-enterprise-program-under-epa-assistance-agreements-dbe-program>.

**Good Faith Effort:**

Contractors are required to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under the Agreement.

* Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities.
* Make information on forthcoming opportunities available to DBEs, arrange time frames for contracts, and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
* Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. Consider dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
* Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
* Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

**Documentation of Good Faith Effort:**

In the Proposal, Bidders shall document good faith efforts to locate certified DBEs. Examples of documentation include:

* Use of current bidders/solicitation list or databases that includes DBEs;
* Use of trade journals/databases (local or national);
* Date of last update to bidders/solicitation list or database;
* How were DBEs made aware of the solicitation;
* Where and when posted;
* Sample of letters or records of communication with DBEs, SBA, Minority Business Development Agency;
* Sample of advertisement/posting;
* How long/frequency of advertisement/posting;
* Document good faith efforts of contractors;
* Identify type of outreach that was conducted;
* Date of pre-bid conference;
* Attendance list for pre-bid conference;
* Participation date of last DBE procurement outreach conference;
* Process used to determine if large requirement could be divided into smaller requirements,
* Include unsuccessful bidders on database or list

**Locating Certified DBEs:**

US EPA does not have a directory or list of certified DBEs and US EPA does not certify DBEs. US EPA recommends checking with:

* The Small Business Administration <https://www.sba.gov/federal-contracting/contracting-assistance-programs/small-disadvantaged-business>
* The U.S. Department of Transportation <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise>.
* The California Department of Transportation: <https://dot.ca.gov/programs/civil-rights/dbe>

However, it should be noted that in order to qualify for US EPA’s DBE program, an entity must be certified, and such certification must meet the criteria as stipulated in 40 CFR §33.202 and/or §33.203.

**Proposal:**

Bidder must document its good faith efforts to include DBEs on the contract team. In the Proposal, describe your good faith efforts (see list above of examples of good faith efforts). When including certified DBEs on the team, indicate which agency provided the certification. Include a statement that clearly acknowledges that Bidder intends to comply with the DBE requirements contained in this RFP and Agreement terms, during the performance of the Agreement. In the Attachment 7, Budget forms, Subcontracts tab, Bidder must indicate if the subcontractor is a certified DBE in the box titled: “CA Business Certifications DVBE/ SB/MB/DBE/None”. Also include the specific dollar amount for work to be performed by that DBE contractor.

**Agreement Term:**

See Attachment 8, Sample Standard Agreement, Exhibit F paragraph 17, for additional DBE requirements.

# VI. Administration

## RFP Defined

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

## Definition of Key Words

Important definitions for this RFP are presented below:

**Word/Term Definition**

Bidder- Respondent to this RFP

CAM- Commission Agreement Manager

DGS- Department of General Services

DVBE- Disabled Veteran Business Enterprises

Energy Commission-California Energy Commission

Proposal- Formal written response to this document from Bidder

RFP- Request for Proposal, this entire document

State- State of California

## Cost of Developing Proposal

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

## Software Application Development

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

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

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

## Printing Services

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

## Confidential Information

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

## Darfur Contracting Act of 2008

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

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

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

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

## Iran Contracting Act of 2010

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

a) certify it is **not** on the current list of persons engaged in investment activities in Iran created by the California Department of General Services (“DGS”) pursuant to Public Contract Code section 2203(b) and is not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; **(See Option #1 on Attachment 9)**

b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code section 2203(c) or (d). **(See Option #2 on Attachment 9)**

## Executive Order N-6-22 – Russia Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the
EO) regarding Economic Sanctions against Russia and Russian entities and
individuals. “Economic Sanctions” refers to sanctions imposed by the U.S.
government in response to Russia’s actions in Ukraine, as well as any sanctions
imposed under state law. By submitting a bid or proposal, Contractor represents
that it is not a target of Economic Sanctions. Should the State determine
Contractor is a target of Economic Sanctions or is conducting prohibited
transactions with sanctioned individuals or entities, that shall be grounds for
rejection of the Contractor’s bid/proposal any time prior to contract execution, or,
if determined after contract execution, shall be grounds for termination by the
State.

## California Civil Rights Laws

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

See Attachment 10

## Byrd Anti-Lobbying Amendment Certification

Prior to applying or bidding for a federally-funded contract exceeding $100,000, a bidder must file a Byrd-Anti-Lobbying Certification, pursuant to 2 CFR 200 Appendix II. This certifies that Bidder will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. 1352.

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 their solution or services under the Agreement includes or makes available, any GenAI, including GenAI from third parties or subcontractors.

The State has developed a GenAI Reporting and Factsheet (STD 1000) to be completed by Bidders.

Bidder shall complete Attachment 12, GenAI Reporting and Factsheet **(**STD 1000).

* If you and/or your subcontractor(s) **will not** be using or offering GenAI technology, model, service, or system (collectively “product") in the work under the Agreement, then check the “No” box and sign the form.
* If you and/or your subcontractor(s) **will** be using or offering GenAI technology, model, service, or system (collectively “product”) 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 Reporting and Factsheet (STD 1000) shall result in rejection of the Proposal.

Failure to report GenAI to the Energy Commission may void any resulting Agreement.

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

* Reject Proposals that present an unacceptable level of risk to the State.
* Seek any and all relief the Energy Commission may be entitled to as a result of such non-disclosure of GenAI.
* Incorporate GenAI special provisions into the final Agreement.

## Exclusions/Debarment/Suspension

### 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.

## RFP Cancellation and Amendments

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

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

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

## Errors

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

## Modifying or Withdrawal of Proposal

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

## Immaterial Defect

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

## Disposition of Bidder’s Documents

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

## Bidders’ Admonishment

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

## Grounds to Reject a Proposal

**A Proposal shall be rejected if:**

* It is received after the exact time and date set for receipt of Proposal’s pursuant to Public Contract Code, Section 10344.
* It is considered non-responsive to the California Disabled Veteran Business Enterprise (DVBE) participation requirements.
* Bidder is currently suspended for violating DVBE law or Proposal includes a subcontractor currently suspended for violating DVBE law. Military & Veterans Code Section 999.9(g)
* It is lacking a properly executed Certification Clauses.
* It is lacking a properly executed Darfur Contracting Act Form.
* It is lacking a properly executed Iran Contracting Act Form.
* It is lacking a properly executed California Civil Rights Law Certification Form.
* It is lacking a properly executed Byrd Anti-Lobbying Amendment Certification Form.
* It is lacking a properly executed GenAI Disclosure & Factsheet Form
* The Proposal includes Generative Artificial Intelligence, but Bidder fails to disclose this.
* It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
* The Proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP.
* There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
* It contains confidential information, or it contains any portion marked confidential.
* The Bidder does not agree to the terms and conditions as attached to the solicitation either by not signing the Contractor Status Form or by stating anywhere in the bid that acceptance is based on modifications to those terms and conditions or separate terms and conditions.
* The Proposal was submitted by a public entity.

**A Proposal may be rejected if:**

* It is not prepared in the mandatory format described.
* It is unsigned.
* The firm or individual has submitted multiple proposals for each task.
* It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.
* The bidder has previously completed a PIER agreement, received the PIER Royalty Review letter, which the Commission annually sends out to remind past recipients of their obligations to pay royalties, and has not responded to the letter or is otherwise not in compliance with repaying royalties.
* The budget forms are not filled out completely.
* The Proposal includes use of Generative Artificial Intelligence that presents an unacceptable level of risk to the State, as determined by the Energy Commission.

## Protest Procedures

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

* Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
* During the five **working** days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the [DGS Legal Office](https://www.dgs.ca.gov/OLS) and the Commission Contracts Office.
* Within five **calendar** days after filing the protest, the protesting Bidder must file with the [DGS Legal Office](https://www.dgs.ca.gov/OLS) and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
* If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer consideration.

## Agreement Requirements

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

### No Contract Until Signed & Approved

No agreement between the Commission and the successful Bidder is in effect until the contract is signed by the Contractor, approved at a Commission Business Meeting, and approved by the Department of General Services, if required.

### Contract Amendment

The contract executed as a result of this RFP will be able to be amended by mutual consent of the Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding. See Section I for detailed description of optional amendments for years 3-12 of the Agreement.

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)