

## I. Errors/Incomplete Information

The following is a list of critical errors found in some of the Proposals during screening and review:

- **Attachment 1 Contractor Status Form, #7 Exclusion/Suspension/Debarment**

Please ensure that the Contractor Status Form is complete and includes

#7 Exclusion/Debarment/Suspension:

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

- Bidder
- All subcontractors
- Bidder's principals and affiliates
- Subcontractor's principals and affiliates

\_ YES    \_ NO

Do **not use** the Contractor Status form originally posted for the RFP, since the form was changed in **Addendum #2**.

Use the attachment labeled:

"01 RFP-24-301 Att 01 Contractor Status Form Addendum 2 ada.docx"

<https://www.energy.ca.gov/solicitations/2024-07/rfp-24-301-compliance-monitoring-and-reporting-support-federal-funding>

Note that the RFP indicates Bidders will be disqualified if the 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.

Bidders can find more information in the RFP, section VI, Exclusions/Debarment/Suspension.

- **Attachment 4 Bidder Declaration, Corresponding % of Bid Price**

Ensure that Attachment 4 includes complete answers. All data in the column labeled "Corresponding % of Bid Price" must be included, with a number. Do not include "TBD". This number indicates the percentage of the bid price for each subcontractor. If Bidder does not indicate a percentage, the Energy Commission cannot determine subcontractor DVBE and small business participation. This may result in **disqualification of the Proposal**, if required DVBE participation is not clear from the Proposal. See section VI Administration, Grounds to Reject a Proposal: "It is considered non-responsive to the California Disabled Veteran Business Enterprise (DVBE) participation requirements.

Use the attachment labeled:

"04 RFP-24-301 Att 04 DVBE Bidder Declaration.pdf"

<https://www.energy.ca.gov/solicitations/2024-07/rfp-24-301-compliance-monitoring-and-reporting-support-federal-funding>

- **Attachment 7 Budget Forms**

Ensure that the correct/current Budget forms are used.

These budget forms are customized for RFP 24-301. **Do not use previous budget forms** originally posted for the RFP, since the forms were changed in **Addendum #2**. Also, do not use budget forms from other agreement solicitations.

Use the attachment labeled:

“07 RFP-24-301 Att 07 Agreement Budget Form Addendum 2 ada.xlsx”

<https://www.energy.ca.gov/solicitations/2024-07/rfp-24-301-compliance-monitoring-and-reporting-support-federal-funding>

In order for the Energy Commission to be able to determine the dollars/percentage of budget allocated to DVBE or small business subcontractors, it is necessary to show the dollar amount of the budget for each subcontractor. The Energy Commission must verify mandatory DVBE participation amount and allocate preference points based on DVBE and small business participation. Using the budget forms provided in RFP-24-301 ensures that this information is included (see Subcontractor tab).

- **Confidential Watermark/Stamp/Marking**

**Do not** include any **confidential information** or any pages that are **marked confidential or proprietary**. Note that the RFP Section IV includes mandatory rejection if a proposal contains confidential information, or it contains any portion marked confidential.

Also, by signing Attachment 1, Contractor Status Form, Bidder certifies that the Proposal does not contain confidential information:

“Authorization and Certification ..... I hereby certify that this application does not contain any confidential or proprietary information.”

If a Bidder’s Proposal included a watermark or stamp or any marking indicating confidentiality, the Bidder will need to fix this error:

- If the Information **IS NOT Confidential**:  
Remove the watermark/stamp/markings and resubmit the Proposal without the confidential marking.  
OR
- If the information **IS Confidential**:  
--Do not include it in the Proposal, and include other non-confidential information, OR  
--Redact the confidential information as long as the work product provides sufficient evidence of past experience.

Proposals must not contain confidential information, and this includes sample Work Products and all parts of the Proposal. The Energy Commission will screen out/disqualify any Proposal with any watermark/stamp/markings indicating Confidential.

**NOTE:** The RFP Section VI includes the following statement: *“The Commission will not accept or retain any Proposals that have any portion marked confidential”*. If the Energy Commission receives a Proposal with any portion marked “confidential”, our practice is to **destroy the Proposal**. This means that Bidders **must resubmit** the entire Proposal, without the confidential marking, for the Energy Commission to review their Proposal. If Bidder does not resubmit, there will not be a Proposal for the Energy Commission to review.

- **Federal Disadvantaged Business Enterprise (U.S. EPA)**

Bidders must document good faith efforts to include certified Disadvantaged Business Enterprise (DBE) participation. When including certified DBEs on the contract team, indicate which agency provided the certification. Bidder could be a certified DBE or could have certified DBE subcontractors on the team. Either way, be sure to describe the agency that certified the DBE. 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. See section V for more information on the DBE Program.

- Add this information to the Technical and Cost Proposal (see section III, 2.B.6).
- In Attachment 7, Budget forms, Subcontracts tab, be sure to 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.

- **Accept Agreement Terms and Conditions without Negotiation**

Bidders must accept the Agreement terms and conditions as provided in the RFP, without negotiation. If Bidder does not comply and indicates the Proposal is contingent on negotiating terms or Bidder does not fully accept the terms, the Proposal will be rejected. This requirement is detailed in the RFP:

- Section I, Introduction  
“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.”
- Section VI, Administration, Grounds to Reject a Proposal  
“A Proposal shall be rejected if...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.”

- Attachment 1, Contractor Status Form, paragraph 8.  
“Authorization and Certification .....I hereby certify to the best of my knowledge and belief that I have read, understand, and do hereby accept the terms and conditions contained in this solicitation, including the provisions of the Agreement Terms and Conditions and, further, I am willing to enter into an agreement with the Commission to conduct the proposed project according to the terms and conditions without negotiation. I hereby certify to the best of my knowledge, and under penalty of perjury, that the information contained in this Application is correct and complete. I hereby certify that I am authorized to complete and sign this form on behalf of the applicant.”

- **Handling of CEC or Third-Party Confidential Information**

Attachment 1, Contractor Status Form, #6, includes a series of questions related to Bidder’s information security practices.

If Bidder answers any question “No”, Bidder will be screened out. In addition, if Bidder adds information to these questions, indicating that the answer is “No”, but checks the “Yes” box, Bidder will also be screened out. These screening questions are Yes/No, and the question cannot be changed or qualified with added information.

Bidders must keep in mind that the selected Contractor will need to comply with the substantive security provisions in State Administrative Manual (SAM) chapter 5300. <https://www.dgs.ca.gov/en/OTAS/Resources/Page-Content/OTAS-Resources-List-Folder/SAM/TOC/5300>

The selected Contractor must submit an Attestation Form to the Energy Commission, before employees can be given access to confidential Information. The Attestation Form was provided to Bidders in the first Q&A dated August 2024, Question #123. The Attestation Form confirms to the Energy Commission that Contractor’s security policy meets the requirements in SAM chapter 5300.

In addition, the Agreement terms (Attachment 8, Sample Standard Agreement, Exhibit D, paragraph 9) provide that the Contractor’s Information Security Program Plan must meet the requirements of SAM chapter 5300.

If a Bidder adds qualifying language to the screening questions related to handling of confidential information, we cannot accept any language that does not meet the requirements of SAM chapter 5300. If added language turns a “Yes” answer into what is essentially a “No” answer, the Proposal will be disqualified. For example, question 6d provides: “Does Bidder require employees to sign an acceptable use policy/responsible use policy for using information technology assets and resources?” The answer is: Yes or No. If Bidder adds information to explain that employees do not sign this type of policy, and adds explanation, this is a No answer. In that case, the Proposal will be disqualified.

The language in Attachment 1, #6, states:

"I certify that I have read and understand the confidentiality and security requirements for Confidential Information and Personal Information in terms and conditions located in Attachment 8 Standard Agreement Example. Only answer these questions for Bidder and any other entity related to the agreement that will be given access to Confidential Information and/or Personal Information. Applicant must answer the following questions yes or no. Any "no" answer means Bidder will be screened out in Stage One Administrative and Completeness Screening and disqualified from further participation in the solicitation."

See additional information in the RFP Section IV Evaluation Process and Criteria, Stage 1.B.

## **II. Resubmittal Process**

Bidders are strongly encouraged to check their Proposal carefully, to check for errors. In particular, it is important to determine if any of the errors outlined above were made. Even if Bidder does not believe they made errors, please check to ensure that the Proposal meets the requirements in the RFP.

- The Proposal deadline has been extended to **Friday, October 11, 2024, 11:59 p.m.**
- Who can Submit a Proposal and what needs to be Submitted?
  - If Bidder previously submitted a Proposal for RFP 24-301, and needs to correct errors, please correct the errors, and they **MUST RESUBMIT** the Proposal. Make sure that the Contractor Status form (attachment 1) is signed and dated, to indicate the new date.
  - If Bidder previously submitted a Proposal for RFP 24-301, and the Proposal contained any portion with a stamp/watermark "Confidential", the Proposal will be destroyed. Bidder **MUST RESUBMIT** the Proposal for the Energy Commission to consider it. Make sure that the Contractor Status form (attachment 1) is signed and dated, to indicate the new date.
  - If Bidder previously submitted a Proposal for RFP 24-301, and they do not need to correct errors, the Energy Commission strongly encourages the Bidder to email the RFP Commission Agreement Officer, indicating that the Energy Commission can review the original Proposal and the Bidder does not intend to make corrections. There is no need to sign/date a new Contractor Status Form.
  - If Bidder did not submit a Proposal for RFP 24-301, but are interested, they are welcome to submit a Proposal.