# **RFQ-24-401**

**October 16, 2024**

**QUESTIONS AND ANSWERS**

**Energy Code Development Support**

The purpose of this document is to provide answers to questions for the above solicitation. The following answers are based on the California Energy Commission (CEC) staff’s interpretation of the questions received.

**General / Administrative Questions**

**Q1: Is the attendee list for the pre-bid conference available to participants?**

A1: Yes, the pre-bid conference attendee list and presentation are available on the [RFQ-24-401 solicitation webpage](https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support) (https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support).

**Q2: Is the Zoom recording of the pre-bid conference available to participants?**

A2: Yes, the Zoom recording of the pre-bid conference is available on the [RFQ-24-401 pre-bid conference webpage](https://www.energy.ca.gov/event/funding-workshop/2024-10/pre-bid-conference-rfq-24-401-energy-code-development-support) (https://www.energy.ca.gov/event/funding-workshop/2024-10/pre-bid-conference-rfq-24-401-energy-code-development-support) under “Event Recording”.

**Q3: What changes were made to this solicitation via Addendum 1 that posted on September 25, 2024?**

A3: Addendum 1 added funding, as well as an additional task for Energy Code compliance documentation, compliance analysis, and compliance data infrastructure support. A cover letter detailing all changes is available on the [RFQ-24-401 solicitation webpage](https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support) (https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support).

**Q4: Do all subcontractors have to be registered with the California Secretary of State?**

A4: Before transacting intrastate business in California, all businesses must first register with the California Secretary of State. Businesses should comply with all applicable laws, ordinances, regulations, and standards and should consult with their own counsel if they have questions regarding Secretary of State registration requirements.

For purposes of submitting an application in response to this solicitation, please refer to page 7 of the solicitation manual, which is available on the [RFQ-24-401 solicitation webpage](https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support) (https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support).

It indicates that 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 a project being recommended for approval at a CEC business meeting. If not currently registered with the California Secretary of State, applicants are encouraged to contact the Secretary of State’s Office as soon as possible to avoid potential delays in beginning the proposed project (should the application be successful).

In addition, sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to the CEC prior to the agreement resulting from this solicitation being recommended for approval at a CEC business meeting.

**Q5: Are there any minimum qualifications required of the Prime Contractor for this solicitation?**

A5: Please see Section I, Eligible Firms, located on page 7 of the solicitation manual, which opens the solicitation to all public and private entities as eligible applicants. Please also refer to Section IV, Evaluation of SOQ – Criteria, located on pages 45-48 of the solicitation manual, which describes how each applicant’s statement of qualifications will be reviewed. All companies must be registered with California Secretary of State, provide a United States tax identification number, and comply with all other RFQ requirements. The selected contractor will need to comply with California law and sign a contract similar to Attachment 6, Standard Agreement Example.

**Business Participation Programs Questions**

**Q6: If a Small Business Enterprise (SBE) were to apply as the Prime Contractor, can they be exempted from the mandatory certified Disabled Veteran Business Enterprise (DVBE) requirement?**

A6: No, the SBE and DVBE are separate business participation programs. This RFQ is subject to a mandatory certified DVBE participation of at least three percent (3%), which can be achieved if the Firm is a DVBE or the Firm commits to using certified DVBE subcontractors for at least three percent (3%) of the contract. The CEC recommends Firms select subcontractors that best fit experience related to activities outlined in the Scope of Work, which is located on pages 12-33 of the solicitation manual. All solicitation documents are available on the [RFQ-24-401 solicitation webpage](https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support) (https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support).

**Due Date / Schedule Questions**

**Q7: Currently, there are two weeks scheduled from the anticipated distribution of Questions/Answers (Q&A) to the SOQ submission deadline. Can the SOQ submission deadline be extended to four weeks following the anticipated distribution of Q&A? Please note our request is consistent with the Key Activities and Dates for previous CEC RFQ solicitations.**

A7: The time between Q&A distribution and the submission deadline varies for each solicitation. No agreement between the CEC and the successful Firm is in effect until the contract is signed by the Contractor, approved at a CEC business meeting, and signed by the CEC Contracts Office Manager. To ensure the agreement resulting from this solicitation is executed on time (CEC aims to have a fully executed contract by April 1, 2025), the submission deadline cannot be extended.

**Technical Tasks / Scope of Work Questions**

**Q8: Under Subtask 3.2 – Life Cycle Cost Analysis, can further direction be provided as to what is required for the following specific scope item, “Review and revise reference climatic data and climate methodologies that impact energy savings and accounting for Energy Code measures"?**

A8: Accurate, detailed, and up-to-date climate data are critical for adopting technically feasible, cost-effective building standards. Building energy savings depend greatly on weather, and this dependence makes typical, overly generalized building energy model (BEM) weather data inadequate for analyzing energy efficiency measures. To solve this, the CEC develops weather data for sixteen (16) different California climate zones – rather than one (1) climate zone for the whole state – and revises these datasets before analyzing measures for each code cycle. CEC-approved code compliance BEM software is required to come inherently with weather data that have been developed specifically for California’s climate zones to ensure accurate representation of a building’s location. California’s Energy Code weather data is adopted each code cycle as part of the Reference Appendices, under Joint Appendix JA2. For further description, please see CEC’s [2025 Energy Code Accounting Methodology Report](https://efiling.energy.ca.gov/GetDocument.aspx?tn=255318-1) (https://efiling.energy.ca.gov/GetDocument.aspx?tn=255318-1).

**Q9: Our Firm has deep expertise in serving as a neutral steward for open-source projects to ensure they meet high quality standards and have a thriving, sustainable ecosystem. Not all open-source code hosting is equal. Under Task 5, "Software tools source code posted to open-source online repository" is included as a key deliverable. How will this deliverable be judged during the scoring process?**

A9: The CEC develops and maintains two (2) free computer programs for use in demonstrating performance compliance with the Energy Code. California Building Energy Code Compliance Commercial (CBECC) is used for demonstrating performance compliance for nonresidential and multifamily buildings, and California Building Energy Code Compliance Residential (CBECC-Res) is used for demonstrating performance compliance for single-family residential buildings. Both CBECC and CBECC-Res are open-source computer programs.

The CEC is open to ideas or suggestions from respondents to this solicitation regarding open-source options. Responses to this solicitation shall be in the form of a Statement of Qualifications (SOQ) according to the format described on pages 34-39 of the solicitation manual.

Each SOQ will be screened for compliance with the Administrative Screening Criteria detailed on page 40 of the solicitation manual. All SOQs that pass the Administrative and Completeness Screening, will be reviewed and scored based on the Evaluation Criteria located on pages 45-48 of the solicitation manual.

All solicitation documents are available on the [RFQ-24-401 solicitation webpage](https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support) (https://www.energy.ca.gov/solicitations/2024-09/rfq-24-401-energy-code-development-support).

Please also reference the [California Department of Technology’s (CDT’s) Open Source and Code Reuse Requirements](file:///C:\Users\EButler\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\H1RRA52I\California%20Department%20of%20Technology’s%20(CDT’s)%20Open%20Source%20and%20Code%20Reuse%20Requirements) for additional guidance and requirements (https://cdt.ca.gov/wp-content/uploads/2018/05/TL-18-02-OSCodeReuse\_2018-0419.pdf).