

REQUEST FOR PROPOSALS

Technical Support and Training for Electricity Supply Analysis



RFP #800-10-801
www.energy.state.ca.gov/contracts
State of California
California Energy Commission
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Attachments

- 1 Contractor Status Form
- 2 Darfur Contracting Act
- 3.1 Certified Small/micro Business, Non-small Business and DVBE Certification Instructions
- 3.2 Disabled Veteran Business Enterprise Program Requirements
- 3.3 DVBE Std. 843
- 3.4 Bidder Declaration form GSPD-05-105
- 4 Contractor Certification Clauses
- 5 Client References
- 6 Sample Standard Agreement
- 7 Target Area Contract Preference Act (TACPA) Request
- 8 Enterprise Zone Act (EZA) Preference Request
- 9 Local Agency Military Base Recovery Area (LAMBRA) Preference Request
- 10 Budget Forms

I. Introduction

BACKGROUND

In accordance with §25000 et. seq. of the Public Resources Code, the Energy Commission is required to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The Energy Commission uses these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety.

The Energy Commission is also required to provide information about the performance of energy industries, develop and maintain the analytical capability sufficient to answer inquiries about energy issues from government, market participants, and the public, analyze and develop energy policies, provide an analytical foundation for regulatory and policy decision making, and facilitate efficient and reliable energy markets.

PURPOSE OF RFP

The purpose of this Request for Proposals is to select an experienced, full-service Prime Contractor with particular strengths in the technical, administrative and project management aspects of energy analytical methods, and in program management of the subcontractor team. The (Prime and Subcontractors) team will provide technical assistance to the Electricity Supply Analysis Division. This includes transmission upgrade and generation system analysis, refinement of electricity demand forecasting methodologies, refinement of analytical methods to evaluate utilities' resource portfolios, assessment of the analytical methods used to prepare year-ahead electricity load forecasts, assisting staff in the evaluation of natural gas market parameters, and assisting staff in evaluating central station and distributed generation market.

KEY ACTIVITIES AND DATES

Key activities and times for RFP are presented below. This is a tentative schedule; please call the Contracts Office to confirm dates.

ACTIVITY	ACTION DATE
RFP Release	February 16 th , 2011
Deadline for Written Questions	March 1 st 2011
Pre-Bid Conference	March 1 st 2011
Distribute Questions/Answers and Addenda (if any) to RFP	March 8 th 2011
Deadline to Submit Proposals by 3:00 p.m.	March 30 th 2011
Clarification Interviews (If necessary)	
Notice of Proposed Award	April 13 th 2011
Commission Business Meeting	May 18 th 2011
Contract Start Date	June 6 th 2011
Contract Termination Date	March 31 st 2015

AVAILABLE FUNDING

There is a total of \$2,400,000.00 available for the contract resulting from this RFP. The contract will be funded from three fiscal years starting with \$800,000.00 in the current 2010-2011 fiscal year. The remaining funds will be supplied in fiscal years 2011-2012 and 2012-2013 up to the maximum of \$2,400,000.00. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder receiving the highest points.

In the event the Legislature reduces funds available to the Commission, the Commission reserves the right in its discretion to reduce the contract amount as deemed appropriate in the Commission's discretion. In this event, the Contractor shall implement a reduced scope of work commensurate with the level of available funding as directed by the Commission Contract Manager (CCM).

DEFINITION OF KEY WORDS

Important definitions for this RFP are presented below:

Word/Term	Definition
State	State of California
DGS	Department of General Services
Energy Commission or Commission	California Energy Commission
RFP	Request for Proposal, this entire document
Proposal	Formal written response to this document from contractor
Bidder	Respondent to this RFP
CCM	Commission Contract Manager
DVBE	Disabled Veteran Business Enterprises

PRE-BID CONFERENCE

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4392 or refer to the Energy Commission's website at www.energy.ca.gov to confirm the date and time.

March 1st 2011

10 a.m.

California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814
Telephone: (916) 654-4392

PARTICIPATION THROUGH WEBEX

For participation through WebEx, the Energy Commission's on-line meeting service, follow the instructions below:

COMPUTER LOGON WITH A DIRECT PHONE NUMBER:

* Please go to <https://energy.webex.com> and enter the unique meeting number 929 758 018

* When prompted, enter your information and the following meeting password: rfp@22211

* After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

COMPUTER LOGON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC.:

* Please go to <https://energy.webex.com> and enter the unique meeting number: 929 758 018

* When prompted, enter your information and the following meeting password: rfp@22211

* After you login, a prompt will ask for your phone number. **CLICK CANCEL.**

* Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

TELEPHONE ONLY (NO COMPUTER ACCESS):

* Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from:

<https://energy.webex.com/energy/globalcallin.php>

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

QUESTIONS

During the RFP process, questions of clarification about this RFP shall 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 mail, electronic mail, and by FAX. All questions must be received by 5:00 pm by March 1st, 2011.

Approximately two weeks after the Pre-Bid Conference, hard copies of question and answer sets will be mailed to all parties who requested a copy of this RFP from the Commission Contracts Office and to all who attended the Pre-Bid conference and provided their contact information on the sign-in sheet. The questions and answers will also be electronically posted on the Commission's website at:

<http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with a Commission employee concerning this RFP is not binding on the State and shall in no way alter, amend, add, delete or otherwise change or modify a specification, term, or condition of the RFP. Therefore, all communications should be directed in writing to the Energy Commission's Contract Officer assigned to the RFP.

Contact Information

Andrew Ferrin, Contracts Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654-4921
FAX: (916) 654-4423
E-mail: aferrin@energy.state.ca.us

RESPONSES TO THIS RFP

Responses to this solicitation shall be in the form of a Technical and Cost Proposal according to the format described in this RFP. 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.

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 CCM.

BACKGROUND

The Energy Commission is responsible for developing energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy and protect public health and safety. The Energy Commission contributes to this core mission by performing the following on-going activities:

- Collecting demand forecasts, resource plans, market assessments and related outlooks from electric and natural gas utilities, and other market participants,
- Providing information regarding the performance of energy industries,
- Developing and maintaining the analytical capability to answer queries about energy issues,
- Analyzing and developing energy policies,
- Providing an analytical foundation for regulatory and policy decision making,
- Consulting with the appropriate state agencies including the Public Utilities Commission (CPUC), CPUC's Office of Ratepayer Advocates, Air Resources Board (ARB), Electricity Oversight Board, Independent System Operator, and the Department of Water Resources, and
- Consulting with the appropriate federal agencies including the Department of Energy, Western Area Power Administration, Bonneville Power Administration, and the Western Electricity Coordinating Council.

The Integrated Energy Policy Report (IEPR), an energy policy document the Energy Commission prepares every two years for the Governor and State Legislature, includes an assessment and forecast of energy system reliability, the need for resource additions, efficiency, and conservation that considers all aspects of energy industries and markets that are essential for the state economy, general welfare, public health and safety, energy diversity, and protection of the environment.

In addition to the IEPR documents, the Energy Commission may also prepare analyses and assessments of energy issues and concerns to provide timely and relevant information for the Governor, the Legislature, energy market participants and the public.

GENERAL REQUIREMENTS OR GOALS AND OBJECTIVES

The purpose of this RFP is to solicit Proposals to obtain technical support services for the Electricity Supply Analysis Division or other offices as directed by the Energy Commission's Executive Director.

Work under this contract shall include, but not be limited to, assisting in program planning, performing independent technical analyses, assisting staff in electricity and natural gas technical areas, analyzing data, and evaluating energy alternatives.

This is a "Work Authorization" Contract and no work shall be undertaken unless authorized by the Commission through a specific written document called a Work Authorization (WA). WA specifying the tasks, deliverables and costs shall be used for all work assignments. WA for technical tasks will be made on an as-needed basis. The specific task(s) and the degree of effort for each task will vary from project to project. Written authorization must be obtained from the Energy Commission Contract Manager (CCM) before work can begin on any WA. Workflow will depend on demand for service. Demand is uncertain and, therefore, there will be no guarantee of work for the prime contractor or any subcontractor.

The Contractor shall provide technical assistance for the following tasks, as directed by the CCM through properly executed WA's.

Task No.	Task Description
1	Contract Management
2	Electricity System and Infrastructure Analysis
3	Improve Demand Forecasting Methods
4	Improve Energy Demand Analyses
5	Natural Gas Assessment And Forecasting
6	Central Station And Distributed Generation Market Assessment

TASK 1: CONTRACT MANAGEMENT

TASK 1.1 - KICKOFF MEETING

The Contractor shall:

- Attend a "kick-off" meeting with the Energy Commission Contract Manager, Contracts Officer, and the Accounting Office. The Contractor shall include at a minimum their Project Manager, Contract Administrator, and Accounting Officer. The administrative and technical aspects of this contract will be discussed at the kick off meeting.

TASK 1.2 - INVOICES

The Contractor shall:

- Prepare and submit invoices for all reimbursable expenses incurred performing work under this contract in compliance with the Terms and Conditions of the contract. Official invoices must be submitted to the Energy Commission's Accounting Office.

TASK 1.3 - SUBCONTRACTORS

In the event Subcontractors are part of the Contractor's proposal, the Contractor shall:

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work. The Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, it shall first 1) comply with all applicable terms and conditions of the contract, and 2) notify the CCM who will follow the Energy Commission's process for adding or replacing subcontractors.

TASK 1.4 - MONTHLY PROGRESS REPORTS

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

The Contractor shall:

- Prepare monthly progress reports which summarize all contract activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the contract within the current budget and any anticipated cost overruns.
- Each progress report is due to the CCM within 15 calendar days after the end of the reporting period.

Deliverables:

- Monthly Progress Reports

TASK 1.5 - FINAL REPORT

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work done under this contract. The CCM will review and approve the Final Report. The Final Report must be completed on or before the termination date of the contract.

The Final Report shall be a public document. If the Contractor has obtained confidential information from the Energy Commission, it shall prepare a confidential version of the Final Report as well. The Contractor shall perform the following subtasks for both the public and confidential versions of the Final Report:

The Contractor shall:

- Prepare a draft outline of the Final Report.
- Submit an electronic draft outline of the Final Report to the CCM for review and approval. The CCM will provide written comments to the Contractor on the draft outline within 15 calendar days of receipt.
- Prepare and submit a final outline to the CCM once agreement has been reached on the draft. The CCM shall provide written approval of the final outline within 7 calendar days of receipt.

Deliverables:

- Outline of the Final Report (draft and final)

TASK 1.5.2 - Final Report

The Contractor shall:

- Prepare the draft Final Report for this contract in accordance with the approved outline.
- Submit an electronic draft Final Report to the CCM for review and comment. The CCM will provide written comments within 15 calendar days of receipt.
- Prepare and submit a Final Report that addresses all of the CCM's comments on the draft Final Report. Any problematic recommended changes shall be discussed with the CCM before finalization. Once final editing is completed, the CCM shall provide written approval to the Contractor within 7 calendar days.
- Submit one bound copy of the Final Report with the final invoice.

Deliverables:

- Final Report (draft and final)

TASK 2: ELECTRICITY SYSTEM AND INFRASTRUCTURE ANALYSIS

As directed, the Contractor shall work with Commission staff on a range of analytical studies in the field of electric transmission and generation system analysis, planning and regulation. These assignments will be varied, complex, and technical, including engineering and economic studies related to integrated transmission and generation reliability issues. The following sub-tasks are divided into core electricity system topic areas.]

2.1: Contractor shall conduct analysis of local capacity area capacity requirements annually over a 10, 15 and 20-year time frame under alternative energy demand, power plant retirement/development, and transmission system upgrade scenarios. Contractor shall acquire, or if not available, develop power flow base cases and prepare analyses of scenario variants to a base case using techniques equivalent to those prepared by the CAISO.

- 2.2:** Contractor shall undertake analyses of the feasibility and costs of reducing power plant capacity that currently must be located in the immediate coastal zone of Southern California. Feasibility shall examine the impacts of upgrades to transmission system elements (line rating increases through reconductoring, upgraded substations, additional interconnections between substations, developing reactive power elements that can substitute for power plant inertia, etc.). For feasible upgrades, contractor shall develop preliminary cost estimates of comparable certainty to industry-standard cost of generation assessments to allow initial tradeoff analyses.
- 2.3:** Contractor shall develop an analysis that illustrates the tradeoffs between imports into Southern California versus internal capacity that must be on line and available to assure system stability under generator and transmission contingencies, including variable energy resources and energy storage. It is expected that this analysis would resemble conversion of the seasonal Southern California Import Transmission (SCIT) Nomogram from the operating time horizon to the planning time horizon in order to guide development of power plant configurations and locations necessary to support system stability under one or more transmission system development patterns.
- 2.4:** The Contractor shall provide technical assistance for studying the implications of the development of specific bulk transmission projects, both planned and conceptual, for the integration of new renewable resources, the need for local capacity in transmission-constrained areas, energy storage and the ability to import energy from and rely upon generation capacity in neighboring states.
- 2.5:** The Contractor shall provide technical assistance for evaluating the need for bulk transmission to meet the state's environmental policy goals and ensure reliable service under different scenarios regarding future load-growth, impacts of demand-side programs (energy efficiency, demand response), energy storage, renewable and fossil generation resource development., and new grid management techniques for managing variable energy resources
- 2.6:** The Contractor shall Identify, assess, and make recommendations regarding the feasibility of improvements in modeling techniques related to electricity system integration. This can include modifications to existing modeling techniques (e.g. – production cost models) or the applicability of new modeling techniques (e.g. – power flow studies).
- 2.7:** The Contractor will collaborate with Energy Commission's staff to define policy relevant scenarios compatible with modeling techniques and availability of data, and assist Energy Commission's staff to translate the general concepts of the new scenarios/cases into simulation models and risk analysis datasets.

- 2.8:** Assist in the development of in-house tools for compiling, analyzing, and presenting data, including but not limited to hourly data on generation, electrical loads, and transmission flows.
- 2.9:** Provide technical support for the development of spreadsheet- and programming-based tools designed to facilitate the compilation and representation of data in useful formats, and summarize said data both statistically and graphically. Develop interfaces which facilitate ease of use.
- 2.10:** Distribution planning. Provide technical support for the development and evaluation of distribution system planning processes and methodologies.
- 2.11:** Distribution system modeling. Provide technical support for the development and evaluation of quantitative models of the distribution system.
- 2.12:** Distributed Generation. Provide technical support for analysis of the costs, economics, operating characteristics, regulation/incentives, and other factors which influence deployment and impact of distributed generation technologies.
- 2.13:** Distributed generation. Provide technical support for evaluating the upgrades to the distribution system and changes in distribution engineering practices or inter-connection requirements needed to incorporate high levels of distributed generation into the electricity system.
- 2.14:** Assist in the development of in-house tools for compiling and analyzing data, including but not limited to hourly and sub-hour data on generation, electrical loads, and transmission flows. Provide technical support for the development of spreadsheet- and programming-based tools designed to facilitate the compilation and representation of data in useful formats, and summarize said data both statistically and graphically. Develop interfaces which facilitate ease of use.
- 2.15:** The Contractor shall provide technical assistance on evaluating the variability and other uncertainties affecting the availability of hydrogenation and how hydro dispatch may change to accommodate intermittent renewable generation.
- 2.16:** Assist staff in evaluating and weighing the various sources of uncertainty that will affect integration of higher levels of renewables into the California and Western grid.

TASK 3: IMPROVE DEMAND FORECASTING METHODS

The Contractor shall provide technical assistance in the preparation of, and recommendations for the improvement of, both year-ahead forecasts of monthly peak demand and longer-term forecasts of annual peak and energy demand. The Contractor shall:

- 3.1:** Identify and assess various peak demand forecasting methodologies and techniques currently being used by other industry and academic experts to forecast electricity peak demand.
- 3.2:** Identify methods to improve the usefulness of staff peak demand forecasting methods, and implement those methods as directed by the CCM.
- 3.3:** Identify methods to improve the usefulness of staff energy demand forecasting methods, and implement those methods as directed by the CCM. This potentially includes separate projects for individual sectors, including:
 - a. Residential
 - b. Commercial
 - c. Industrial
 - d. Agricultural
 - e. Other
- 3.4:** Transfer sector models coded in Fortran to the SAS platform.
- 3.5:** Develop inputs to the residential and commercial forecasting models from existing residential and commercial surveys.
- 3.6:** Provide analytical and data collection in support of efforts to improve and/or refine Title 20 code of regulations, develop mechanisms, and identify accessible data sources, for easily generating hourly load profiles for forecast years that reflect the shift in mix of electricity use among customer sectors and within customer sectors as energy efficiency programs, customer response to price, and other changes in consumer tastes and preferences take place through time.

TASK 4: IMPROVE ENERGY DEMAND ANALYSES

The Contractor shall provide technical assistance and recommendations related to other analyses conducted in the Demand Analysis Office that are not directly related to energy demand forecast methods. The Contractor shall:

- 4.1:** Develop an econometric model to measure impacts of efficiency standards and programs on energy consumption and peak demand using a “top down” approach.
- 4.2:** Identify, assess, and implement, as directed by the CCM, behavioral methodologies to forecast adoption of efficiency measures.
- 4.3:** Develop a forecasting methodology for commercial sector adoption of electricity self-generation technologies, including photovoltaic systems.
- 4.4:** Provide review and analyses of publicly owned utility evaluation, measurement, and verification (EM&V) studies in support of AB 2021 efficiency goals. Provide training where needed for the publicly owned utilities in conducting these studies. Develop and implement strategies for EM&V collaboration among utilities.
- 4.5:** Provide coordination and other support for activities involving the Demand Analysis Office and outside agencies, including the Demand Analysis Working Group (DAWG).
- 4.6:** Provide analysis on current and forecasted efficiency programs of California utilities and their impacts on state energy consumption.
- 4.7:** Provide analysis on and evaluation of methodologies to determine energy efficiency potential and establish goals of California utilities and other entities supplying efficiency services.

TASK 5: NATURAL GAS ASSESSMENT AND FORECASTING

The purpose of this task is to provide expert technical assistance on a variety of natural gas issues. Assistance will be provided in the areas of infrastructure analysis, supply and production cost analysis, gas demand analysis, price forecasting, risk analysis, and data collection.

- 5.1** Evaluate the capacity of natural gas storage facilities in California and the United States.
- 5.2** Assess the need for pipelines in California and the United States
- 5.3:** Evaluate potential impact to natural gas supplies to California from a switch from coal used for power generation in other states to natural gas

- 5.4:** Evaluate California's pipeline infrastructure adequacy to provide gas to power plants in the state in a 33% renewable technology goal
- 5.5:** Assess potential of shale gas supply and other unconventional sources of natural gas in the next 20 years
- 5.6:** Assess potential of LNG supply to California in the next 20 years
- 5.7:** Assist staff in refining the methods and methodologies used to forecast natural gas parameters
- 5.8:** Help staff in selecting or modifying variables to populate the natural gas models
- 5.9:** Assist staff in evaluating the usefulness of forecasting outputs from models
- 5.10:** Assist staff in designing probabilistic methods to evaluate results from natural gas forecasting models.

TASK 6: CENTRAL STATION AND DISTRIBUTED GENERATION MARKET ASSESSMENT AND ANALYSIS

The purpose of this task is to provide expert technical analysis and support of assessments and analyses related to the costs, locations, and other relevant factors associated with investments in central station and distributed generation. Assistance will be focused on the areas of understanding the underlying factors associated with investment decisions as well as the potential future decisions under various policy regimes.

- 6.1:** Provide assistance in developing estimates of technical and market potential for Combined Heat Power (CHP) for different technologies, in different sectors of the economy and in different locations. Identify economic incentives for the development of CHP and their potential and likely impact.
- 6.2:** Evaluate the performance of existing and new CHP by technology and economic sector. Assist in the development of daily output curves, on-site use and exports by sector.
- 6.3:** Provide technical assistance in developing analyses of the impact of large-scale deployment of on-site and export CHP. Assess the implications of the large-scale deployment of CHP from various economic sectors and their implications for the development of other generation resources needed to meet electricity demand in California
- 6.4:** Provide technical support for the economic assessment of emerging and mature solar thermal and photovoltaic technologies. Assist in the development of cost

estimates for project construction, associated transmission costs, and levelized energy cost estimates based on technology and location.

- 6.5:** Provide technical support for the evaluation of the operation of renewable resources based on technology and location. Assist in developing operating profiles, capacity factor estimates, variability and peak hour availability estimates based on historical output and/or generation source (solar irradiation, wind density, etc.) data.

- 6.6:** Provide technical support to update the cost drivers and associated uncertainties affecting the calculated levelized costs of fossil generation technologies. Provide technical assistance to evaluate the probabilities that a combination of uncertainties will result in higher or lower levelized costs to inform decision makers about the possibility that certain policies may impact overall electricity system costs.

III. 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. A Bidder's proposal will be evaluated and scored based on its response to the information requested in this RFP.

During the evaluation and selection process, the Commission may interview a Bidder either 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.

PROPOSAL EVALUATION

To analyze all Proposals, the Commission will organize an Evaluation Committee. The Proposals will be analyzed in two stages:

Stage One: Administrative and Completeness Screening

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

Stage Two: Technical/Cost Evaluation of Proposals

Proposals passing Stage One will be submitted to the Evaluation Committee to score proposals based on the Evaluation Criteria in this Section. The total (technical and cost) score for each proposal will be the average of the combined scores of all Evaluation Committee members. The Evaluation Committee may, at its discretion, seek clarification of any point in the written technical proposal through a clarification interview with the Bidder. Proposals attaining a score of less than 462 of the total possible points will be eliminated from further competition. All Preferences will be applied, if applicable, to all proposals attaining a minimum of 462 points. The contract shall be awarded to the responsible bidder with the highest score, after application of Preferences.

Optional --After the technical/cost evaluation, those Bidders who pass the minimum required score may be scheduled for a clarification interview by the Committee. **Those Bidders not meeting the minimum score of 462 points will not be interviewed.**

NOTICE OF PROPOSED AWARD

After completion of the scoring process, the Commission will post a Notice of Proposed Award (NOPA) at the Commission's headquarters in Sacramento, on the Commission's Web Site, and will mail the NOPA to all parties that submitted a proposal.

SCORING SCALE

The Evaluation Committee will give a score from zero (0) to ten (10) as described below for each criterion identified in the RFP. The point calculations reflect the averages of the combined scores of all Evaluation Committee members.

Point Scale

0 Points	<ul style="list-style-type: none">✓ Is not in substantial accord with the RFP requirements.✓ Provides an illegal or impermissible advantage to one competitor over the other competitors, for example, not paying minimum wages.✓ The proposal fails to address the requirement.
1-3 Points	<ul style="list-style-type: none">✓ The proposal addresses a requirement, but offers little or no explanation of what will be accomplished and/or how that will be done.✓ The response contains a significant technical deficiency.✓ The response contains one or more significant factual inaccuracies.
4-6 Points	<ul style="list-style-type: none">✓ Satisfies the minimum requirements and describes generally how and/or what will be accomplished.
7-9 Points	<ul style="list-style-type: none">✓ Satisfies the minimum requirements and specifically describes in a superior manner how and/or what will be accomplished, for example by using sample products and/or illustrative materials (i.e., diagrams, charts, graphs, etc.).
10 Points	<ul style="list-style-type: none">✓ Exceeds the minimum requirements and specifically describes in an exemplary manner how and/or what will be accomplished, both quantitatively and qualitatively, using sample products and/or illustrative materials (i.e., diagrams, charts, graphs, etc.).

PREFERENCE POINTS

A Bidder may qualify for non-technical preference points such as Small/Micro Small Business, Non-Small Business, and Disabled Veteran Business Enterprises (DVBE). Each qualifying Bidder passing the minimum technical evaluation will receive the applicable preference points.

Small / Microbusiness

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 their Small Business Certification and document their status in Attachment 1, Contractor Status Form.

Non-Small Business

The preference to a non-small business bidder that commits to small business or micro-business subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the highest responsive, responsible bidder's total score (RFP secondary). A non-small business, which qualifies for this preference, may not take an award away from a certified small business. Bidders qualifying for this preference must document the small business status of all subcontractors on Attachment 3.4 and submit all applicable Small Business Certifications.

Target Area Contract Preference Request

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should complete RFP Attachment 7 if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Enterprise Zone Request

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review RFP Attachment 8 to determine if they qualify for this incentive. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Local Agency Military Base Recovery Act

The Local Agency Military Base Recovery Act (LAMBRA, Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review RFP Attachment 9 to determine if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Disabled Veteran Business Enterprise Incentive

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et seq. The information in Attachment 3.1 explains how the incentive is applied and how much of an incentive will be given. Bidders must document the DVBE status of applicable subcontractors on Attachment 3.4 and submit all applicable DVBE certifications.

EVALUATION CRITERIA

REFERENCES WILL BE CONSIDERED THROUGHOUT THE SCORING PROCESS

If the bidder fails to complete the below forms correctly their bid will be rejected

ADMINISTRATIVE CRITERIA	PASS	FAIL
Contractor Status Form		
Darfur Contracting Act Form		
Small Business Certification		
Completed Disabled Veteran Business Enterprise form		
Bidder Declaration form GSPD-05-105		
Contractor Certification Clauses		

	Criteria	Weight Factor	Points (0-10)	Total Score Possible
TECHNICAL CRITERIA				
1. PRIME CONTRACTOR				
	Contract Management			
a.	Organizational chart shows efficient, well-defined team structure	1		
b.	Availability of key personnel	1		
c.	Demonstrated breadth and depth of experience with contractor/subcontractor management	1		
d.	Responsiveness to Work Statement requirements	2		
e.	Demonstrated breadth and depth of coverage for all technical areas and functions to be performed by Prime and Team Members	2		
f.	Quality control process	2		
g.	Quality of example(s) of similar project(s) managed by the prime contractor	2		
h.	Demonstrated experience and success at managing multiple, complex issues	1		
	Administrative Capabilities			
i.	Word processing	1		
j.	Technical writing	1		
k.	Spreadsheet expertise	1		
2. TEAM QUALIFICATIONS: Electricity System and Infrastructure Analysis				
a.	Demonstrated breadth and depth of knowledge of and experience with transmission and distribution systems and how they are affected by capacity expansions, long term resource and capacity expansion planning (10-20 years)	1		
b.	Demonstrated breadth and depth of knowledge of analyzing impacts of power plants location, including interconnection in the power grid	1		

	Criteria	Weight Factor	Points (0-10)	Total Score Possible
c.	Demonstrated breadth and knowledge of integrating variable energy resources, how hydro and fossil generation and dispatch may be changed to accommodate intermittent renewable generation, energy storage, imported energy, environmental policy, and system stability.	1		
d.	Demonstrated breadth and knowledge of trade off utilities could face between power imports and internal capacity which is needed for system reliability	1		
e.	Demonstrated breadth and knowledge of electricity distribution systems	1		
f.	Demonstrated breadth and depth of knowledge and experience concerning the use of energy efficiency, renewable generation, distributed generation, demand side programs such as demand response and time of use rates, load growth programs, and fossil generation resource development required by Western regulators in the electricity sector	1		
g.	Demonstrated breadth and depth of knowledge of and experience with various modeling techniques related to electricity system integration, creating in-house tools, like MS Excel and Access, to compile, analyze, and present data. The data shall include hourly and sub-hourly data on generation, electrical loads, transmission flows, and capacity factors for intermittent resources such as wind and solar.	1		
h.	Demonstrated depth and quality of work examples	1		
i.	Demonstrated breadth and depth of knowledge with distributed generation, this shall include: costs, economics, operating characteristics, regulation/incentives, requirements or potential problems of to incorporate large amounts of distributed generation into the electricity system.	1		
j.	Demonstrated breadth and depth of knowledge of analyzing uncertainties surrounding all types of variables in the power sector	1		
3. TEAM QUALIFICATIONS: Improve Demand Forecasting				
a.	Demonstrated breadth and depth of knowledge of and experience with demand forecasting methodologies	1		
b.	Demonstrated breadth and depth of experience in assessing the effects on electricity demand of building and appliance standards, energy efficiency, and other demand-side programs	1		
c.	Demonstrated breadth and depth of knowledge of and experience with probabilistic forecasting methods	1		
d.	Demonstrated depth and quality of work examples	1		
4. TEAM QUALIFICATIONS: Improve Energy Demand Analyses				
a.	Demonstrated breadth and depth of knowledge of existing and/or potential Resource Adequacy load forecasting	1		

	Criteria	Weight Factor	Points (0-10)	Total Score Possible
	methodologies and other areas of technical expertise required to effectively complete Task 4			
b.	Proficiency with spreadsheet models and Access database integration	1		
c.	Demonstrated breadth and depth of experience in working with hourly load data	1		
d.	Demonstrated breadth and depth of analytical skills, including analysis of coincidence	1		
e.	Demonstrated depth and quality of work examples	1		
5. TEAM QUALIFICATIONS: Natural Gas Assessment And Forecasting				
a.	Demonstrated breadth and depth of knowledge of and experience with Natural Gas Infrastructure including pipelines and storage facilities	1		
b.	Demonstrated breadth and depth of knowledge and experience in analyzing CO2 (Carbon Dioxide) regulatory effects on natural gas demand and supply	1		
c.	Demonstrated breadth and depth of experience with natural gas forecast modeling platforms	1		
d.	Demonstrated breadth and depth of knowledge of natural gas markets, infrastructure, systems, and cost-production factors, and natural gas market trading (e.g., spot and forward curves, futures and swaps, hedging, bilateral contracts, etc.)	1		
e.	Experience in developing and implementing technical and analytical natural gas training programs	1		
f.	Demonstrated breadth and depth of experience with Shale gas supply and other forms of unconventional Natural Gas (LNG, Natural Gas Hydrates, etc.)	1		
g.	Demonstrated depth and quality of work examples	1		
6. TEAM QUALIFICATIONS: Central station and distributed generation market assessment and analysis				
a.	Demonstrated breadth and depth of knowledge of and experience assessing and analyzing Combined Heat and Power (CHP) as described in Task 6	1		
b.	Demonstrated breadth and depth of knowledge of and experience with methods and techniques used to evaluate Various CHP and distributed generation technologies	1		
c.	Experience in developing, and analyzing the uncertainties of the levelized cost of both fossil and renewable generation technologies	1		
d.	Demonstrated breadth and depth of knowledge of and experience with electric utility dispatch methods and modeling techniques	1		
e.	Demonstrated depth and quality of work examples	1		

	Criteria	Weight Factor	Points (0-10)	Total Score Possible
COST CRITERIA				
7. BUDGET AND COST EFFECTIVENESS				
	Criteria	Weight Factor	Maximum final cost score	Total Score Possible
a.	The Cost Score criteria will be a calculation of the cumulative average hourly rates of all rates listed in the Prime and Team's Cost Bid.	15	150	
b.	All technical areas and functions to be performed by Prime and Team Members include appropriate justification for all proposed personnel.	5	50	
8. SCORING				
	Total Possible Cost Points (approximately 30% of Maximum Points Possible)			200
	Minimum Points Required to Pass			462
	Maximum Points Possible (combined Technical and Cost Points)			660
	Small Business Preference (5%)			
	Target Area Contract Performance Act Adjustment (5%)			
	Enterprise Zone Act Adjustment (5%)			
	Local Agency Military Base Recovery Area Adjustment (5%)			
	TOTAL SCORE:			

COST FORMULA

All Scores rounded up to the nearest whole number.

Sum of all rates: _____ / Number of Rates Given: _____ = Average Hourly Rate: \$_____
$\frac{(\text{Lowest Bidders Average Hourly Rate} / \text{Bidders Average Hourly Rate}) \times \text{Maximum Final Cost Score}}{\text{Total Cost Bid}} = \text{Cost Score}$

Example of Cost Score Calculation:	<i>Bidder #1</i>	<i>Bidder #2</i>	<i>Bidder #3</i>
	$\frac{\$125}{\$150} \times 15 = 13$	$\frac{\$125}{\$125} \times 15 = 15$	$\frac{\$125}{\$140} \times 15 = 13$

IV. Proposal Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions 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.

REQUIRED FORMAT FOR A PROPOSAL

All proposals submitted under this RFP must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged.

NUMBER OF COPIES

Bidders must submit the original and 5 copies of the proposal (Sections 1, 2 and 3).

Bidders must also submit electronic files of the proposal on [CD-ROM diskette](#) along with the paper submittal. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of the proposal must be labeled "Request for Proposal 800-10-801," and include the title of the proposal and the appropriate volume number:

Include the following label information and deliver your proposal, in a sealed package:

Person's Name, Phone # Bidder's Name Street Address City, State, Zip Code FAX #	RFP 800-10-801 Contracts Office, MS-18 California Energy Commission 1516 Ninth Street, 1st Floor Sacramento, California 95814
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PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a proposal by:

- U. S. Mail
- Personally
- Courier service

Proposals must be delivered **no later than 3:00 p.m.**, to the Commission Contracts Office during normal business hours on the date specified in this RFP. In accordance with Public Contract Code 10344, proposals received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR PROPOSAL AS FOLLOWS:

SECTION 1, Administrative Response

Cover Letter

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Contractor Status Form

Darfur Contracting Act Form

Small Business Certification

Completed Disabled Veteran Business Enterprise form

Bidder Declaration form GSPD-05-105

Contractor Certification Clauses

Attachment 1

Attachment 2

If applicable

Attachment 3.3

Attachment 3.4

Attachment 4

SECTION 2, Technical Proposal

Approach to Tasks in Scope of Work
Prime Contractor Experience
Invoicing
Team Qualifications and Relationships
Team Member Experience and Capabilities
Team Qualifications
Team Organizational Chart
Previous Work Products
Client References

Attachment 5

SECTION 3, Cost Proposal

Budget Forms

Attachment 10

TECHNICAL AND COST PROPOSALS

The information provided by each bidder about its Technical Proposal and Cost Proposals will be used to evaluate and score each bidder's approach to the Scope of Work and the cost to carry out the tasks.

TECHNICAL PROPOSAL

A. DETAILS OF APPROACH TO SCOPE OF WORK

Provide details of the Bidder's approach to providing services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience relevant to performing each of the Tasks described in the Scope of Work.

B. PRIME CONTRACTOR EXPERIENCE

Describe the overall strength and ability of the Prime Contractor to effectively and efficiently manage this contract. This discussion should highlight past experience as well as effective practices planned to implement the diverse nature of this contract. Examples of recent work are especially helpful.

Describe how you will ascertain the fiscal status of each Work Authorization and the overall contract, prevent accumulation of cost overruns, determine if each Work Authorization is on schedule, determine that all deliverables have been submitted and accepted and track the start, progress and closure for each Work Authorization. Describe your management information reports.

Identify the individual who will oversee the proposed project as your Project Manager. Provide details how that Project Manager has the requisite capabilities to manage the work proposed, providing, if possible, examples of a similar project managed by that individual.

Quality Control

Describe how you resolve timeliness and quality control problems. Explain how you would resolve problems where a team (composed of either employees or subcontractors):

1. is excessively late performing work and has not contacted you or the Energy Commission.
2. disagrees with findings on substantive technical errors noted by the Energy Commission staff and subcontractor refuses to modify the work without additional compensation;
3. resubmits work that is not responsive to Energy Commission comments; and
4. submits an invoice showing a substantial cost overrun on an authorized Work Authorization. (Refer to the Work Authorization clauses in the Sample Contract to see available remedies.)

Invoicing

Describe your invoice procedures for this type of contract. Discuss how they are efficient and effective, how you will rapidly audit charges before you submit them to the Energy Commission for reimbursement and how you will identify and resolve discrepancies.

Describe the Contractor's experience in developing cost effective methods for handling contract management assignments (i.e., how the task assignment and follow-up processes can be streamlined to allow for more efficient and expeditious handling of all work undertaken through this contract).

C. TEAM QUALIFICATIONS, EXPERIENCE AND RELATIONSHIPS--GENERAL

Describe the team (subcontractor) qualifications and current or past relationships including DVBEs, if applicable, highlighting any special expertise that will be utilized in achieving the project objectives outlined in the Scope of Work. Describe the strengths of your team including accomplishments and past efforts relevant to this project. Indicate how all team members are qualified and necessary to perform the proposed work, showing previous relevant work.

Describe all technical and professional staff members that will be assigned to this project. Clearly define which team members will work on each task area outlined in the Scope of Work. Provide the title or classification of each significant team member as it applies to this project, and specify his/her roles and functions that will be utilized.

Provide resumes for each team member who will be working on this project including current job classification, education, professional experience, and areas of responsibility within each team member's organization. List the availability of each individual by person hours and percentage of time that person will be assigned to each task, and provide resumes for all technical and professional staff.

Give examples of each team member's experience in performing the same or similar work in each of the task areas listed. Explain the relevance and dates of this prior work to the Scope of Work and the proposed contract.

Describe how your team's expertise will be used to provide the technical support for the work described in this RFP highlighting any special expertise that will be utilized in achieving the project objectives outlined in the Scope of Work.

D. SPECIFIC TEAM QUALIFICATIONS

The Energy Commission seeks a highly qualified team with the following specific expertise:

- Experience with modeling
- Access to market performance data
- Familiarity with energy infrastructure systems
- Experience with Energy Commission programs, policy initiatives, and staff
- Experience with applicable computer software, including spreadsheets, word processing, graphics and presentations etc.
- Computer programming experience
- Project management expertise
- Knowledge of market performance indices: data collection and trends analysis
- Experience with simulation model calibration: data collection and trends analysis
- Knowledge of electricity demand forecasting
- Meeting facilitation experience
- Experience with CHP technologies
- Experience with and knowledge of both fossil and renewable generation technologies.
- Experience with Electricity system infrastructure including: generation, transmission, and distribution.

E. TEAM ORGANIZATIONAL CHART

Provide an organizational chart that shows the Prime Contractor and the members of the contractor team and the relationships between and within each of the firms/companies (including subcontractor and DVBE companies). Identify the primary persons responsible for the interface between the Prime Contractor and the Energy Commission, and between each proposed subcontractor and the Prime Contractor. Explain the relationship of each technical staff to the organization of the rest of your company. Describe reliability, continuity, professional awards, location of the Bidder, and sub-contractors, including DVBE's.

Include a specific description of the type of business organization, composition, functions to be performed by employees of the Bidder, subcontractors or DVBE's and how they pertain to this contract.

Most of the work will involve coordination with the Energy Commission's Sacramento Office. Describe where your company staff and each subcontractor's staff will be headquartered. Describe how you propose to minimize travel and other costs to the State while providing technical work under this contract.

F. PREVIOUS WORK PRODUCTS

Describe and provide at least one example of a similar previous project, study or similar work product that demonstrates successfully completed relevant work by your organization or team. Include any available references as set forth in the next section.

G. CLIENT REFERENCES

Bidders should, if possible, provide a list of at least four (4) clients or employers who have received similar services from the Bidder or the Bidder's personnel or subcontractors, during the last three (3) years by completing Attachment 5, "Client References". Such services should be of comparable complexity to the services requested in this RFP. Complete one customer reference form for each company.

All references must include the name and telephone number of a contact person with the contacting organization. These individuals, as well as others, may be contacted by the Energy Commission when reviewing the submitted proposals. Final evaluations filed with the State on Bidder's past contract performance may be reviewed; therefore, the Bidder may wish to discuss any disagreements he/she has with those evaluations.

COST PROPOSAL

A. GENERAL REQUIREMENTS

The Bidder must submit information on all the Exhibit B Budget forms which will be considered part of the formal bid submission. Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the contractor for this RFP. If the budget forms are not filled out completely, your bid may be rejected. Proposals will be screened for completeness on the basis of whether or not the proposal contains sufficient information to enable a useful evaluation to be conducted.

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

The salaries, rates, and other costs entered on these forms become a part of the final contract. The entire term of the contract 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 Bidder (Prime Contractor) and each subcontractor must complete Forms B-1 through B-3.

The Bidder (Prime Contractor) is responsible for incorporating all of the subcontractor's forms into one workbook.

B. COST FORMS

Form B-1: Unloaded Hourly Rates

1. Use one form for the Bidder (Prime Contractor) and for each subcontractor. If not already linked, insert your company or organization name at the top of the form.
2. For each Provider from this company or organization that will be directly billed to this Agreement:
 - List the names in alphabetical order.
 - Provide the job classifications or title.
 - Provide the **unloaded** hourly rates in the columns for each fiscal year **for each individual and the job classification**. Projected rates, including applicable escalation factors, are acceptable. These rates will be averaged into the Cost Score. Average rates are **not** acceptable. Providing hourly rate ranges (e.g., \$50 - \$75) for a given period of time is also **not** acceptable. If awarded an Agreement, the rates in your proposal become part of the signed Agreement and may not be changed. When billing under this agreement, you must use your **actual** rates for a given period of time, or the amounts shown in this Exhibit, whichever is less.
 - Use the Fiscal Years that correspond to each company or organization. The term of the proposed agreement will be from June 30, 2011, to March 31, 2015. The fiscal years you use must cover the entire period of the proposed agreement.

Form B-2: Contractor Fee Calculations

1. Use one form for the Bidder (Prime Contractor) and for each subcontractor. Insert your company or organization name at the top of the form.
2. Provide fringe benefit, indirect overhead, general and administrative (G&A), and profit rates. Show this information as a percentage (%) applied to base costs. Change the column headings, if appropriate, to match your chart of accounts. Show the base costs to which you apply your various rates. List items you include in each indirect cost category (e.g., fringe benefits, overhead, and G&A, matched to your chart of accounts).

Indirect cost rates must be developed in accordance with generally accepted accounting principles and the applicable Office and Management and Budget (OMB) circulars or Federal Acquisition Regulations (FAR).

3. The Energy Commission recognizes that contractors may need to borrow money to finance the cash flow and retention requirements of the proposed Agreement. The State cannot be billed (directly or indirectly through indirect expenses) for the costs of borrowing money. The only place to recover these costs is to take them from your company's gross profit. Please pay attention to these scenarios as you develop the profit percentage used in this exhibit.

Form B-3: Loaded Hourly Rates

1. Use one form for the Bidder (Prime Contractor) and for each subcontractor. If not already linked, insert your company or organization name at the top of the form.
2. For each staff person from this company or organization that will be directly billed to this Agreement:
 - List the names in alphabetical order.
 - Provide the job classifications or title.
 - Insert the loaded hourly rates in the columns provided for each year of the contract, including the optional third year. There are two columns for each contract year. Please show the loaded hourly rates for each portion of the contract year that correspond to your fiscal years. You must use the rates provided on Forms B-1 and B-2 for your company or organization when calculating the loaded hourly rates.
 - The loaded hourly rate is defined as direct labor, fringe benefits, indirect rates (overhead, general and administrative, etc., as applicable), and profit (if applicable).

Prime Hourly Rates	Attachment 10, B-1Prime
Hourly Rates for each Subcontractor	Attachment 10, B-1Sub
Prime Indirect Costs	Attachment 10, B-2Prime
Indirect Costs for each Subcontractor	Attachment 10, B-2Sub
Loaded Hourly Rates	Attachment 10, B-3
Loaded Hourly Rates	Attachment 10, B-3Sub

V. 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.

COST OF DEVELOPING PROPOSAL

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

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 are marked confidential in their entirety and Bidders are strongly discouraged from requesting confidential treatment for any of the information contained in a submittal.

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)

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

Participation Goals: This RFP is subject to a mandatory participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 et seq.

And,

Incentive: The DVBE Incentive Program gives a contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

More information regarding DVBE and Small Business is located in Attachments 3.1 and 3.2.

If for this agreement contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then the contractor must within 60 days of receiving final payment under this agreement (or within such other time period as may be specified elsewhere in this agreement) certify in a report to the awarding department: 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; 3) the amount each DVBE received from the prime contractor; 4) that all payments under the contract have been made to the DVBE(s); and 5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Military & Veterans Code (M&VC) § 999.5(d))

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 www.energy.ca.gov/contracts and Department of General Services' Web Site http://www.bidsync.com/DPX?ac=powersearch&srchoid_override=307818.

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/cost 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.

GROUND 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 unsigned.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- It lacks a properly executed Certification Clause.
- It lacks a properly executed Darfur Contracting Act certification.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
- The Proposal misleads the State in its evaluation of the Proposal regarding a requirement of this RFP.
- There is a conflict of interest as set forth in Public Contract Code Sections 10410-10412 and/or 10365.5.
- It contains confidential information.

A Proposal may be rejected if:

- It is not prepared in the mandatory format described.
- 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.

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 and the Commission Contracts Office.
- Within five days after filing the protest, the protesting Bidder must file with the DGS 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

In the discretion of the Commission, the contract executed as a result of this RFP may 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