

City of San José - Consulting



BID DOCUMENT

San José Clean Energy Technical Consulting Services

Bid Number: CED 005

Closing Date: 02/01/2021 19:00:00 PT

200 E. Santa Clara St.,
San José, California, 95113

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0 COVER

CONSULTING SERVICES REQUEST FOR PROPOSAL (RFP) CED 005

San José Clean Energy Technical Consulting Services

Release Date:	12.18.2020
Procurement Contact: Address: E-mail Address:	Mark Bachman 200 East Santa Clara Street, 13th Floor San José, CA 95113-1905 mark.bachman@sanjoseca.gov
Deadline for Questions and Objections: Written Questions/Clarifications Objections to Specifications/Requirements	1.13.21 17:00 PT Objections to specifications and/or questions must be submitted in writing using the Biddingo Question and Answer utility at http://www.biddingo.com/sanjose .
Proposal Due Date and Time: Location:	02/01/2021 17:00:00 PT Proposal responses must be submitted online through Biddingo prior to the proposal due date and time.

1 INTRODUCTION AND OVERVIEW

The City of San José (City), Community Energy Department (CED) is seeking proposals from qualified consultants or firms (“Consultant”) to provide technical consulting services for San José Clean Energy (SJCE), the City’s Community Choice Energy (CCE) program. The proposing Consultants shall have relevant expertise, experience, and an approach that demonstrates their ability to provide the required services. The successful consultants will assist with these 4 priority and 2 optional technical areas listed below:

Section A Priority Areas

- **A1:** Load Forecasting and Portfolio Management Services
- **A2:** Energy Risk Management and Analysis
- **A3:** Electricity Rates and Cost of Service Studies
- **A4:** California Independent System Operator (CAISO) and Market Operation Support

Section B Optional Areas

- **B1:** Regulatory and Compliance Support
- **B2:** Energy Program Support

The City intends to award multiple on-call master consultant agreements based upon the highest-ranked scores. The successful consultants should have the following attributes:

Demonstrated experience in working with local government agencies and municipalities, community stakeholders, property owners/developers, and the general public in electric power planning and procurement processes as well as a proven track record of completing project deliverables within a timely manner and within budget.

2 BACKGROUND

In 2017, the City established the Community Energy Department to administer San José Clean Energy (SJCE), San José’s Community Choice Energy provider. In February 2019, SJCE launched electricity generation service to residents and businesses. Today it serves more than 328,000 customers and has a peak load of almost 1 GW. SJCE is responsible for purchasing over 5,000 GWh of electricity annually and has an annual operating budget of over \$300 million.

SJCE is driven to provide clean, renewable energy at affordable rates to help the city meet its [Climate Smart San José](#) goals and provide local benefits. In 2020, SJCE’s default energy service GreenSource is 86% carbon-free and 45% renewable at rates 1% below PG&E, adding up to over \$3 million in community-wide savings annually. Customers can also choose to upgrade to SJCE’s TotalGreen service to receive 100% renewable energy. More than 1,300 customers have chosen TotalGreen to date, including large corporate customers Samsung Semiconductor, HPE, and eBay. To meet customer demand for renewable energy, SJCE has invested in 272 MW of new solar plus battery storage across three projects that will be built in the Central Valley by the end of 2022.

As a not-for-profit government agency, surplus revenue is reinvested into the community in the form of lower rates and programs that further reduce greenhouse gas emissions and promote equity. SJCE is beginning to implement its first community programs, including a partnership with the California Energy Commission that will provide \$14 million in funding for electric vehicle charging stations, doubling the current level of infrastructure.

For more information about the Community Energy Department, please visit: www.sanjosecleanenergy.org

3 QUALIFICATIONS

As applicable, applicants must possess the following **minimum qualifications** in at least one of the following areas:

- Significant experience with California energy markets
- Significant experience in power procurement and portfolio management services

Desirable Qualifications; experience, knowledge, and skills may include, but are not limited to the following:

- Experience with electricity load forecasting and data analysis.
- Experience with power procurement, portfolio management, and power cost reduction.
- Knowledge of California laws and regulations governing Community Energy programs.
- Expertise in Integrated Resource Planning.
- Experience in evaluating bids and performing an economic and financial analysis for a variety power products including: long-term renewable and storage projects, energy hedging, Resource Adequacy (RA) procurement, and short-term renewable and carbon free compliance products.
- Experience in California energy markets including evaluating historical trends for various products and technologies and evaluating future trends.
- Experience in evaluating counterparty qualifications for various power products
- Experience in of utility rate-setting, rate design, and cost of service analysis
- Knowledge Experience developing and evaluating utility programs including: Community Solar, Demand Response, other Distributed Energy Resources (DERs) and other programs and technologies that might present opportunities to the Community and rate-payers.
- Knowledge of California energy regulations and compliance obligations

4 SCOPE OF WORK

The successful proposal submittal(s) must demonstrate that the Consultant has the appropriate professional and technical background and experience as well as access to adequate resources to provide the services for one or more of the required four priority areas described in the scope of work in section A.

Applicants are also invited but not required to demonstrate the appropriate professional and technical background as well as access to adequate resources to provide the services for the two optional areas described in the scope of work in section B that are desirable but not required (Regulatory and Compliance Support and Energy Program Support).

Please note that this solicitation cannot be used to procure software or energy brokerage services. SJCE has or will run separate solicitations for those products/services. Bidders are encouraged to seek out those solicitations and bid as appropriate.

The selected consultant(s) will provide the City with technical assistance and knowledge related to one or more of the four priority areas defined below in section A and the optional areas in section B. The City expects to award multiple contracts to ensure SJCE has expertise and adequate resources in all these areas:

Section A: Priority Areas 1-4

A1 Load Forecasting and Portfolio Management Services, including but not limited to each of the following item/elements:

- Development of Community Choice Aggregation (CCA) load, forecasts including sensitivity to weather variation and customer use patterns as well as economic impacts.
- Short-term and long-term resource planning and portfolio optimization, including asset management operationalization and energy hedging strategies;
- Integrated Resource Planning and compliance with California Public Utility Commission (CPUC) regulatory filing obligations
- Nomination, bidding, management, and acquisition of Congestion Revenue Rights (CRR's);
- Power Procurement Analysis, including:
 - Bid evaluation for short-term and long-term transacting of energy, including battery storage
 - Resource Adequacy
 - Capacity
 - Transmission and interconnection analysis
 - Other related services and products
- Power Content and Portfolio Analysis including evaluation of renewable energy products and technologies and associated renewable content and greenhouse gas (GHG) emission factors.

A2 Energy Risk Management and Analysis, including but not limited to each the following items/elements:

- Credit and transaction mark to market reporting and analysis;
- Evaluation and implementation of risk management policies and regulations;
- Development of Counterparty credit assessments and policies; and
- Reporting and market analysis.
- Energy Procurement Credit and Collateral terms.

A3 Electricity Rates and Cost of Service Studies, including but not limited to each of the following items/elements:

- Rate development and cost of service analysis for all customer types;
- Load uncertainty analysis
- Time of use rate analysis
- Rates for 100% renewable content;
- Net-energy-metering (NEM) rate development; and
- Electric vehicle (EV) rate evaluation.

A4 California Independent System Operator (CAISO) and Market Operation Support, including but not limited to each of the following elements:

- CAISO Scheduling strategies and evaluation related to renewable technologies;
- Settlement evaluation and Data analysis to reduce costs
- Operations support with compliance with market requirements; and
- Evaluation and Analysis of new CAISO Market requirements.

Section B: Optional Areas 1-2

B1 Regulatory and Compliance Support, including but not limited to each of the following items/elements:

- Developing and tracking regulatory and compliance reporting requirements;
- Industry Restructuring and advocacy;
- Assistance with regulatory proceedings at the CPUC, California Energy Commission (CEC), CAISO and Federal Energy Regulatory Commission (FERC).

B2 Energy Program Support, including but not limited to each of the following items/elements:

- Net-Energy Metering;
- Community Solar Programs;
- Electric Vehicle Programs
- Building Electrification Programs
- Energy Efficiency Programs including fuel switching
- Demand Response Programs
- Energy Storage Programs
- Resiliency and Microgrid Programs
- Program Measurement, Evaluation, Measurement and Verification (EM&V)
- Program Financial and Customer Data Analysis
- Customer Resource Center; which could include online portals to support customers to learn about EV's, Energy Storage, Heat Pump Water Heaters (HPWH's) and other clean energy technologies, as well as other tools and resources to increase customer awareness of clean energy options

As part of a submittal, applicants should clearly identify the key staff for each item/element within a priority or optional technical areas and include their hourly rate as indicated in the cost proposal form. Applicants should provide information on the expected function and role of the key staff listed as well as the expected distribution of work for each element, provided in a percentage. Applicants agree that the expertise and experience of key staff are material considerations for this agreement and shall not assign or transfer the performance of any key staff obligations, without the prior written consent of SJCE.

The tasks requested for an individual project will be authorized through a separate Service Order prepared prior to the start of work, which will also include the time limit within which such services must be completed and the compensation for such services. Consultant shall not perform any services unless authorized by a fully executed Service Order. The City is not obligated to issue any Service Orders under a Master City of San José Consultant Agreement.

Consultant Selection and Shortlists

The City intends to award multiple on-call master consultant agreements based upon the scores for each required and optional technical area described in Section 4 based on the criteria in section 10.2. Applicants will receive separate scores for each section and items/elements for which they apply. The selected consultants shall comprise a shortlist of available, on-call consultants. SJCE will award agreements in order to ensure maximum coverage of the criteria listed in Section 4 and may award more than one consultant for each technical area and may award one

consultant multiple technical areas. We encourage applicants to apply for all sections for which they are qualified.

Consultant and Service Coordinators

The selected Consultant(s) will designate one or more Consultant Coordinators who will be the point of contact for the services for which their firm is selected. The City will designate a Service Coordinator for each consulting service who will work directly with the Consultant Coordinator(s) regarding all items relating to the Service Orders under the Agreement resulting from this RFP.

Initiating and Responding to Service Orders

To initiate a Service Order, the City's Service Coordinators will create a Service Order Request detailing the specific project duties, tasks and deliverables and a desired timeframe for completion. Service Order Requests will be forwarded via email to one or more Consultant Coordinators who will respond within 3 business days of the request with a response that confirms their ability to complete the assignment in the requested timeframe, their proposed approach and the costs associated with their proposed approach based on the staff rates included in their contract, and their expertise and experience in completing similar work.

The City's Service Coordinator(s) may select a consultant directly from the responses returned for a given Service Order or may request an interview with one or more of the consultants. Consultants will be selected based on a firm's ability to complete the work within a requested timeframe, a firm's expertise and experience in conducting assignments similar to the requested scope of work, a firm's proposed approach and cost. Once the consultant has been selected, the Service Coordinator will confirm selection of the consultant and the start date to the Consultant Coordinator through issuance of a Service Order detailing the scope of work.

There is no guarantee that any or a minimum number of Service Orders will be issued to any Consultant.

5 TERM OF AGREEMENT

The initial term of the Agreement(s) shall be for five years. The City reserves the right to extend the agreement(s) for three additional, one-year terms for a total potential agreement term of eight years.

6 HOW TO OBTAIN THIS RFP

- A. This solicitation may be downloaded from the Biddingo solicitation posting system at <http://www.biddingo.com/sanjose>. You may also access this solicitation, along with other City of San José solicitations, at <https://www.sanjoseca.gov/your-government/departments/finance/purchasing/bid-opportunities>.
- B. Vendors wishing to respond to this solicitation must register with Biddingo at <http://www.biddingo.com/sanjose>. If you have a problem registering, contact Biddingo directly at (800) 208-1290 or by email to info@biddingo.com.
- C. All addenda and notices related to this procurement will be posted by the City on Biddingo. In the event that this solicitation is obtained through any means other than Biddingo, the City will not be responsible for the completeness, accuracy, or timeliness of the final solicitation document.
- D. Prospective subcontractors should note that once registered with Biddingo, they may view all organizations (with name and contact information) who download the solicitation document.
- E. There is no cost to the vendor to register, receive notifications, or submit responses for City of San José solicitations using Biddingo.

7 PROCEDURE FOR SUBMITTING QUESTIONS AND INQUIRIES

- A. All questions and inquiries regarding this solicitation (including, but not limited to, questions about the products or services to be procured, any discrepancies or omissions, or requests for clarifications) must be made through the Question and Answer portal on Biddingo. The City will provide a written response to all questions in the form of an Addendum. Questions answered on the Biddingo Question and Answer portal shall be considered addenda to this solicitation.
- B. The City shall not be responsible for nor be bound by any oral instructions, interpretations, or explanations issued by the City or its representatives. Should discrepancies or omissions be found in this solicitation or should there be a need to clarify this solicitation, requests for clarification should be submitted online through Biddingo.

8 OBJECTIONS

- A. Any objections as to the structure, content, or distribution of this Request for Proposal (RFP) must be submitted in writing to the Procurement Contact identified on the cover sheet of this RFP. Objections must be as specific as possible and must identify the RFP section number and title, as well as a description and rationale for the objection.
- B. All objections, questions, and inquiries pertaining to this RFP must be received by the Deadline for Questions and Objections specified on the cover sheet.

9 PROPOSAL SUBMITTAL REQUIREMENTS

9.1 GENERAL REQUIREMENTS

- A. To expedite the evaluation process, each proposal response to this RFP should be organized in accordance with the information included in this bid document. Proposals that do not follow the specified format or fail to provide the required documentation will receive lower scores or, if found to be non-responsive, may be disqualified. In the event of a conflict between any of the proposal documents, resolution thereof shall be in the City's sole discretion.
- B. Vendors shall use the forms provided by the City to provide RFP responses in the areas indicated. Do not attempt to override or bypass spreadsheet functionality or modify City-provided forms in providing responses.

C. Delivery/Electronic Submission:

1. All responses to this solicitation must be submitted electronically through Biddingo. Bid responses are secure and are not accessible by anyone but the bidder until after the bid end date and time indicated in this solicitation.
2. Proposers must submit all required documentation. Upload required forms and documentation through Biddingo and submit with your solicitation response.
3. Any questions regarding how to upload attachments or submit a response through Biddingo should be directed to Biddingo at (800) 208-1290 or by email to info@biddingo.com.
4. Please note: Attaching documentation to the bid will not automatically submit your bid. You must click the SUBMIT button before your bid response will be submitted. Until you receive the electronic receipt for your bid submission, you have not submitted your bid.
5. Proposers may modify their electronic responses prior to bid close; however, please note that if you modify a submitted response, be sure that you resubmit it prior to the bid closing date and time. It is the sole responsibility of the vendor to ensure that their entire solicitation response is submitted prior to the solicitation closing date and time.
6. The City is not responsible for any late or incomplete submissions, including those due to technical issues with Biddingo. It is recommended that bidders allow sufficient time to seek assistance from Biddingo in the event there are unforeseen issues that affect the bidder's ability to upload and submit their solicitation response.
7. The City must receive your response to this RFP electronically through Biddingo by the specified proposal due date and time for your proposal to be considered.
8. **Formatting:** Proposals must be in Times New Roman, Arial, or some similar, easily readable font. The size of the font cannot be smaller than 11, and margins should be 1 inch or more. Include a table of contents that identifies the page numbers for each section of the proposal. All pages should be consecutively numbered and correspond to the table of contents.
9. **Cover Letter:** Provide a cover letter (maximum of 2 pages) signed by the individual within your company who is authorized to contractually bind your firm that includes the following:
 - i. A brief overview of your company's general expertise, experience, and approach to performing the Scope of Services and Requirements of this RFP;
 - ii. Company history, including years in business, names previously used, mergers, other company affiliations, etc.;
 - iii. Contact information, including name, title, address, phone number, and email, for the individual to whom questions regarding your proposal should be addressed.

9.2 EXPERIENCE AND QUALIFICATIONS

- A. **Expertise, Key Personnel, and Organizational Chart:** Provide experience summaries and individual curriculum vitae/resumes for staff who would be assigned to perform the work specified in this RFP, including any sub-contractor team members, if applicable. Resumes and experience summaries should clearly demonstrate the proposer's qualifications to perform the Scope of Services and Requirements described in this RFP. Provide a project organization chart that designates, by name, title, and job function/role, each project team member, including any partners or subcontractors.
- B. **Customer References:** Complete Form 5, Customer Reference Form, for three (3) recent and different customers. Submitted Customer Reference Forms will be evaluated and scored as part of the Experience Evaluation Criteria and will initially be scored based solely on the information provided by the proposer in the submitted Customer Reference Forms. Therefore, it is important to provide complete, detailed, and descriptive information for each customer reference.
- C. **Client List:** Provide a list of public agency clients you have worked with and a brief summary of the type of services you have provided.

9.3 TECHNICAL CAPABILITIES

Provide a direct and thorough response to your ability to meet the City’s requirements as specified in Attachment B, Scope of Services and Requirements.

9.4 COST PROPOSAL

To compare costs fairly and consistently, Cost Proposals must be submitted on the Cost Proposal Form provided with this solicitation, pursuant to these submission instructions.

10 SELECTION PROCESS AND EVALUATION CRITERIA

10.1 SELECTION PROCESS

- A. Proposal responses will be evaluated as outlined in this Section.
- B. Proposal Responsiveness: Proposals will be examined to ensure that the proposer submitted all required elements and is responsive to any technical specifications and minimum qualifications.
- C. City staff will evaluate and score proposal submissions. Subject matter experts from outside the City may also be used to evaluate and score proposals.
- D. The City reserves the right to rely on information from sources other than the information provided by the respondents.
- E. The City reserves the right to interview (oral interviews) the top proposers based on the interim proposal scores (Total Score Without Oral Interview). If the City elects to conduct oral interviews, the final scoring and ranking will be based on the Total Score With Oral Interview. If the City elects not to conduct oral interviews, the final scoring and rankings will be based on the Total Score Without Oral Interview.
- F. Award will be made to the highest scoring/ranking responsive and responsible proposer(s) in accordance with this Section.
- G. Final award shall be contingent upon the selected vendor(s) accepting the City’s Standard Terms and Conditions and Insurance Requirements in substantial conformance to Attachments C and D of this RFP.
- H. The selected vendor(s) shall provide proof of insurance (certificate of insurance) meeting the specified Insurance Requirements prior to contract execution.
- I. Should the selected vendor(s) fail to execute the agreement or provide proof of insurance as required herein, the City shall have the right to seek legal remedies against the vendor. The City shall also have the right to terminate negotiations with the selected vendor(s) and commence negotiations with the next highest ranked responsive and responsible proposer(s).

10.2 EVALUATION CRITERIA AND WEIGHTING

		Score Without Oral Interview	Score With Oral Interview
Proposal Responsiveness	Pass/Fail		
Qualifications Consultant Profile (a description of services offered and professional memberships of the agency) Technical Profile (identifies function and role of key staff, hourly rate, expected distribution of work (by percentage) Provides experience summaries and individual resumes for key staff Provides a Project Organization Chart that designates by name, title and job function, each project team member		30%	20%
Experience Relevant Work Product Summaries Experience with California energy markets or		30%	20%

in power procurement and portfolio management services			
Experience with desirable qualifications in Section 3			
Experience working with local government agencies and municipalities, community stakeholders, property owners/developers, and the general public in electric power planning and procurement processes			
Proven track record of completing project deliverables within a timely manner and within budget			
Customer References			
Cost Proposal		30%	20%
Oral Interview		N/A	30%
Local Business Enterprise		5%	5%
Small Business Enterprise		5%	5%
TOTAL SCORE			
		100%	100%

11 BEST AND FINAL OFFER (BAFO)

- A. A Best and Final Offer (BAFO) may be held with one or more finalist(s) if additional information or clarification is necessary to make a final decision. The BAFO may allow finalist(s) to revise their original Proposals based on additional information provided by the City.
- B. The City will send out the request for a BAFO with instructions addressing the areas to be covered and the date and time by which the BAFO is to be submitted. After receipt of BAFO responses, scores may be adjusted based on the new information received.
- C. The City will request only one BAFO unless the City's Purchasing Officer determines that another BAFO is warranted.
- D. Proposers are cautioned that the issuance of a BAFO is optional and at the sole discretion of the City. Therefore, Proposers should not assume that there will be an additional opportunity to amend their Proposals after the original submission. Proposers may not request an opportunity to submit a BAFO.

12 GROUNDS FOR DISQUALIFICATION

- A. All solicitation respondents are expected to have read and understand the "Procurement and Contract Process Integrity and Conflict of Interest," Section 7 of the Consolidated Open Government and Ethics Provisions adopted on August 26, 2014. A complete copy of the Resolution 77135 can be found at <https://www.sanjoseca.gov/home/showdocument?id=19565>.
- B. Any vendor who violates this Policy will be subject to disqualification. Generally, the grounds for disqualification include:
 - i. Contact regarding this procurement with any City official or employee or evaluation team member other than the Procurement Contact or Purchasing Officer from the time of issuance of this solicitation until the end of the protest period.
 - ii. Evidence of collusion, directly or indirectly, among vendor respondents in regard to the amount, terms, or conditions of this solicitation or their respective responses.
 - iii. Influencing any City staff member or evaluation team member throughout the solicitation process, including the development of specifications.
 - iv. Evidence of submitting incorrect information in response to a solicitation or misrepresenting or failing to disclose material facts during the evaluation process.
- C. In addition to violations of the Process Integrity Guidelines, the following conduct may also result in disqualification:
 - i. Offering gifts or souvenirs, even of minimal value, to City officers or employees.
 - ii. Existence of any lawsuit, unresolved contractual claim, or dispute between Proposer and the City.
 - iii. Evidence of respondent's inability to successfully complete the responsibilities and obligations of the proposal.
 - iv. Respondent's default under any City contract resulting in termination.

v. Evidence of any wage theft judgements as described in the Certification Form.

13 CONFLICT OF INTEREST

In order to avoid a conflict of interest or the perception of a conflict of interest, Proposer(s) selected to provide goods and services under this RFP will be subject to the following requirements:

- A. The Proposer(s) selected under this RFP will be precluded from submitting proposals or bids as a prime contractor or subcontractor for any future procurement with the City if the specifications for such procurements were developed or influenced by the work performed under the agreement(s) resulting from this RFP.
- B. Proposer(s) may not have any interest in any potential Proposers for future City procurements that may result from the work performed under the agreement resulting from this RFP.

14 GENERAL INFORMATION

- A. The City reserves the right to waive any informality or irregularity in any response. Additionally, the City may, for any reason and at its sole discretion, decide not to award a contract as a result of this solicitation or to cancel the solicitation altogether. The City shall not be obligated to respond to any proposal submitted nor be legally bound in any manner by submission of the proposal.
- B. The City is not required to accept the lowest submitted priced. Responses will be evaluated to determine the most advantageous (best value) proposal on a variety of factors including, but not limited to, price, quality, and performance.
- C. The City reserves the right to accept or reject any item(s) or groups of items in a response and may elect to award by line item(s) if it is found to be in the City's best interest to do so.
- D. The City also reserves the right, in its sole discretion, to make multiple awards. In the event the City elects to make multiple awards, awards will be made in rank order starting with the highest ranked vendor based on the selection criteria established for this solicitation.
- E. In the event any respondent to this solicitation cannot meet a specified budget requirement, the City reserves the right to award to the next highest ranked vendor in accordance with the selection criteria set forth for this solicitation.
- F. Freight and/or shipping charges shall be provided at no additional cost to the City, i.e., "FOB Destination Prepaid," unless specified as a separate line item in this solicitation.
- G. Vendors should not include sales tax in their submitted pricing. The City will work with the selected vendor to add sales tax as appropriate and will incorporate it into the final contract.
- H. The City of San José is exempt from federal excise tax, including federal transportation tax. The City will provide an exemption certificate as appropriate.
- I. Statistical information contained in this solicitation is for informational purposes only. The City shall not be responsible for the complete accuracy of said data.
- J. Any estimated quantities provided are for quoting purposes only and are not to be interpreted as a guarantee to purchase any amount. Any variations from the estimated quantities does not entitle the vendor to an adjustment in unit pricing or rates.
- K. The City reserves the right to verify any information provided during the solicitation process and may contact any provided references or any other persons known to have contracted with the responding vendor.
- L. The City may require financial statements as certified by an independent Certified Public Accountant. Do not submit these documents unless they are requested.
- M. The laws of the State of California shall govern this solicitation process and any resulting agreements, including any required vendor agreements for subscriptions, licensing, maintenance, support, hosting, etc.
- N. All goods and services provided to the City by the successful vendor shall comply with all City policies, rules, and regulations which may be in effect during the term of the agreement, as well as all federal, state, and local statutes, ordinances, and regulations. The successful vendor is also required to comply with all applicable equal opportunity laws and regulations.
- O. The City shall not be liable for any pre-contractual expenses incurred by prospective vendors or selected contractors, including, but not limited to, costs incurred in the preparation or submission of solicitation responses. The City shall be held harmless and free from any liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this solicitation.
- P. Failure to carefully read and understand this solicitation in its entirety, including all accompanying documentation, may cause response submittals to be out of compliance or rejected by the City or may legally obligate the respondent to more than it intends or realizes.
- Q. Information obtained by any vendor respondent from any officer, agent, or employee of the City shall not affect the risks or obligations assumed by the vendor or relieve the vendor from fulfilling any of these solicitation conditions or any subsequent contract conditions.
- R. Only the response format specified in this solicitation will be accepted as compliant for submitted responses. Failure to fully complete and submit all required forms and attachments may result in disqualification.

15 LOCAL AND SMALL BUSINESS ENTERPRISE PREFERENCE (LBE/SBE) (if applicable)

- A. Chapter 4.12 of the San José Municipal Code provides a preference for Local and Small Businesses in the procurement of goods and services that are not specifically precluded from these preferences.
- B. If the basis of an award is price determinative (awarded to the low bidder), the amount for the preference shall be 2.5% of cost for local and an additional 2.5% of cost for small.
- C. If the basis of an award is evaluative (awarded to the best value respondent), the amount of preference shall be 5% of total points for local and an additional 5% of total points for small.
- D. To be considered for Local and Small Business Enterprise Preference, you must complete the Request for Local and Small Business Enterprise Preference Form and submit it with your solicitation response. Vendors who fail to complete and submit the Request for Local and Small Business Enterprise Preference Form with their solicitation response will not be considered for the preference. This information cannot be submitted after the specified solicitation response submittal deadline.
- E. To receive the LBE preference, you must have both of the following:
- i. **A valid San José Business Tax Certificate Number:** The business tax certificate number below should match to the address and business name for which the preference is being claimed and must be current as of the proposal due date. Vendors should verify their information through the City's Business Tax Lookup at <http://www3.csifinance.org/bizlic/bizlicForm.asp> prior to submittal.
 - ii. **A legitimate business presence in Santa Clara County with at least one full time employee:** The City has interpreted a legitimate business presence to require:
 - the local address for which the preference is being requested is of a commercial nature and the primary purpose of the location is to serve as a principal, regional, branch, or satellite business office; or
 - in the case of a business located in a residential dwelling, the business must either be a valid home occupation as an incidental use of the business owner's primary dwelling, or the residential dwelling is exclusively used for a commercial nature and the primary purpose of the location is to serve as a principal, regional, branch or satellite business office.
- F. Refer to the Request for Local and Small Business Enterprise Preference Form for additional details.
The City reserves the right to request additional documentation and supporting information to confirm that the preference should be applied, including, but not limited to, lease agreements, proof of payments, employee information, signage, website, and location
- G. **You must first qualify as an LBE to qualify for the SBE Preference.** If you receive the LBE preference and the total number of employees for your firm (regardless of where they are located) is 35 or fewer, you also qualify to receive the SBE preference.
- H. The preference shall only be considered for the prime respondent(s). However, in the event that the responding firm is a Joint Venture (JV) or Partnership as indicated on the Response Certification Form, the local preference shall apply if any one of the firms in the JV or Partnership meets the definition for a Local Business Enterprise. In order for a JV or Partnership to be considered for the Small Business Enterprise Preference, the aggregate of all of the employees that make up the JV or partnership must meet the definition for a small business.

16 PUBLIC NATURE OF PROPOSAL MATERIAL

- A. Do **NOT** mark your proposal as "confidential" or "proprietary."
- B. All correspondence with the City including responses to this RFP will become the exclusive property of the City and will become public records under the California Public Records Act (Cal. Government Code section 6250 et seq.) All documents that you send to the City will be subject to disclosure if requested by a member of the public. There are a very limited number of narrow exceptions to this disclosure requirement.
- C. Any proposal which contains language purporting to render all or significant portions of their proposal "Confidential," "Trade Secret" or "Proprietary," or fails to provide the exemption information required as described below will be considered a public record in its entirety subject to the procedures described below.
- D. The City will not disclose any part of any proposal before it announces a Recommendation of Award on the grounds that there is a substantial public interest in not disclosing proposals during the evaluation process. After the announcement of a Recommendation of Award, all proposals received in response to this RFP will be subject to public disclosure. If you believe that there are portions of your proposal which are exempt from disclosure under the Public Records Act, you must mark them as such and state the specific provision in the Public Records Act which provides the exemption as well as the factual basis for claiming the exemption. For example, if you submit trade secret information, you must plainly mark the information as "Trade Secret" and refer to the appropriate section of the Public Records Act which provides the exemption as well as the factual basis for claiming the exemption.
- E. Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City of San José may not be in a position to establish that the information that a Proposer submits is a trade secret. If a request is made for information marked "Confidential," "Trade Secret," or "Proprietary," the City will provide the Proposer who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.

17 PROTESTS

- A. If an interested party wants to dispute the award recommendation, they must submit their protest in writing to the Department Director or Designee no later than ten (10) calendar days after the Recommendation of Award is published, detailing the grounds, factual basis, and providing all supporting information. Protests will not be considered for disputes of requirements or specifications, which must be

addressed in accordance with the Objections Section above. Failure to submit a timely written protest to the contact listed below will bar consideration of the protest.

B. Protests must be addressed to the following:

C. City of San José

Attention: Lori Mitchell, Director

200 East Santa Clara Street, 14th Floor San José, CA 95113

Protests may be submitted by email to protestSJCE@sanjosecleanenergy.org, with a copy to the RFP Procurement Contact.

18 CITY BUSINESS TAX

The awarded vendor(s) must comply with the San José Municipal Code Chapter 4.76 with respect to the payment of any applicable City Business Tax prior to the commencement of work. Contact Finance/Revenue Management by phone at (408) 535-7055 or businessstax@sanjoseca.gov to determine applicable tax costs. Additional information about the business tax and registration process can be found on the City's website at <http://www.sanjoseca.gov/businessstax>.

19 CALIFORNIA SECRETARY OF STATE REGISTRATION

The awarded vendor(s) must have a current and valid registration with the California Secretary of State to conduct business with the City of San José. You can verify this and find more information through the California Secretary of State website at <https://www.sos.ca.gov/business-programs/business-entities/>. This will be verified by the City prior to contract execution.

20 ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES

- A. The City has adopted an "Environmentally Preferable Procurement" (EPP) policy. The goal is to encourage the procurement of products and services that help to minimize the environmental impact resulting from the use and disposal of these products. The EPP policy may be found on the City's website at <http://www.sanjoseca.gov/home/showdocument?id=1268>.
- B. In accordance with the EPP policy, vendors are encouraged to offer Energy Star, Green Seal, EcoLogo, or EPEAT certified products as applicable. The City also suggests that proposers offer products and services that are produced or delivered with minimal use of virgin materials, maximum use of recycled materials, and reduced waste, energy usage, water utilization, and toxicity in the manufacture and use of products.
- C. Vendors are encouraged to offer Energy Star certified products, products that meet FEMP (Federal Energy Management Program) standards for energy consumption, and products that are produced with recycled materials, where appropriate, unless otherwise specified in this solicitation.

21 OTHER PUBLIC AGENCY PURCHASES

It is intended that other public agencies be permitted to purchase under the same terms resulting from this procurement. Any participating public agency shall accept sole responsibility for placing orders, arranging deliveries and/or services, and making payments to the vendor. The City of San José will not be liable or responsible for any obligations, including but not limited to, financial responsibility in connection with participation by other public agencies.

22 RFP DOCUMENTS & SUBMITTAL CHECKLIST

A Submittal Checklist

This document provides details regarding the City's scope of work and specifications and requirements for this

RFP.

List of Attachments

	File	Description	Reattachment
1	Attachment A-Submittal Checklist.docx		

B Scope of Services and Requirements

This document provides details regarding the City's scope of work and specifications and requirements for this RFP.

List of Attachments

	File	Description	Reattachment
1	Attachment B-Scope of Services and Requirement.docx		

C City's Standard Terms and Conditions

City's Standard Terms and Conditions that will be the basis for any resulting agreement.

List of Attachments

	File	Description	Reattachment
1	Attachment C Standard City of San Jose Consultant Agreement (Non-Capital Projects).doc		

D Insurance Requirements

The City's Insurance Requirements for which the successful vendor(s) will be required to provide proof of coverage prior to contract execution. *Please note that the insurance requirements will be added after the initial publication of the RFP* Please contact the RFP contact for any questions.

List of Attachments

	File	Description	Reattachment
1	Attachment D-Insurance Requirements.docx		

1 Certification Form

Complete, sign, and submit with your solicitation response. This Certification Form must be submitted with your proposal response.

List of Attachments

	File	Description	Reattachment
1	Certification Form.docx		Y

Form 2 Request for Local and Small Business Enterprise Preference, if applicable

Complete and submit with response if requesting the preference. This form will not be accepted after the proposal submittal deadline.

List of Attachments

	File	Description	Reattachment
1	Form 2-Request for Local and Small Business Preference.docx		

Form 3 Exemplar Agreement Acknowledgement Form

Complete, sign, and submit with proposal response.

List of Attachments

	File	Description	Reattachment
1	Form 3-Exemplar Agreement Acknowledgement Form.docx		Y

Form 4 Insurance Requirements Acknowledgement Form

Complete, sign, and submit with proposal response.

List of Attachments

	File	Description	Reattachment
1	Form 4-Insurance Requirements Acknowledgement Form.docx		Y

Form 5 Customer Reference Form

Complete and submit 3 customer references (using this form) with your proposal response.

List of Attachments

	File	Description	Reattachment
1	Form 5 Customer References And Relevant Projects.docx		Y

Form 6 Cost Proposal Form

Complete and submit with your proposal response.

List of Attachments

	File	Description	Reattachment
1	Form 6-Cost Proposal Form.xlsx		Y