

ANSWERS TO SUBMITTED QUESTIONS

Q #	Question	RFP Reference (Document & Page-Section-Item)	Answers
1	<p>The referenced attachment states the following question: Has Consultant (including any Principal thereof) contracted for and completed a minimum of:</p> <p>Five (5) California Public Works projects, as defined in Labor Code § 1720, providing building commissioning consulting services as either the prime consultant or sub-consultant at any tier.</p> <p>Our public works experience has been for publically funded clients such as Community Colleges and local school districts. We understand that this complies with section 1720. Please confirm this understanding</p>	<p>Attachment D Questionnaire, Question 1</p>	<p>Yes, please see Labor Code section 1720 et seq. for the meaning of “public works,” which for reference purposes only and without limitation states:</p> <p>“As used in this chapter, ‘public works’ means all of the following: (1) Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds For purposes of this paragraph, “construction” includes work performed during the design, site assessment, feasibility study, and other preconstruction phases of construction, including, but not limited to, inspection and land surveying work, regardless of whether any further construction work is conducted, and work performed during the postconstruction phases of construction, including, but not limited to, all cleanup work at the jobsite.” (Lab. Code § 1720(a) [emphasis added]; see also Lab. Code §§ 1720.2, 1720.6.)</p> <p>“For purposes of this section, ‘paid for in whole or in part out of public funds’ means all of the following: (1) The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer.” Lab. Code § 1720(b).</p> <p>“‘Political subdivision’ includes any county, city, district, public housing authority, or public agency of the state, and assessment or improvement districts.” Lab. Code § 1721.</p>

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			Without taking an official position thereon, work on projects for <i>public</i> K-12 school and community college districts are typically paid out of public funds by a public agency of California and therefore considered to be public works under the Labor Code; in contrast, work for <i>private</i> schools or <i>Federal</i> agencies may not classify as California public works.
2	Is a prime consultant with subconsultants permitted as part of this RFP? If so, will qualifications of both be considered in the evaluation?		Selected Consultants may utilize Subconsultants to provide the Services pursuant to and in accordance with the terms of the Master Agreement. See RFP Attachment C for further details. Proposals submitted in response to this RFP will be evaluated based on the submitting Consultant’s information and qualifications; a Consultant’s use/reliance on Subconsultants for the performance of Services can and should be indicated in the Consultant’s Proposal (see, e.g., RFP §§ 6.1.3, 6.1.5, 6.1.6, 6.1.8, 6.1.13).
3	Will the team automatically NOT qualify if the 5 California Public Works commissioning projects are not yet completed but will be in 2024?	Pass/Fail Questions (Essential Criteria) question #1	Correct, a Consultant that responds “No” to Pass/Fail Question No. 1 cannot qualify.
4	For the requested written and certified document identifying whether or not we’re on either lists, is there a specific type of certified document you are looking for? We are not on either list and can provide a written statement, however we would like some clarification on the aspect of the certified document needed.	Request for Proposals (RFP) ID/IQ Building Commissioning Consulting Services, Page 16, Section 6.1.14	A statement signed by a representative of the Consultant with the authority to bind the Consultant certifying the Consultant’s delinquent taxpayer status will satisfy this requirement; please note that this certification can also be made through RFP Attachment G, General Certification Form.

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5	I have an expired Qualified Commissioning Process Provider certification from the University of Wisconsin, however, I am a licensed mechanical engineer and general contractor in California. Do professional engineering and/or general contractor licenses qualify as an “equivalent license” required under law for the performance of the work?	Section 3 Scope of Services, 3.1 Licensing, page 4.	Please refer to RFP Section 3.1 under Scope of Services. All Consultants, and their sub-consultant(s), employees, or agents thereof, performing work on Projects awarded under this RFP must have, when submitting a Proposal as well as at the commencement of and all times throughout the duration of their performance of any work, all appropriate, valid license(s) required under law to provide the work being performed. If the possession of any license(s) including, without limitation, a valid Certified Commissioning Authority (CxA) certificate issued by the California Commissioning Collaborative or equivalent license is required under law for the performance of the work, the Consultant must ensure that the work will be performed either by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual.
6	Who is going to hold the contracts with anyone actually testing the equipment. Will it be the consultant or a third party? It's not clear from the scope.	RFP Sections 3.3.5.17-20 (page 7)	Please refer to RFP section 3.3.5.18. Coordinate, review, observe, and document manual functional performance tests performed by installing contractors. The contracts for entities testing equipment will be held under the prime General Contractor and or Vendor assigned to each project.

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7	Section 3.4.1 refers to Prevailing Wage requirements. Commissioning is considered "Professional Services" and Prevailing Wage does not apply to Professional Services. Please confirm that Prevailing Wage requirements will need to be followed.	Page 10. Section 3.4 Sub-Section 3.4.1	Consultants and their Subconsultants will be required to comply with all prevailing wage requirements for any applicable work that is subject to those requirements of the Labor Code (see RFP Attachment C, Master Agreement, § 41 (“only where and as applicable”)); if the Services of a particular SWO are not subject to the Labor Code’s prevailing wage requirements, then prevailing wage requirements will not need to be followed in that instance.
8	Section 6.1.14 requests a “written and certified document” confirm that we are not a delinquent taxpayer. What do you consider a “certified” document? Are you expecting to see something notarized or will a statement signed by the President of our company, on company letterhead, suffice?	Page 16. Section 6.1.14 Delinquent Taxpayer Status	A statement signed by a representative of the Consultant with the authority to bind the Consultant certifying the Consultant’s delinquent taxpayer status will satisfy this requirement; please note that this certification can also be made through RFP Attachment G, General Certification Form.
9	Attachment D. Gross Revenue. Are you looking for gross revenue of our firm as a whole, or revenue for Commissioning Services only?	Attachment D, Line Items 9-11	Please indicate Consultant’s gross revenue as a whole, not limited to Consultant’s gross revenue for only commission services.
10	Is it mandatory to include subconsultants in the prime proposer's response? Can we add subconsultants later if they are not mentioned in the IDIQ response?		Consultants can and should provide information on the use of Subconsultants to perform the required Services (see, e.g., RFP §§ 6.1.3, 6.1.5, 6.1.6, 6.1.8, 6.1.13). Notwithstanding the foregoing, for the Services of each authorized SWO, Consultants will be required to provide information on proposed Subconsultants via the Services Request Form (RFP Attachment C, Exhibit E) and Consultant Proposal Form (RFP Attachment C, Exhibit F) on a project-by-project basis.

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11	Does the ability to cover all JCC regions affect the evaluation of proposals, either positively or negatively?	Attachement A, Page 2, Section 2.2	Contracts awarded to Consultants under this RFP will be on a state-wide basis, not per region; Consultants may be asked to provide Services throughout the state and limitations thereon may be considered in the evaluation of Proposals as well as the subsequent awarding of SWOs.
12	Given that earthquake resistance is not typically part of the commissioning scope, how should we address this in Attachment D if the information is unknown?	Attachment D, Page D-5, Firm's Project References	This question is referring to constructing a new building or modernization of an existing building, and not the commissioning scope of work. Please indicate yes or no.
13	For Attachment D's Scored Question #11 regarding weekly safety meetings, how should our firm respond if we do not have construction employees or field supervisors? Our commissioning employees are classified professional services and not contractors.	Attachment D, Page D-5, Scored Questions, Question #11	Please indicate yes or no for question #11. If marked no, please provide a statement in your proposal to explain response.
14	As a new firm covered since 2022, how should we report the Workers' Compensation Experience Modification rate for the previous 5 years in Attachment D such that it is clear this information was not neglected?	Attachment D, Page D-5, Consultant Information	Consultants should explain and indicate its circumstances on separate signed sheet(s).

15	<p>Can commissioning work performed for public community colleges be considered a public works project as per Labor Code § 1720, as § 1721 broadly defines a “political subdivision” to include these projects in the public works definition of § 1720?</p>	<p>Attachment D, Page D-5, Firm’s Project References</p>	<p>Yes, please see Labor Code section 1720 et seq. for the meaning of “public works,” which for reference purposes only and without limitation states:</p> <p>“As used in this chapter, ‘public works’ means all of the following: (1) Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds For purposes of this paragraph, “construction” includes work performed during the design, site assessment, feasibility study, and other preconstruction phases of construction, including, but not limited to, inspection and land surveying work, regardless of whether any further construction work is conducted, and work performed during the postconstruction phases of construction, including, but not limited to, all cleanup work at the jobsite.” (Lab. Code § 1720(a) [emphasis added]; see also Lab. Code §§ 1720.2, 1720.6.)</p> <p>“For purposes of this section, ‘paid for in whole or in part out of public funds’ means all of the following: (1) The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer.” Lab. Code § 1720(b).</p> <p>“‘Political subdivision’ includes any county, city, district, public housing authority, or public agency of the state, and assessment or improvement districts.” Lab. Code § 1721.</p> <p>Without taking an official position thereon, work on projects for <i>public</i> K-12 school and community college districts are typically paid out of public funds</p>
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16	Our firm, established in 2022, lacks revenue data for 2020 and 2021. How should we report this in Attachment D to ensure it's not perceived as an oversight?	Attachment D, Page D-5, Consultant Information	Consultants should explain and indicate its circumstances on separate signed sheet(s).
17	How should we address the lack of financial statements for 2021 in Attachment D, given our firm's recent establishment?	Attachment D, Page D-5, Consultant Information	Consultants should explain and indicate its circumstances on separate signed sheet(s).
18	Please confirm if public works projects completed by a Principal at a different firm can be included in our firm's Project References in Attachment D.	Attachment D, Page D-5, Consultant Information	Yes, confirmed.
19	Attachment D Scored Question #1 asked about liquidated damages paid in he last 5 years. Is this for all work or only as it applies to Cx work as with Question #2.	From pre-proposal conference	Consultants' responses to Scored Question No. 1 should pertain to all of the Consultant's work, not limited to only the Consultant's commissioning services.

20	<p>Please define what may be included as a public-works project. Per the JCC Arch/ Engineers IDIQ call last week some public projects (such as community colleges and K-12 schools) could not be included as a public-works project.</p>	<p>From pre-proposal conference</p>	<p>Please see Labor Code section 1720 et seq. for the meaning of “public works,” which for reference purposes only and without limitation states:</p> <p>“As used in this chapter, ‘public works’ means all of the following: (1) Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds For purposes of this paragraph, “construction” includes work performed during the design, site assessment, feasibility study, and other preconstruction phases of construction, including, but not limited to, inspection and land surveying work, regardless of whether any further construction work is conducted, and work performed during the postconstruction phases of construction, including, but not limited to, all cleanup work at the jobsite.” (Lab. Code § 1720(a) [emphasis added]; see also Lab. Code §§ 1720.2, 1720.6.)</p> <p>“For purposes of this section, ‘paid for in whole or in part out of public funds’ means all of the following: (1) The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer.” Lab. Code § 1720(b).</p> <p>“‘Political subdivision’ includes any county, city, district, public housing authority, or public agency of the state, and assessment or improvement districts.” Lab. Code § 1721.</p> <p>Without taking an official position thereon, work on projects for <i>public</i> K-12 school and community college districts are typically paid out of public funds</p>
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