

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA**

Application of Southern California Edison
Company (U338E) for Approval of Energy
Efficiency Rolling Portfolio Business Plan.

Application 17-01-013
(Filed January 17, 2017)

And Related Matters.

Application 17-01-014
Application 17-01-015
Application 17-01-016
Application 17-01-017

**THE COUNTY OF LOS ANGELES, SOUTHERN CALIFORNIA REGIONAL
ENERGY NETWORK (CPUC #940) ENERGY EFFICIENCY BUSINESS PLAN
COMPREHENSIVE SOLICITATION PROCESS PROPOSAL**

Demetra J. McBride
Environmental Initiatives Division Manager
County of Los Angeles Office of Energy +
Environment
1100 North Eastern Avenue
Los Angeles, CA 90063-3200
(323) 881-3971
DMcbride@isd.lacounty.gov

For the Southern California Regional Energy
Network

August 4, 2017

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I. INTRODUCTION

On January 17, 2017, Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SoCalGas), and Marin Clean Energy (MCE) each filed an application seeking approval of their proposed Energy Efficiency Business Plan covering program years 2018-2025. On January 23, 2017, the Bay Area Regional Energy Network (BayREN), Southern California Regional Energy Network (SoCalREN), and the Tri-County Regional Energy Network (3C-REN) submitted their proposed Energy Efficiency Business Plans by motion filed within one or more of the Energy Efficiency Business Plan application proceedings, consistent with the procedures set forth by the Commission in R.13-11-005. On April 14, 2017, the Commission issued a joint *Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judges* (“Joint Ruling”) in this consolidated proceeding, seeking supplemental information from all Energy Efficiency (EE) Business Plan proponents by May 15, 2017, and for Program Administrators (PAs) to file comprehensive solicitation process proposals by June 14, 2017.¹ The Commission also indicated in this Scoping Memo that a Commission staff-hosted workshop would be held that would allow for a public discussion on third party solicitation issues prior to PAs filing their proposals. On May 26, 2017, Energy Division staff hosted a public workshop that explored solicitation process proposals and third party solicitation issues. Following, on June 9, 2017, Administrative Law Judges’ Ruling Modifying Schedule (“Modified Schedule Ruling”) was issued extending the deadline for PAs’ submittal of comprehensive solicitation process proposals to August 4, 2017.² Lastly, on July 26, 2017 the Commission staff provided additional guidance through electronic mail on topics/questions they requested be addressed in each parties’ solicitation proposal.³

Pursuant to that Modified Schedule Ruling, SoCalREN respectfully submits comments regarding the Commission’s request for solicitations proposals, the County of Los Angeles (“LA County”) comprehensive solicitation process and responses to Commission Staff’s additional guidance on solicitation proposals.

II. REGIONAL ENERGY NETWORKS CURRENTLY HAVE ROBUST AND RIGOROUS SOLICITATION PROCESSES THROUGH THEIR MANAGING LOCAL GOVERNMENTS

SoCalREN is currently administered and managed by the local government, the County of Los Angeles. Within LA County services there are specific organizations and legal bodies that provide extensive oversight of the County’s service contracting process. Oversight of LA County’s solicitation process for competitive offerings is not only redundant and robust but very rigorous. The County has established policies and procedures for purchasing goods from companies or contracting for their services. These policies are modeled after federal requisition regulations which are well regarded standards and provide the necessary transparency and due

¹ Assigned Commissioner’s and Administrative Law Judge Scoping Memo and Ruling (Joint Ruling), A.17-01-013, dated April 14, 2017.

² Administrative Law Judges’ Ruling Modifying Schedule, A.17-01-013 (et al.), dated June 9, 2017.

³ A1701013 Third Party Solicitation Proposal Commission Staff Guidance submitted on July 26, 2017 through electronic mail to R.13-11-005 and A.1701013 (et al.) service lists.

process. In order to win a bid or contract, vendors must agree to certain requirements established by the Board of Supervisors. In addition, any contract over \$100,000 must be approved by the LA County Board of Supervisors, this includes all contracting done through the administration and management of the Southern California Regional Energy Network. Due to this low threshold of \$100,000, all SoCalREN RFPs fall under the strict solicitation process mandated by LA County contracting policies. Importantly, the complex and comprehensive procurement regimen of LA County is incumbent at all times upon the SoCalREN. It is a mandate that is not relieved by the imposition of a second, and arguably duplicative and resource-intensive procedure.

SoCalREN requests the Commission to consider the existing rigorous jurisdictional government procurement and contracting processes and continue to allow SoCalREN to utilize these processes without requiring additional proposed processes. Adding a parallel process, similar to those utilized by IOU PAs could impede on SoCalREN's ability to implement programs in a timely manner to meet market needs. In addition, an additional process such as the IOU proposed solicitation process could add significant unnecessary administrative cost burdens on energy efficiency ratepayer funds. SoCalREN requests that the Commission consider the information provided below regarding LA County's comprehensive solicitation process. Further, LA County respectfully submits that the process proposed by the IOU PAs would result in additionality of action, time and expense without any additive value; and that the integrity and thoroughness of the *mandatory* local government processes executed by SoCalREN meet the rigor and demand of the Commission's criteria and standards.

III. THE COUNTY OF LOS ANGELES COMPREHENSIVE SOLICITATION PROCESS

SoCalREN is currently administered and managed by the local government, the County of Los Angeles. Within LA County services there are specific organizations and legal bodies that provide extensive oversight of the County's service contracting process. Outlined below is LA County's comprehensive solicitation process for commodities and services. In addition, SoCalREN provides the Commission in its entirety the County's Purchasing Policies which provides in detail the extensive requirements, oversight and governances to its solicitation process. These policies are attached as **Appendix A**.

A. Commodities and Services acquired by the County of Los Angeles

The authority for acquiring commodities and services in the County of Los Angeles is found in various sections of the California State Codes and the Los Angeles Code. The Director of the Internal Services Department (ISD) is the Purchasing Agent for the County. This means that ISD is responsible for purchases of commodities (goods and products), as well as contracts for services for all County departments including energy support services, with some exceptions. Each department has its own procurement unit that interfaces with ISD to purchase these commodities and services. Some individual departments have delegated authority to establish non-agreement purchases of up to \$5,000 or \$15,000 for commodities and services on their own without involving ISD. For SoCalREN procurement, the full process is managed and continuous

programmatic oversight is provided by both the County's Environmental Initiatives Division Manager and the Lead Attorney for Standards and Practices. All service contracts over \$100,000 must be brought to the County of Los Angeles Board of Supervisors for approval. Architect, engineer, and construction contracts over \$75,000 also require Board of Supervisor approval.

B. County of Los Angeles Request For Proposals Overview

Request for Proposal (RFP) process is primarily used when the County's requirements are defined, and where outside expertise in the area of services or technical solutions are necessary, and when factors other than price are considered in the award. Following development of the Scope of Work by the responsible LA County agency, an RFP is released, typically on a 30-day response proposal deadline. The RFP process requires a bidder to prepare a written proposal that explains in detail how he/she/it plans to meet the County's requirements. Contractor proposals are also informed by the specific RFP sub-type (e.g., Request for Abstracts, or Pay-for-Performance). In addition, bidders are encouraged to include innovative ideas and techniques that can be reasonably demonstrated to provide unique value or uptake of the contracted program or project.

Concurrently, the RFP process may also be applicable to the acquisition of commodities when the need for an evaluated technical performance, service or value added service component, or any related technical solution component exists.

An award made under the RFP process is based on a variety of evaluated factors which may include: contractor references, capacity and expertise of identified key personnel, demonstrated experience and success in the subject matter of the RFP, business approach, technical superiority, overall cost effectiveness, etc. The evaluation criteria, designed to be objective and measurable, are set-forth in each RFP. Further details on the County of Los Angeles RFP policies can be found within the County of Los Angeles Purchasing Policies which is provided in **Appendix A** under the designated contents P-3200.

C. Essential Elements/Characteristics of a County RFP

The County of LA's RFP's are usually reserved for large dollar value requirements and as mentioned above require Board of Supervisors approval for any contract over \$100,000. The process is complex and time consuming and is not feasible for smaller requirements.

RFP's will contain all the usual boilerplate language and the following:

- Requirements statement (or statement of work)
- Responsibility criteria
- Information regarding submission of RFP responses
- Evaluation criteria
- Standard terms and conditions

D. Request For Proposal Process

In brief, the RFP procurement process under the County of Los Angeles is executed through a number of steps and checkpoints. These include but not limited to:

- First, by identification of the type of competitive procurement, e.g., Request for Proposals, Request for Abstracts, Request for Statement of Qualifications, Pay-for-Performance. General Provisions are embodied in template bid document and, while most are shared in common across all documents, there will be certain customized provisions depending upon the type of competitive procurement
- A clear, concise, and comprehensive Scope of Work must be developed by the County responsible agency, as the primary exhibit to the bid document.
- Both the template document and the Scope of Work are reviewed by the programmatic manager, a finance representative, and a Procurement and Contract Services (PCS) manager. Where Scope of Work provisions may demand, the combined bid document may also undergo review and approval by County Counsel in advance of release. Otherwise, all bid documents used by the County have already undergone extensive review by County Counsel, and are promptly updated to reflect new local and State policies, ordinances, and regulations.
- The Bid Response process is open and fully transparent, and fully conducted at arms-length to County and the SoCalREN staff. Prior to release, and continuing throughout the Bid Response process, no potential bidder may have contact with County or SoCalREN staff. Any such contact is grounds for disqualification. Proper questions and/or requests for clarification are addressed through a public written question and answer forum, or may be satisfied through a scheduled, advertised Pre-Bid Conference (which itself is agendaized, monitored, and recorded).
- An Evaluation Committee of subject matter experts is assembled, and each member is subject to County procurement standards and restrictions, including but not limited to:
 - Review and evaluation is strictly limited to the Procurement Bid documents and Responses only
 - Communication is banned between Evaluation Committee members and bidders and, also, among Evaluation Committee members themselves prior to the Evaluation Committee Meeting. Evaluation Committee Members are required to sign statements verifying that no such communication has occurred.
 - SoCalREN Managers do not serve on the Evaluation Committee, but are permitted to observe the Evaluation Committee Meeting to ensure that each Member has fully read all proposals and clarifying questions and answers.
 - The Evaluation Committee Meeting is supervised by PCS staff.
- Recommended awards submitted by the Evaluation Committee trigger a vetting process that verifies the information and references submitted by the potential awardees, and verifies that no conflict-of-interest exists
- Awards are announced and subject to a protest period. If any protest is submitted, awards are suspended until PCS staff has investigated the basis of the protest and

rendered a decision whether its substance does or does not vacate the recommended award

- Master Agreements developed by the County and previously approved by PCS, Finance, and County Counsel are executed between or among the parties. Master Agreements include quality assurance/quality control, insurance, licensing and certification, key personnel clauses, performance plateaus, failure to perform, and termination – and other – clauses that protect the security and use of the underlying funds
- All executed Master Agreements are unenforceable and non-actionable until approved by the County Board of Supervisors in a public meeting that allows for public comment. Prior to the Board Agenda date for the approval, the matter is also subject to a prior Board Deputies Meeting, which requires the SoCalREN Administrative staff to answer questions, if any.
- Consistent with the framework for the Rolling Portfolio, contract terms are flexible, and can run from a single year to multiple years, with limited options for automatic renewal.
- Master Agreements contain provisions that allow for termination for failure to perform or for convenience.

E. Solicitation Protest Policy

On April 6, 2004, the Board of Supervisors adopted the Countywide Services Contract Solicitation Protest Policy (Protest Policy). This Protest Policy became effective on May 6, 2004 and addresses bidder protests on solicitations related to Board-approved services contracts. The Protest Policy:

- provides a formal process for bidders to submit their issues and concerns during various phases of a solicitation;
- ensures that all County departments utilize standard procedures and forms in handling bidder protests; and
- ensures that standard language is included in all services contract solicitation documents informing bidders of the County's Protest Policy.

Implementation of the Protest Policy has resulted in consistent practices amongst County departments, enhanced the integrity of the contracting process, and improved bidder relations. Actual protest processes are described in each individual solicitation document.

F. County of Los Angeles RFP Template

The County of Los Angeles utilizes a standard template that is used by all County departments. Departments are free to modify the template to meet needs specific to an RFP. County contracting is decentralized and individual departments often utilize different templates.

G. Process for Procurement of Energy Support Services Under County Master Agreements

For energy support services such as EE implementation, Master Agreements would first be formed through the County of Los Angeles RFP Process as detailed above. During the term of the Master Agreement, the County will issue Work Order Solicitations which provides qualified vendors/implementers the opportunity to provide the County with specific energy support services. These energy support services include but are not limited to, program implementation, administrative services, etc. County procedures for issuing and executing Work Orders are detailed in **Appendix B**.

IV. SOCALREN RESPONSES TO STAFF GUIDANCE ON SOLICITATION PROPOSALS

As stated above, Commission Staff provided additional guidance on the third party solicitation proposals.⁴ Specifically, Commission Staff requested a list of topics to be addressed in the August 4th proposals. This list included general topics regarding third party solicitation proposals as well as specific topics related to IOU PA procurement. SoCalREN submits comments to the general topics proposed in staff guidance that are applicable to non-IOU PA procurement.

A. SoCalREN's Business Plan Strategies Emphasize Hard to Reach Markets and Disadvantaged Communities

SoCalREN's business plan strategies for each of its served sectors emphasizes a focus on hard to reach markets as well as disadvantaged communities. In its anticipated, RFPs and RFAs outline below, SoCalREN will also emphasize in its solicitations requests for innovative cost-effective ideas that successfully meet the needs of those markets. Guided by the Commission decision (D.)12-11-015, SoCalREN aims in all its solicitation to pilot activities in hard to reach markets, whether or not there is a current utility program that may overlap.⁵ Hard-to-reach markets (including multi-family and low- to moderate-income residential, as well as small commercial) and disadvantaged communities need as much assistance as available so they can achieve successful energy efficiency savings. SoCalREN will provide this emphasis going into each of their RFP and RFA solicitations.

B. SoCalREN Generally Implements the Spirit of the New Parameters of "third party" Programs as Laid Out in D.16-08-019

While D.16-08-019 did not specifically include the RENs in its discussion and decisions regarding third-party programs, the SoCalREN concurs that the program innovation and traction necessary to mature the REN role in the Energy Efficiency Portfolio, and to aggressively attain greater energy savings, is served by consideration of third-party influence and its role in program design and implementation.⁶ SoCalREN program administration, design, and implementation is

⁴ A1701013 Third Party Solicitation Proposal Commission Staff Guidance submitted on July 26, 2017 through electronic mail to R.13-11-005 and A.1701013 (et al.) service lists.

⁵ D.12-11-015, p. 17.

⁶ D.16-08-019 directs IOU PAs to meet a minimum target of 60 percent of their total budgeted EE portfolio to be designed and delivered by a third-party implementer by the end of 2020. p. 74.

currently outsourced to third parties. Arguably, the RENs have met the Commission’s third-party threshold goals since inception. The SoCalREN intends to expand its procurement repertoire of third party implementation and take advantage of greater design and implementation impact through RFA solicitations as outlined below in table 1.

C. Proposed Solicitations By Year and Quarter

SoCalREN anticipates a few request for proposals (RFPs) and request for abstracts (RFAs) in the early quarters of 2018. These anticipated solicitation strategies will assist SoCalREN in enhancing its current and future portfolio. The SoCalREN has purposed the current calendar year to also undertake program performance assessments and optimization corrections. In the future, SoCalREN will evaluate its programs and strategies on an annual basis. Based on its annual evaluation SoCalREN will look to further optimize its portfolio and may solicit additional RFAs or RFPs.

Table 1. SoCalREN Anticipated Solicitation EE Rolling Portfolio Schedule

Year	Q1	Q2	Q3	Q4
2018	<ul style="list-style-type: none"> ▪ RFP Multifamily Sector Programs ▪ RFP Public Sector Programs 	<ul style="list-style-type: none"> ▪ RFA for Financial Services ▪ RFA for Residential Sector 	▪	▪
2019				
2020				
2021				
2022	<ul style="list-style-type: none"> ▪ Possible re-bids of sector (s) 			
2023		<ul style="list-style-type: none"> ▪ Possible re-bids of sector (s) 		
2024				
2025				

Notwithstanding planned procurement cycles, the SoCalREN Master Agreements reserve the right to terminate for cause or convenience. These terms further incent high performance, outcomes, and meeting (or exceeding) targets and goals.

D. General Scoring Criteria Utilized by the County of Los Angeles

The County of Los Angeles includes in each RFP solicitation evaluation scoring criteria. This is the criteria on which the proposal will be evaluated including the weighting for each listed criteria. To avoid criticism the evaluation criteria is always include and stated up front within the RFP. The County of Los Angeles does not have standard boilerplate criteria and instead developed the evaluation criteria on a case-by-case basis depending on the request. This for example, could include evaluation criteria for cost, for the solution to the County requirements, for experience, and for oral presentation. These of course are just a limited example but would be provided within the competitive RFP.

E. Solicitation Coordination Between Program Administrators

SoCalREN's focus on partnership coordination with regulated energy program administrators has been critical to SoCalREN success. SoCalREN fundamentally operates in the service of ratepayers, and adds value to property owners by providing information and referrals to programs across all program implementers, including those outside SoCalREN's implementation focus. This requires positive mutual relationships with program implementers across the region. It also requires that the program administrators establish clear messaging to differentiate, but complement and orchestrate, the suite of available energy management services. SoCalREN plans to actively participate in IOU PA, if approved statewide PRG's, as well as continue its monthly collaboration meetings with PA program implementers, with the goal of reaffirming its clearly-defined program goals and messaging. This participative collaboration and communication will mitigate the risk of overlap of strategies and bidder selection within shared service territories.

Additionally, SoCalREN will bring this same level of coordination and cooperation as the market of administration expands and gains new market actors, such as new CCAs and RENs. SoCalREN's continued collaboration will ensure services will continue to be complementary and not duplicative of IOU programs. If a potential for overlap between a CCA, REN, or utility solicitation arises, current REN and IOU collaborative processes will be utilized to address any concerns on duplication or overlap.

F. The County of Los Angeles Bid Rejection Process

The County of Los Angeles procurement policy require that reasons for rejection be based on non-conformance with the bid specifications and requirements and the inability to meet the functional needs of the end user. Rejections are often based on lack of completeness or non-responsiveness. Bid rejections must state specific reasons why alternate offers are not suitable for the end use, and performance required. Generally, opinions cannot be used, unless given by a recognized expert in the field. Other processes for disqualifying bids/proposals could include other justifiable causes such as vendor non-responsibility, these are often dependent on the type of RFP. Rejections based on negative past performance is not sufficient by County of Los Angeles unless supported by detailed records and documentation of specific incidents, service records, etc. In addition, bids cannot be rejected if relevant information was not distributed to all bidders, e.g., urgent delivery requirement. However, actual performance testing and evaluation, properly documented, may be an appropriate reason for rejection. A bidder who fails to provide adequate literature, samples, clarifications, etc. after repeated attempts by the Purchasing Agent, may be rejected, on the basis of "non-responsiveness."

Under County of Los Angeles policies, bidders are not be allowed to change their offers after the bid deadline. Bids must be evaluated based on face value. Changes in prices, specifications, terms and conditions may be justification for rejection unless permitted by the Purchasing Agent only after an award has been made and due to extenuating circumstances. Bids that are subject to rejection will be notified immediately and will be provided the reason

for rejection. In some instances and if the solicitation timeline allows, a possible remedy solution will be provided and a bidder may be allowed to re-submit.

G. The County of Los Angeles Bidder Training

Currently the County of Los Angeles ISD office provides quarterly basic principles to contracting training. This training is a two and half day course that provides in-depth education on County purchasing policies and requirements as well as preparation training for submitting a bid. In addition, the ISD office also hosts ad-hoc contracting related training courses (i.e., conducting a proposer’s conference, how to develop an evaluation document, etc.) periodically throughout the fiscal year. All of this information on training as well as policies and information materials are provided on the County of Los Angeles Purchasing and Contracting website http://doingbusiness.lacounty.gov/main_db.htm.

V. CONCLUSION

SoCalREN appreciates the opportunity to provide a comprehensive solicitation proposal for the Commission’s consideration and respectfully requests the Commission continue to allow SoCalREN to utilize its governmental jurisdictional procurement processes.

August 4, 2017

Respectfully submitted,

/s/ Demetra J McBride

Demetra J. McBride
Environmental Initiatives Division Manager
County of Los Angeles Office of Energy +
Environment
1100 North Eastern Avenue
Los Angeles, CA 90063-3200
(323) 881-3971
DMcbride@isd.lacounty.gov

For the Southern California Regional
Energy Network

APPENDIX A

THE COUNTY OF LOS ANGELES PURCHASING POLICIES

For access to the County of Los Angeles complete procurement policies please go to <http://doingbusiness.lacounty.gov/policies.htm>.

APPENDIX B

**THE COUNTY OF LOS ANGELES ISD
ENERGY SUPPORT SERVICES MASTER AGREEMENT
(ESSMA) WORK ORDER SOLICITATION PROCESS**

ISD
Purchasing and Contract Services
Contracting Division
Contracts Section

PROCEDURE: ESSMA WORK ORDER SOLICITATION PROCESS

PURPOSE:

Energy Support Services Master Agreement (ESSMA) provides qualified vendors the opportunity to provide the County with energy support services. During the term of the Master Agreement, County will issue Work Order Solicitations. County procedures for issuing and executing Work Orders are as follow:

NO.	SUB NO.	TASK	RESPONSIBLE PARTY
1.		Energy will contact Contracts to ask for a Work Order Solicitation to be issued.	Energy
	A.	Statement of Work will be composed to identify energy support service.	Energy
	B.	Relevant Energy Support Services Category or Categories will be identified. (See Attachment 1 for list of categories)	Energy
	C.	Determine what the minimum requirements or other evaluation factors will be for selection of Contractor. (See Attachment 2 for sample minimum requirements)	Energy/Contracts
2.		Generate a new Work Order Solicitation (WOS), include Bid Sheet, and Energy provided Statement of Work (SOW). (See Attachment 3 for sample WOS, Bid Sheet, and SOW).	Contracts
	A.	WOS should identify a job walk, questions due date, answers release date, and bids due date.	Contracts Analyst
	B.	Analyst will then forward to Section Manager and or Division Manager.	Contracts Analyst
	C.	Discuss any suggested changes with Energy and if appropriate incorporate to solicitation documents.	Contracts Analyst/Energy
	D.	Finalize WOS, SOW, and Bid Sheet.	Contracts Analyst
3.		Issue WOS, Bid Sheet, and SOW to vendors.	Contracts Analyst
	A.	E-mail the WOS, SOW, and Bid Sheet to all ESSMA Qualified Vendors under the pertaining Category.	Contracts Analyst
	B.	Conduct Job Walk, if Mandatory, create sign in sheet and have all vendors attending sign in.	Contracts/Energy
	C.	Receive all questions from Vendors.	Contracts Analyst
	D.	Respond to all questions.	Energy

ISD
Purchasing and Contract Services
Contracting Division
Contracts Section

PROCEDURE: ESSMA WORK ORDER SOLICITATION PROCESS

NO.	SUB NO.	TASK	RESPONSIBLE PARTY
	E.	Prepare addendum which will contain all questions, answers and any other changes to the SOW.	Contracts/Energy
	F.	Issue addendum to all vendors that attended the Job Walk.	Contracts Analyst
4.		Evaluation of Bids.	Contracts/Energy
	A.	Receive and check in bids. (See Attachment 4)	Contracts Analyst
	B.	Evaluate bids. Conduct any necessary interviews and or reference checks.	Energy
	C.	Notify Vendors of award and non award via email. (See Attachment 5)	Contracts Analyst
	D.	Prepare Work Order with Statement of Work. Issue Work Order to Vendor and obtain their signature. (See Attachment 6)	Contract Analyst
	E.	File Executed Work Order in Division administrative file.	Division Secretary