

# Solicitation No. PSC #12-01-13

## Staff Support – Offshore Wind Energy Act of 2013

Pre-Proposal Conference Minutes  
September 19, 2013 at 2:00 PM

### Amendments

1. Amendment No. 1 was issued September 9, 2013.  
This amendment changed the closing/due date of the Request for Proposal (RFP) to October 3, 2013.  
The due time remains the same at: 1:00 PM, local time.
2. Amendment No. 2 was issued September 10, 2013.  
This amendment changed the MBE Subcontracting Goal to: 15%  
All required MBE forms were attached to the amendment.
3. Amendment No. 3 was issued September 17, 2013.  
This amendment notified potential Offerors that section 4.4.3.12 – Certificate of Insurance was not needed for this RFP.

Reminder: The transmittal letter should include acknowledgement of amendments.

### Clarifications and Reminders

1. Contract Type  
The contract that results from this solicitation is a combination of a Firm Fixed Price contract and time and material contract. The hourly rates quoted on the financial form (section A) for each individual listed will be used when reviewing invoices. If the contractor reaches its **not-to-exceed** labor amount, the contractor must continue to perform until it achieves all contract requirements without additional payment. Reimbursement for actual cost such as travel, gas and meals will be paid up to the not to exceed amount quoted on the financial form (section B).
2. Contract Duration  
The contract duration is stated as three (3) years. The contract may not last 3 years. The 3 year term is being used to ensure the work can be completed without modifications.
3. Point of Contact prior to award.  
The only point of contact on any RFP prior to award is the Procurement Office:  
Dolline M. Serra  
410-767-8009  
[dserra@psc.state.md.us](mailto:dserra@psc.state.md.us)

**Solicitation No. PSC #12-01-13**  
**Staff Support – Offshore Wind Energy Act of 2013**  
 Pre-Proposal Conference Minutes – Continued

4. Multiple or Alternate Proposals  
 Proposals for Section 3.2.1, 3.2.2 or both will be accepted. If submitting a proposal for both sections, the technical proposals may be combined. Separated financial forms are needed.

5. Substitution of Personnel  
 Any substitution of personnel must be approved by the Commission.

6. Verification of Registration and Tax Payment  
 You must be registered with the State Department of Assessments and Taxation (SDAT) before an award can be made. If you are not registered with SDAT, you have 5 days after “Notice of Probable Award” to complete the registration process and supply the Commission with the information. If you are not registered with SDAT, it does take some time to complete the process. The process can be expedited for a fee. Check with SDAT for all cost information.

7 MBE Goals  
 MBE Subcontracting Goal: 15% of total contract  
 For an MBE to meet the subcontracting goal of the solicitation, the MBE must be registered with the Maryland Department of Transportation.

8. MBEs who are responding to the solicitation as a Prime contractor are required to meet the above 15% MBE subcontracting goal.

9. Minimum Qualifications  
 Proof of meeting the minimum qualifications should be in the specified location, which is section 4.4.3.5 of your technical proposal. (Section 4.4.3.9 was incorrectly given during the pre-proposal conference.)

10. Proof of meeting the Minimum Qualification’s – within the last 5 years  
 In recent RFPs, there has been some difficulty in telling if an Offeror has met the requirements. The clearest way that has been seen to show proof of meeting the requirements has been in the form of a table with a narrative immediately following, explaining how each project meets the listed requirements. The PSC is not requiring a table, just sharing information. Sample of a table:

Name of Project	A	B	C	D	E	F	G	DATE OR TIME FRAME
Project X	X		X		X		X	October 2008 thru November 2011
Project Y		X		X	X	X		February 2010 Still an active project
Project Z	X	X	X	X	X	X		March 2012 thru April 2013

**Solicitation No. PSC #12-01-13**  
**Staff Support – Offshore Wind Energy Act of 2013**  
Pre-Proposal Conference Minutes – Continued

11. Two Part Submission

Volume 1 is the Technical Proposal

**Note: No financial information can be noted in the Technical Proposal**

Volume II is the Financial Proposal – The financial form – Attachment F should be used. A cover letter can be supplied with the “required” form.

Four (4) bound copies and one (1) unbound original for each volume is needed.

The unbound original **and** the CD require the attachments. The attachments are not needed in the copies.

Volume I - Technical Proposal & CD Required Attachments:

B – Bib/Proposal Affidavit

D – MBE Forms

G – Maryland Living Wage Affidavit

I – Conflict of Interest Affidavit and Disclosure

N – Certification of Investment Activities in Iran

Volume II – Financial Proposal & CD Required Attachment:

F – Financial Proposal Form please read instructions

12. Technical Proposal Format – Section 4.4.3 through 4.4.3.15

The RFP is clear on how the technical proposal should be formatted. Following the specified layout expedites the review/evaluation process. Technical proposals should start with a title page, followed by a table of content, claim of confidentiality and a transmittal letter. See Section 4.4.3.3 for what a transmittal letter should include. The first section of the technical proposal should be “4.4.3.4” following the format listed in the RFP through 4.4.3.15.

**EXCEPTION:** All required attachments, including the MBE documentation can be placed at the end of the technical proposal as an addendum.

13. It is strongly suggested that you register on eMarylandMarketplace (“eMM”). Registration is free and in order to receive a contract from the State, a vendor must be registered on eMM. I believe that many of you received this solicitation by direct email from the Commission; by registering on eMM you are making your company’s information available to all State agencies. eMM registration/vendor number must be supplied to the Commission within five (5) days of the proposed award letter.

## Questions and Answers

**Q1.** Can a copy of the sign-in sheet for this conference be provided?

**Answer:** A list of attendees will accompany the minutes.

**Solicitation No. PSC #12-01-13**  
**Staff Support – Offshore Wind Energy Act of 2013**  
Pre-Proposal Conference Minutes – Continued

**Q2.** Was consideration given to Veteran Owned Small Business Enterprises (VOSBE) or Service Disabled Veteran Owned Small Business Enterprises (SDVOSB)?

**Answer:** At this time, the State of Maryland does not separate VOSBEs and SDVOSBs, they are both considered. During the procurement review process the possibility of applying a sub-contracting goal for the VOSBE was investigated and very few were located. No VOSBE sub-contracting goal will be set for this solicitation.

**Note:** The opportunity for a Prime Contractor to have a sub-contractor who is either an MBE or a VOSBE is always an option (whether a sub-goal has been set or not) and the PSC encourages that initiative. Forms can be supplied upon request to any Prime who is interested in having a VOSBE as a sub-contractor for this solicitation.

**Q3.** Please specify the entities or staff who would need to submit a “letters of intended commitment” – Section 4.4.3.7.

**Answer:** A letters of intended commitment should be submitted by anyone who will be working on the project and is listed in the proposal.

**Q4.** Other than compliance with Section 1.36 – Conflict of Interest Affidavit and Disclosure, does the Commission have a concern with a Consultant who is awarded a contract for either the regulation development or the application criteria, subsequently representing a developer/applicant of an offshore wind project for the State of Maryland?

**Answer:** Based upon the scope of the RFP, there would **not be** a conflict of interest for a Consultant who was awarded a contract for Section 3.2.1 – Regulations Development for Offshore Wind Energy. However, Section 3.2.2 – Offshore Wind Energy Project Application Development,(which would include developing criteria for review, evaluating and comparing project applications to assist and guide the Commission in selecting proposed offshore wind projects for approval, draft specific findings/criteria to be included in any Commission order approving a proposed offshore wind project and devising a schedule for rating proposals, including but not limited to, suggesting the appropriate weight to be accorded each criteria under consideration) **would be** a conflict of interest under State Government Article Section 15-508.

**Q5.** The Maryland Offshore Wind Energy Act (“Act”) requires the PSC to adopt implementing regulations by July 1, 2014. Prior to adopting regulations, must the PSC issue draft regulations for notice and comment by the public?

**Answer:** Yes, notice and comment is required by law.

**Q6.** If so, what is the timeline for the PSC’s rulemaking process?

**Answer:** The timeline is difficult to predict. It depends on the feedback and comments that are received. If the PSC needs to make any substantive changes to a draft that was issued for comment, the entire process would have to start all over again. An estimated time line would be a minimum of four or five months.

**Solicitation No. PSC #12-01-13**  
**Staff Support – Offshore Wind Energy Act of 2013**  
Pre-Proposal Conference Minutes – Continued

**Q7.** When would the PSC expect a draft set of regulations from the awardee for review?

**Answer:** Staff would work with the Consultant to set that goal. Staff would hope that it would be a collaborated and ongoing process.

**Q8.** Section 3.2.1 sets forth the scope of work requirements for development of implementing regulations, and states that regulations must include certain components “at a minimum”, but are not limited to such components. Does the PSC anticipate adding new components? What are the PSC’s expectations with respect to the required work plan – Section 4.4.3.6.b? What level of detail does the PSC expect to see with respect to the work plan?

**Answer:** There are no planned new components for this RFP.

The technical proposal should address the scope of work listed in Section 3.2.1 and 3.2.2. It is up to the Offeror to give detailed information as to what and how they plan to meet each bullet and how their plan will best benefit the State in achieving the goals of the Act. The first criterion of the evaluation (after minimum qualifications are met) is the Offeror’s Technical Response; see Section 5.2 of the RFP.

**Q9.** In regards to soliciting MBEs in writing ten (10) days before the proposals are due, is that business days or calendar days? Also, “writing” does that include emails?

**Answer:** The 10 days refer to calendar days, not business days.

When contacting MBEs, you can use any type of communication including email and telephone calls. Keep a record of all contact; what information was sent or asked for, when and who it was sent to and what was the response(s). Keep in mind, when contacting an MBE you need to make sure they are fully aware of what you need and the time line you are working within; if making contact by phone, keep a log of the same information (who, what, where and when). This information will be crucial if a waiver is requested. If an MBE waiver is requested, all MBE outreach will need to be verified.

**Q10.** In Section 4.4.3.14 – Legal Action Summary, what is expected?

**Answer:** This section is a requirement of all State RFPs and the Offeror should list any and all outstanding legal actions, such as breach of contract, employment suits, malpractice litigation, etc.