

# RFP EFAA 2024000222

## Home Energy Rebate Program

2/28/2024

AMENDED RFP #1

3/21/2024

State of Colorado REQUEST FOR PROPOSAL COVER SHEET and SIGNATURE PAGE					
Date:	2/28/202	24	RFP Number:	RFP EFAA 2024000222	
Procurement Point of Contact:	Tara Larw Tara.larwick@st		Submit Sealed Proposals to:	https://www.bidnetdire ct.com	
Proposal Submission Deadline:	Due: <del>4/8</del> / 4/11/2024 at 5 Time) Offerors are responsible to e	,			
<u>Colorado's Building Performance: Help Center and Programmatic Support</u> Offerors are asked to fill out this page in its entirety and to sign and return with their Proposal. The State of Colorado Request for Proposal Cover Sheet and Signature Page must be signed by the Offeror or an officer of the Offeror legally authorized to bind the Offeror to the proposal. Electronic signatures are acceptable.					
Legal Company Name (Offeror):					
Authorized	1				
Signature					
Typed/Printec					
Name:	-				
Title:					
F.E.I.N.:	:				
Company Address:					
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Contact for	r				
Clarifications					
Title:					
Phone Number:	:	Email Ad	dress:		

By signing this Request for Proposal Cover Sheet and Signature Page, the authorized agent acknowledges acceptance of all terms and conditions of this solicitation.

ONLINE PROPOSAL SUBMISSION: Send proposal to <u>https://www.bidnetdirect.com</u>, attaching the proposal as a zip folder and <u>separating cost out as a separate file</u>. <u>Please see Section 2.8 of Appendix A for complete submission</u> <u>details</u>. Proposals sent by other methods will not be accepted. <u>If Offeror experiences difficulties uploading a zip</u> <u>file</u>, you may upload the files individually.

**IMPORTANT:** The Zip Folder must be titled with the RFP Number, RFP Title, and the Offeror's name, such as below:

#### RFP EFAA 2024000222 - Home Energy Rebate Program - Company Name

#### Offerors are urged to read all solicitation documents thoroughly before submitting a proposal.

Confirm that you are aware that the award notice will be published on VSS and Colorado BidNet: \_\_\_\_\_

My company is registered on Colorado VSS. \_\_\_\_Yes \_\_\_No. VCUST number if known #\_\_\_\_\_

SECTION 1.0 INTRODUCTION	4
1.1. GENERAL INFORMATION	4
1.2. BACKGROUND	4
1.3. OVERVIEW AND GOALS	4
1.4. ANTICIPATED CONTRACT TERM	5
SECTION 2.0 OFFEROR'S EXPERIENCE AND PERSONNEL	6
2.1. ORGANIZATIONAL EXPERIENCE	6
2.2. ORGANIZATIONAL PERSONNEL	7
SECTION 3.0 REQUIREMENTS AND SCOPE OF WORK	8
3.1. ACCESSIBILITY REQUIREMENTS	8
3.2. SECURITY REQUIREMENTS	8
3.3. MANDATORY REQUIREMENTS	8
3.4. SCOPE OF WORK	9
SECTION 4.0 REQUESTED PROPOSAL FORMAT	23
4.1. COMPANY PROFILE	23
4.2. DEMONSTRATED EXPERIENCE AND CAPABILITIES	24
4.3. ACCESSIBILITY REQUIREMENTS	24
4.4. SECURITY REQUIREMENTS	24
4.5. TECHNICAL/BUSINESS PROPOSAL	25
4.6. COST PROPOSAL	25
SECTION 5.0 EVALUATION METHODOLOGY	26
5.1. EVALUATION PROCESS	26
5.2. EVALUATION COMMITTEE	27
5.3. PROPOSAL EVALUATION CRITERIA	27
5.4. DEMONSTRATIONS AND DISCUSSIONS	28
5.5. SINGLE PROPOSAL	28
5.6. AWARD	29

APPENDICES

APPENDIX A - ADMINISTRATIVE INFORMATION APPENDIX B - INFORMATION TECHNOLOGY MODEL CONTRACT APPENDIX C - W-9 APPENDIX D - FEDERAL PROVISIONS APPENDIX E - 50121 SPECIAL TERMS AND CONDITIONS APPENDIX F - 50122 SPECIAL TERMS AND CONDITIONS APPENDIX G - SYSTEM SECURITY PLAN TEMPLATE

#### 1.1. GENERAL INFORMATION

On behalf of the State of Colorado, the **Colorado Energy Office (CEO)** is issuing this Request for Proposals (RFP) to select a qualified vendor to help the State administer the **Home Energy Rebate Program**, in developing a comprehensive rebate strategy and initiating pilot projects and engaging in long-term program implementation partnerships. This solicitation is being published so that qualified Offerors may submit a proposal in accordance with the terms of this solicitation. <u>Please review all materials, including appendices, before responding</u>.

#### 1.2. BACKGROUND

Colorado has established statewide targets to reduce economy-wide Greenhouse Gas (GHG) emissions based on the levels that existed in 2005, including a 26% reduction by 2025, a 50% reduction by 2030, and net zero emissions by 2050. The built environment is one of the five largest sources of greenhouse gas emissions, and while the CEO has worked on building energy efficiency for years, with the passage of the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA), we are significantly expanding our focus on building decarbonization, including stronger statewide minimum building energy codes, ensuring the State's affordable housing is climate-forward, building performance standards for large commercial buildings, launching wrap-around technical assistance and market transformation initiatives and administering building electrification and efficiency rebate programs.

The Colorado Energy Office has been awarded Early Administrative funds for <u>IRA 50121</u>, <u>Home Efficiency Rebates</u> (HOME) and <u>IRA 50122</u>, <u>Home Electrification and Appliance Rebates</u> (HEAR) and is currently developing an application and program for <u>Full Program</u> implementation. It is the intent of the CEO to focus the HOME funds on low income multifamily buildings and manufactured housing, while the HEAR funds will be available for low and moderate income single-family, manufactured and multifamily housing.

#### 1.3. OVERVIEW AND GOALS

#### 1.3.1. OVERVIEW

The Colorado Energy Office seeks support for strategic planning, coordinated program delivery, comprehensive workforce development, dynamic consumer outreach, education and marketing, and to facilitate innovative program pilots, creating a unique Home Energy Rebate Program that catalyzes residential decarbonization throughout the State. The Building Decarbonization team is leading the efforts with IRA Home Energy Rebate program development and implementation, with support from additional internal departments and program partners. The primary objective of this solicitation is for the CEO to engage the services of an experienced qualified contractor, to utilize awarded Early Administrative funding within one year to develop comprehensive rebate strategies and systems, to develop and facilitate pilot projects, and prepare for program implementation. The subsequent objective of this solicitation is to prepare for and initiate Full Program Implementation of IRA 50121 and 50122, (starting as soon as CEO is awarded Full Program funds from the DOE, and continuing until funds are fully utilized, or September 30, 2031, whichever comes first).

#### 1.3.2. SUBCONTRACTORS

The State encourages respondents to bring in subcontractors as needed to meet the needs of

this RFP. All subcontracts entered into by the Awarded Offeror in connection with this Contract, must have prior written approval from the CEO and shall comply with all applicable federal and state laws and regulations, shall provide that they are governed by the laws of the State of Colorado, and shall be subject to all provisions of the Contract. If the Awarded Offeror uses a subcontractor, the Awarded Offeror shall be responsible for all of the subcontractor's work and ensuring they are meeting the contract's requirements. The CEO envisions the Awarded Offeror will subcontract with socially, culturally and economically diverse (SCED) organizations or minority, women and veteran owned businesses to fulfill program delivery.

#### 1.3.3. GOALS

- **1.3.3.1.** Kick start and accelerate the adoption of home energy efficiency and electrification investments to reduce greenhouse gas emissions, creating a sustainable framework that supports long term market transformation;
- **1.3.3.2.** Document the value and benefit of home energy and electrification investments. Recognize replicable, innovative best practices and leadership;
- **1.3.3.3.** Reduce energy, health, and economic burdens for Disproportionately Impacted (DI) and Low-Moderate-Income (LMI) households;
- **1.3.3.4.** Grow a healthy, diverse and sustainable building decarbonization workforce statewide.

#### 1.4. ANTICIPATED CONTRACT TERM

- **1.4.1.** The term of the awarded Contract for the Early Administrative Period is anticipated to begin as soon as an executed contract is in place and will end on July 31, 2025. The solicited or anticipated Contract term for the Full Program, would be initiated as soon as Full Program funds are received, and shall be considered for extensions through September 30, 2031. The total duration of the Contract, including all options, is not anticipated to exceed seven (7) years.
- **1.4.2.** The State may extend the Contract beyond the anticipated term in accordance with the Colorado Procurement Code, and in the event that the State determines an extension is necessary.
- **1.4.3.** The State may, within its sole discretion, choose not to exercise any option or extension term in the Contract for any reason. If the State chooses not to exercise any option or extension term, it may re-procure the goods and/or services in its sole discretion.

## SECTION 2.0 OFFEROR'S EXPERIENCE AND PERSONNEL

#### 2.1. ORGANIZATIONAL EXPERIENCE

**2.1.1.** The Colorado Energy Office seeks a knowledgeable and experienced company with the ability to comply with all federal requirements, facilitate program planning, design, execution and evaluation, manage program data, manage rebate administration,

conduct marketing, education and outreach campaigns, and ensure consumer protection, quality assurance and tenant protection. This knowledge/experience should be demonstrated through, but is not limited to, previous projects awarded to the Offeror and its proposing team and the successful implementation of those projects across a large jurisdiction/territory or at a state or national scale. Demonstrated project experience **must** include the following elements:

- **2.1.1.1.** Rebate system administration for low-income and income qualified households including tracking, reporting, processing, verification, auditing and administration;
- **2.1.1.2.** Data-driven ongoing and continuous program evaluation and improvement;
- **2.1.1.3.** Research, tracking, documentation and publication of cost savings, emissions reductions and other benefits to home energy retrofit projects;
- **2.1.1.4.** Expertise in grants management, grants strategy, monitoring and compliance, reporting, evaluation, closeout and auditing of large programs;
- **2.1.1.5.** Colorado building stock and /or efficiency and/or electrification deployment and/or opportunity analyses or demonstrated experience that is similar to Colorado-specific needs;
- **2.1.1.6.** The successful management of large complex Federal DOE funded programs;

#### **2.1.1.7.** Colorado based office or local presence;

- **2.1.2.** The following demonstrated characteristics are highly desired:
  - **2.1.2.1.** Statewide income qualification including documentation of methods to ease and streamline this process for LMI tenants and homeowners;
  - **2.1.2.2.** Ability to ramp up and down as rebate demand changes;
  - 2.1.2.3. Collaborative, flexible and responsive relationship with funding entity;
  - **2.1.2.4.** Knowledge of and experience with Colorado utilities and local governments;
  - **2.1.2.5.** Technological and innovative aptitude Creating public dashboards to communicate dynamic, real-time program data including uptake, geographical diversity, income diversity, project cost, project size (sq.ft.), number of upgrades, equipment type and combinations and related emissions reductions;
  - **2.1.2.6.** Workforce development in Disproportionately Impacted (DI) communities;
  - **2.1.2.7.** Financial modeling for affordable housing development and operations;

- **2.1.2.8.** Coordination with Housing Finance Authorities and Affordable Housing Providers for effective rebate stacking and capital financing for multifamily retrofits;
- **2.1.2.9.** Staff representing Socially, Culturally and Economically Diverse (SCED) groups.
- 2.1.2.10. Colorado based office or local presence.

#### 2.2. ORGANIZATIONAL PERSONNEL

- 2.2.1. The Colorado Energy Office seeks experienced personnel within the Awarded Offeror's organization and any partnered team(s) to service the State's Home Energy Rebate Program. This Highly desired experience should include:
  - **2.2.1.1.** Experience working in Colorado;
  - **2.2.1.2.** Experience working with governmental entities;
  - **2.2.1.3.** Expertise in the roles of:
    - a. Professional Engineer;
    - b. Customer Service Professional;
    - c. Data Analyst;
    - d. Workforce Development;
    - e. Contractor Management;
    - f. Federal grants management and oversight.
  - **2.2.1.4.** Additional expertise in areas of:
    - a. Utility collaboration;
    - **b.** Tribal Engagement;
    - c. Local Government coordination;
    - d. Marketing;
    - e. Affordable housing;
    - f. Building electrification;
    - g. Cost-benefit analysis.

### SECTION 3.0 REQUIREMENTS AND SCOPE OF WORK

#### 3.1. ACCESSIBILITY REQUIREMENTS

**3.1.1.** All work performed as a result of this solicitation must comply with all applicable provisions of §24-85-101, *et seq.*, C.R.S., and the *Accessibility Standards for Individuals with a Disability*, as established by the Office Of Information Technology

pursuant to Section §24-85-103 (2.5), C.R.S. and 3) all State of Colorado technology standards related to technology accessibility and with Level AA of the most current version of the Web Content Accessibility Guidelines (WCAG), incorporated in the State of Colorado technology standards.

**3.1.2.** What is required to be accessible? Applications, websites, kiosks and digital documents are required to meet the applicable provisions of §24-85-101, C.R.S. This means that digital content like PDF documents and webpages are accessible to assistive technologies like screen readers and magnification programs, and websites and applications are robust and do not prevent users of a variety of devices, browsers, and operating systems from accessing all functionality intended for use by the public or a State of Colorado employee. For more information, review OIT's accessibility resources and OIT's dedicated Accessible PDF and Documents page.

#### 3.2. SECURITY REQUIREMENTS

The Awarded Offeror will be expected to comply with, and ensure all personnel doing work for the State under any contract resulting from this RFP will comply with, the State of Colorado's Information Security Policies (CISP) promulgated by the Colorado Chief Information Security Officer and available at <a href="http://oit.state.co.us/ois/policies">http://oit.state.co.us/ois/policies</a>.

#### 3.3. MANDATORY REQUIREMENTS

- **3.3.1.** Bidders should be aware of and agree to adhere to all programmatic requirements of the:
  - **3.3.1.1.** Home Energy Rebate Programs Early Administrative Funds Administrative and Legal Requirements Document (ALRD)
  - **3.3.1.2.** The Awarded Offeror will be expected to comply with additional Special Terms and Conditions included within the Early Administrative award, and attached as Appendix E and Appendix F
  - **3.3.1.3.** DOE's Home Energy Rebates <u>Frequency Asked Questions</u> and <u>Recommendations</u> pages
- **3.3.2.** Bidders should also be prepared to adhere to all programmatic requirements of the:
  - **3.3.2.1.** Home Energy Rebate Programs Requirements and Application Instructions
  - **3.3.2.2.** ALRD 2 <u>Home Energy Rebate Administrative and Legal Requirements</u> <u>Document</u>

#### 3.4. SCOPE OF WORK

This Scope of Work describes the deliverables sought through this RFP and the scope of what the Awarded Offeror will be expected to offer through the contract resulting from this RFP. The Scope of Work is intended to provide interested Offerors with sufficient basic information to submit a proposal. It is not intended to limit a proposal's content or exclude any relevant or essential data.

The final deliverables must follow **Accessibility** guidelines in line with HB21-1110. In order for State Agencies and local government entities to comply with HB21-1110 by July 1, 2024, State of

Colorado vendors and bidders are required to demonstrate that information technology provided to the State of Colorado conforms to or addresses each of the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1, level A and AA success criteria. Offerors may do so by providing either of the following:

**3.4.1.** An independent, third-party evaluation from an accessibility consultancy

**3.4.2.** <u>A Voluntary Product Accessibility Template (VPAT)</u>. If a VPAT is used, it must use the VPAT 2.4 template, which is based on WCAG 2.1 level A/AA. The Information Technology Industry Council offers a VPAT 2.4 WCAG template (download)."</u>

#### **3.4.3.** Additional resources include:

- 3.4.3.1. Accessible Website Content: How To
- 3.4.3.2. Accessible Online Content QA Checklist
- **3.4.3.3.** Additional <u>How-to guides</u>

#### 3.4.4. PHASE I: Early Administrative Period

During the Early Administrative Period (est. July 1, 2024 through July 31, 2025) and utilizing the maximum budget of \$2,035,214, the Awarded Offeror would be expected to perform all tasks as outlined in 3.4.4. Phase I. Upon successful completion of the Early Administrative Period and successful bestowal of the DOE Full Program Award, the Awarded Offeror shall perform all tasks planned during Early Administrative Period and additional tasks as outlined in 3.4.5 Phase II: Full Program Implementation. The work that would be expected to be completed during the Early Administrative Period is as follows:

#### 3.4.4.1. Task 1. Strategic Impact Analysis Part 1

The Colorado Energy Office is currently undertaking a statewide building stock analysis, working with NREL to conduct additional analysis based on modeled residential stock data as well as garnering a workforce analysis. Colorado's mixed geographies hold 4 climate zones, with 13 counties in climate zone 7, 13 counties in climate zone 6, 35 counties in climate zone 5, and 3 counties in climate zone 4. The state has 273 active municipalities, comprising 198 towns, 73 cities and two consolidated city and county governments. Of those, 62 cities and 38 towns are home rule municipalities. 93% of Colorado municipal residents live in a Home Rule community. Energizing these communities are 56 electric territories and 15 gas utilities. 6 electric utilities serve 80% of the Colorado population. Supporting the residential housing market, includes a myriad of existing affordable housing providers, non-profit redevelopment groups, community land trusts, community development networks, energy efficiency service providers and more. The existing landscape of experienced housing and energy professionals is vast, and should be highlighted in this market characterization. Colorado will utilize its own definition of Disadvantaged Communities, as defined as **Disproportionately Impacted (DI)** Communities.

The Awarded Offeror shall recommend criteria to evaluate customers' willingness to participate with program requirements based on the scenarios outlined below.

Rebate Scenarios:

- a. <u>IRA 50121</u>: Assess Home Energy Performance Based, Whole House Rebates (HOMES) for the affordable multifamily building sector, identify multifamily buildings required to meet <u>Building Performance Standards</u> (<u>BPS</u>) and assess alignment with manufactured housing communities (MHCs) also known as, mobile home parks.
- b. <u>IRA 50122</u>: Identify opportunities of segmentation in Home Electrification and Appliance Rebates (HEAR) by geographic, demographic, utility scenarios, and technology, including partial and phased electrification.

With approval from the CEO, the Awarded Offeror will forecast rebate uptake and include availability and application of new technologies and scenarios contributing to State policy goals.

**DELIVERABLE:** Residential market analysis and characterization briefing including recommendations and regional roadmaps. The acceptance of the briefing is contingent on the review and approval by the CEO.

Due within 60 days of a signed contract.

#### 3.4.4.2. Task 2. Strategic Impact Analysis Part 2

Building on the existing market characterization resources, the Awarded Offeror shall conduct an analysis of the program design scenarios outlined below. The analysis should include evaluation of Area Median Income (AMI) levels, whereas <80% AMI is low-income and 80%-100% AMI is moderate-income. Also, evaluate the market impacts of serving up to 120% and 150% AMI, to assist in defining and timing AMIs to be served by rebates.

#### a. <u>HOMES 50121</u>:

- i. Analyze cost, disruption, workforce, complexity associated with modeled vs. measured approaches for HOMES target groups;
- ii. Identify mechanisms for rebate bridge financing and;
- iii. Assess Energy Star Certified technologies that support required capacities of multifamily buildings.
- b. <u>HEAR 50122</u>: Assess cost, disruption, workforce, complexity associated with HEAR for residential direct point of sale, midstream and upstream rebate opportunities.

#### Task 2 Deliverables

Develop charts identifying potential rebate pathways for various socio-economic outcomes, emissions based outcomes, and for equitable cost distribution throughout the State.

Due within 60 days of a signed contract.

#### Task 2 Examples

The following are examples and should be taken as illustrative of the kinds of analysis that the CEO is looking for:

#### a. HOMES 50121 for Multifamily required to meet BPS and Mobile Home Parks

If HOMES 50121 rebates are modeled for a BPS regulated multi-family building with 100 units, and >50% of the residents are low-moderate-income, then rebates can be combined for a total of \_\_\_\_, projecting \_\_\_\_ annual energy savings and \_\_\_\_ emissions reductions. Example scenarios of applying HOMES in this building scenario could include: central heating system conversion, whole building roof insulation, air source heat pump conversion, etc. Additional combinations of HEAR 50122 rebates through the upgrades of \_\_\_\_, \_\_\_, could then achieve \_\_\_\_ annual energy savings and \_\_\_\_ emissions reductions.

# b. Defining AMI, eliciting uptake, and reaching energy burdened households

- i. If HEAR 50122 rebates are defined as <80% AMI low income and <100% as moderate-income, then rebate uptake could be expected at \_\_\_\_\_ rates in these \_\_\_\_\_ economic regions in the state.
- ii. If HEAR 50122 rebates are defined as <80% AMI as low income and 81-120% AMI as moderate-income, then rebate uptake can be expected at \_\_\_\_\_ rates in these \_\_\_\_\_ economic regions in the state.
- iii. If HEAR 50122 rebates are defined as <80% AMI low income and 81-150% AMI as moderate-income, then rebate uptake can be expected at \_\_\_\_\_ rates in these \_\_\_\_\_ economic regions in the state.

#### 3.4.4.3. Task 3. Program Design for 50121 HOMES and 50122 HEAR

The Colorado Energy Office requests program design assistance for the IRA Home Energy Rebate Program for both IRA 50121 and IRA 50122. The CEO is currently developing its applications for both programs. The Awarded Offeror will contribute to all application materials as needed, and complete all required plans for the DOE applications.

This shall include the refinement of the Implementation Blueprints, including a:

- a. Community Benefits Plan,
- b. Education and Outreach Strategy,
- c. Consumer Protection Plan,
- d. Utility Data Access Plan, a Privacy and Security Risk Assessment for State Systems and
- e. Market Transformation Plan (can be submitted up to 1 year after award date).

To best inform the Program Design, the Awarded Offeror will utilize awarded Early Administrative funds to design and plan the implementation of program pilot(s) throughout the State.

The Awarded Offeror shall support successful completion of the Full Program application, resulting in the granting of Tranche 1.

#### Task 3 Program Design Subtasks

#### 3.a: Align with Federal Requirements

For both 50121 and 50122 programs, the Awarded Offeror shall support the CEO to ensure alignment and compliance with DOE requirements by meeting all federal requirements outlined in requirements, guidelines, ALRD, terms and conditions, budgeting, Tranche allocation, PAGE reporting, and other applicable duties.

#### 3.b: Pilot Program Planning, Design, Implementation Planning and Evaluation

#### Task 3.b.i. Pilot Management Plan

The Awarded Offeror shall produce a Pilot Management Plan (PMP) to document pilot program objectives. With the CEO, the Awarded Offeror shall develop and document program objectives, target metrics and methods for tracking and evaluating success.

- **a.** Objectives include but are not limited to:
  - i. Grow existing stakeholder and contractor networks that serve every county;
  - ii. Elicit participation of utilities offering rebates and Tariff Based On-bill Repayment (TBOR) programs, and demonstrate pathways for utilities not yet offering rebates or TBOR;
  - iii. Leverage experience of existing energy efficiency service providers and support their capacity to reach previously underserved households;

- **b.** The PMP will include strategic design practices and justify the reasoning behind curated priority projects.
- **c.** The PMP shall include an analysis of potential pilot opportunities/locations and recommend pilot scenarios with the following characteristics:
  - i. Develop parallel projects in Investor Owned Utility (IOU) and non-IOU service territories;
  - ii. Combine individual rebates for central system conversion in an affordable multifamily building;
  - iii. Set up maximum use of rebates with a building owner required to meet Building Performance Standards (BPS) requirements;
  - iv. Demonstrate benefits of stacking with existing programs such as Weatherization Assistance Program (WAP), Energy Outreach Colorado's Colorado Affordable Residential Energy (CARE) Program, Solar for All (should Colorado receive funds) or EnergySmart Colorado, to support fuel switching, appliance and panel upgrades;
  - v. Demonstrate combining rebates with Tariff Based On-bill Repayment (TBOR) with utility and Community Development Financial Institution (CDFI) partners;
  - vi. Connect with opportunities for electric vehicle and renewable energy incentives in Disproportionately Impacted (DI) and Low-Moderate Income (LMI) communities.

**3.b.i. DELIVERABLE:** Pilot Program Management Plan shall include a strategic plan/blueprint, including how the Pilot Program will shift to Full Program.

Due by September 1st 2024.

#### Task 3.b.ii. Pilot Design and Implementation Planning

The Awarded Offeror shall include design, facilitation, and coordination in pilot design and implementation planning and will exclude installation until Full Program funding is available.

- **a.** The Awarded Offeror shall design the pilot structure to:
  - i. Elicit rebate simplification, sustainability and scalability, rebate impact for emissions reductions, and rebate impact for serving disproportionately impacted communities;
  - ii. Maximize contracting opportunities for Colorado businesses;

- iii. Leverage trusted entities already doing extensive work in housing affordability, energy efficiency and preservation, emphasis on teaming;
- iv. Engage supply chain market actors- manufacturers, distributors, and national retailers to ensure coordinated supply in all regions in the State;
- v. Align existing rebate programs for rebate, incentive, financing, technical assistance and other resource stacking for a simple, accessible and streamlined customer journey;
- vi. Identify private capital to support pilot projects through financing and underwriting the upfront costs of projects.
- **b.** The Awarded Offeror shall design workforce development activities to:
  - i. Leverage program initiatives outlined in the Colorado Energy Office's application for funding IRA 50123 Training for Residential Energy Contractors (TREC) which will be focused on supporting HVAC workers and heat pump upskilling;
  - ii. Design additional activities to support industry segments not included in TREC;
  - iii. Analyze information and outcomes from existing workforce development programs to inform and improve the pilot;
  - iv. Centralize contractor work streams and support trade ally network development, conduct engagement and outreach with existing and emerging contractor networks, illuminate pathways for training and certifications;
  - v. Partner with existing training providers to support building electrification workforce models that serve Colorado workers;
  - vi. Include pathways for urban and rural communities; with online, classroom, lab, and in the field training and development;
  - vii. Cultivate and manage ongoing partnerships with distributors and retailers and leverage their training facilities and opportunities;
  - viii. Develop recruitment plans, support job placement, and align with industry led performance metrics;
    - ix. Coordinate with construction and engineering expertise to prepare contractors to audit, scope and complete projects once full program funds are available;
    - x. Support the development of a registered contractor platform; develop engagement tools and incentives, and facilitate third party certification of the work conducted under the rebates;

- xi. Develop incentives for strategic scheduling, coordinated travel, group buys/ bulk purchases, and temporary equipment storage;
- xii. Aim to have 40% of projects installed by socially, culturally and economically diverse (SCED) business enterprises or cooperatives.
- c. The Awarded Offeror shall design the pilot to grow LMI partnerships and include diverse stakeholder outreach and management. The Awarded Offeror shall:
  - i. Team with socially, culturally and economically diverse (SCED) groups to fulfill program delivery;
  - ii. Facilitate cohorts of peer-to-peer residential decarbonization advocates in DI communities; develop substantial incentives for these community-based groups and develop simple referral processes for peer referrals;
  - iii. Develop a network of subcontractors, community-based organizations (CBOs), aggregators and eligible entities to participate in overall project design and implementation;
  - iv. Align with CEO's pool of trusted, in-community partners to provide information, assistance, connections and support for LMI households on sustainability, energy and electrification topics;
  - v. Identify and document capacity and resource needs of existing energy efficiency providers, including staff training and technological needs;
    - 1. Draft, track and update community and workforce agreements;
    - 2. Draft a framework for sub-grantees and eligible entities;
    - 3. Develop a marketing strategy that includes local communities;
    - 4. Deliver multilingual programs.
- **3.b.ii. DELIVERABLE:** Initiate pilot(s), excluding installations.
  - **a.** Within the bounds of the Early Administrative Funding period, the pilot(s) shall be fully designed and ready for implementation, once Full Program Funding is available;
  - b. Awarded Offeror will manage pilot(s), and evaluate outcomes based on energy savings, impact of workforce initiatives within the projects, consumer and stakeholder accessibility, and create best practice guidelines and supportive mechanisms for subsequent priority projects;

- c. Establish mechanisms for payment to contractors/ eligible entity representatives within 2-4 weeks of incurring costs;
- d. Develop workflow and payment processes from federal to state to contractor and rebatable equipment. Payments will be made by the State of Colorado on reimbursement basis;
- e. Ensure clarity with utilities making Demand Side Management (DSM) and Beneficial Electrification (BE) Plans, that rebates shall not be used for attribution.

Due by October 1st 2024.

#### Task 3.b.iii: Program Data Management

The Awarded Offeror shall develop program Application and Workflows to ensure trackable and measurable Program Data Management including:

- a. Align with all IRA Data and Tool Requirements as listed in <u>IRA Home</u> <u>Energy Rebates: Data And Tools Requirements Guide;</u>
- b. Develop systems for rebate processing with contractors, retailers, aggregators and eligible entity representatives. Develop a single system of record for rebate analysis to facilitate trend reporting and data organization for submission to DOE and ability to perform audits as necessary;
- **c.** Configure rebate application design utilizing <u>PNNL API</u> configuration and reporting interfaces;
- d. Create methods for self-attestation of income verification;
- e. Align with Colorado Energy Office grants and other State programs accepting categorical eligibility;
- f. Utilize software for rebate application intake and tracking, validate categorical income, disperse rebates and manage reporting processes;
- g. Develop systems to track compliance with Justice40 requirements;
- h. Design systems for rebate assignability, carve outs and holds;
- i. Support identification of rebate bridging finance options as necessary;
- **j.** Align rebate application process to easily integrate with existing applications for WAP, CARE and EnergySmart Colorado programs;
- k. Design an external-facing website either housed within the CEO website or on an external site, at the CEO's discretion, for a simplified, streamlined rebate application for access to rebate information utilizing input from existing energy efficiency service providers;

- I. Develop pathways for braiding funding to emphasize comprehensive decarbonization within existing weatherization and residential rehabilitation channels for LMI customers;
- **m.** Provide specific guidelines for eligible entity representatives, to integrate rebates within their existing program administration;
- **n.** Design workflows that enable rapid funding distribution and timing while ensuring accurate energy savings;
- **o.** Maximize use of Google Workspace and Salesforce as two main technological platforms used by the CEO.

**3.b.iii: DELIVERABLE:** Complete a Privacy and Security Risk Assessment for State Systems to be submitted as a part of the State Implementation Blueprint. A State Implementation Blueprint must be submitted after receipt of the award and a minimum of 60 days prior to planned program launch.

#### Task 3.b.iv: Marketing, Education and Outreach Campaign

Based on market outcomes of the Strategic Impact Analyses Tasks 1 and 2, the Awarded Offeror shall build, launch and track the impact of a marketing, education, and outreach campaign. The campaign should:

- **a.** Leverage demographic equity priority data for targeted outreach with community based organizations, local and Tribal governments and utilities;
- **b.** Facilitate public engagement sessions to inform campaign design and roll out by coordinating with the CEO. Facilitation may include:
  - i. Creating flyers and other materials for outreach,
  - ii. Performing outreach using appropriate methods of communication depending on target audience and geographic location, including, but not limited to, social media, Next Door, newspaper, radio and so forth.
  - iii. Identifying locations for meetings,
  - iv. Booking venues,
  - v. Hiring interpreters,
  - vi. Organizing catering for meetings,
  - vii. Professional translation of materials if necessary,
  - viii. Compensating community members and creating a tracking system for the compensation. Compensation to reflect best practices outlined by Colorado Department of Human Services

Compensation Policy & Rate Standardization, described in the Family Voice Compass. CDHS currently recommends a standard minimum compensation rate of \$40 per hour. Instances for compensating community members shall be a cooperative decision between Offeror and the CEO.

- ix. Guiding community discussions and leading other public engagement best practices as determined as necessary;
- c. Support the effective integration of public input;
- **d.** Use tailored communication with utilities and local municipalities to encourage the development of their own rebates to further leverage rebate stacking and elicit participation with the CEO and its mission;
- e. Educate housing operators on federal rules and utility complexities for effective rebate uptake, stacking and braiding;
- f. Create pitch deck about program ambitions and planned impacts for external audiences;
- **g.** Leverage community-based relationships and in-language based media tools to promote equitable distribution of funds;
- h. Leverage community-based social marketing.

**3.b.iv DELIVERABLE:** Produce an Education and Outreach Strategy for the State Implementation Blueprint.

#### Task 3.b.v: Consumer Protection, Quality Assurance and Tenant Protection

Identify challenges and needs for tenant and consumer protection by consulting with stakeholder experts in affordable housing;

- a. Draft template affordability covenant options for participating property owners. Draft framework to prevent speculative resale post improvements;
- **b.** Identify key mechanisms to prevent fraud during the application process, rebate distribution process and develop a remediation process if fraud were to occur;
- **c.** Track consumer satisfaction, create feedback mechanism for participants;
- **d.** Analyze estimated number of inspections required over the course of the program or produce an evaluation of physical versus virtual inspection options;
- **e.** Connect with a rental registry and mechanism for tenants to report and resolve violations;

**f.** Establish an Advisory Council of CBO's, direct service providers, and consumer/tenant protection experts to ensure accountability and adherence to the Consumer Protection Plan.

**3.b.v: DELIVERABLE:** Develop a Consumer Protection Plan for the State Implementation Blueprint.

#### Task 3.b.vi: Pilot Evaluation

- **a.** The Awarded Offeror shall compile data to support a pilot program evaluation.
- **b.** The evaluation should be based on success metrics laid out in the PMP as they are tracked through pilot execution.
- c. The evaluation will highlight findings from the pilot and recommend revisions for full program deployment.

**3.b.vi. DELIVERABLE:** Workflow demonstrating desired program elements to achieve the CEO objectives with minimum administrative cost.

Due within 30 days of pilot(s) completion.

#### 3.c: Routine Coordination with CEO IRA Home Energy Rebate Program Staff

Coordinate with CEO IRA Home Energy Rebate Program Staff within 30 days after contract execution to develop routine program management processes and successfully:

- a. Submit all required Plans,
- b. Submit State Implementation Blueprints,
- c. Prepare information for routine quarterly reporting with the DOE
- d. Coordinate budget tracking and management.

**3.c. DELIVERABLE:** Create and submit program management processes, tools and timelines for approval by the CEO.

#### 3.4.5. PHASE II: Full Program Implementation of 50121 and 50122

The CEO is soliciting for an anticipated contract for Full Program Implementation of 50121 and 50122. It is anticipated that if the Awarded Offeror successfully completes all tasks in 3.3.4 and successfully evaluates and improves upon initiatives conducted during Early Administrative Phase 1, they will be invited to implement the Full Programs. Full program implementation must comply with all DOE requirements and ALRD rules, as well as incorporate the characteristics developed in the CEO's unique applications and anticipated awards.

- 3.4.5.1. Evaluate and Improve upon Early Administrative Phase I
- 3.4.5.2. Meet all DOE Program Requirements and ALRD 2 rules in 3.2.4
- 3.4.5.3. Implement program based on characteristics of the CEO's Applications for Full Program Funds

At the time of this solicitation, the CEO is currently drafting its program applications to the DOE. The Awarded Offeror shall conduct implementation based off of the unique characteristics of the anticipated program components outlined in the following:

#### a. 50121 HOMES

- i. Support building owners and operators to plan for rebate utilization in their renovation and rehabilitation recapitalization processes;
- ii. Aid building owners in utilizing ASHRAE 2 building energy assessments, facilitate measured or modeled energy savings pathways for rebate applications;
- iii. Guide building owners and operators to ensure target energy savings are achieved using appropriate materials and mechanicals;
- iv. Develop educational materials for building owners to share with tenants regarding why energy efficiency work is being done and how the tenants can anticipate changes;
- v. Contribute to educational, outreach and partnership efforts with Housing Finance Authorities, Affordable Housing Networks regarding the impact of rebates in catalyzing multifamily decarbonization;
- vi. Highlight pathways for credit enhancements such as loan loss reserves (LLRs), and interest rate buy-downs (IRBs) as tools to improve the chances that financing will be repaid or de-risk the investment for the financier;
- vii. Leverage utility rebates, CDFI financing and other low-cost capital mechanisms;
- viii. Facilitate rebate reservation process in conjunction with project financing objectives;
  - ix. Ensure that per-unit investments are for rebatable measures and commensurate with full project costs and program guidelines;
- b. 50122 HEAR

- i. Integrate with the PNNL tracking system in order to track rebate distribution,
- ii. Pay rebates within the four week period,
- iii. Verify income requirements for both residential and multifamily instances,
- iv. Verify income in instances of self-attestation,
- v. Implement fraud prevention and detection processes,
- vi. Retain invoices related to QEPs,
- vii. Engage in reporting to the State and DOE on an ongoing basis,
- viii. Work with the State to follow all relevant data and security policies,
  - ix. Include documentation of the processes to monitor, identify, and address security and privacy threats,
  - x. Assist the State in program evaluation,
  - xi. Assist in gathering billing data from utilities,
- xii. Conduct outreach,
- xiii. Verify that rebates are provided only for qualified electrification projects,
- xiv. Collect and retain documentation,
- xv. Work with the State on Market Transformation Plan to be submitted up to 1 year after award date,
- xvi. Support contractor education,
- xvii. Other duties listed in the ALRD.

The Awarded Offeror shall support budget tracking, as defined by the CEO, for the total program allocation of up to \$70,395,350 for IRA 50121 and a total program allocation of up to \$69,985,890 for IRA 50122. The Awarded Offeror shall support the management of four future budget tranches extending until September 30, 2031.

#### 3.3.5.4 Routine Coordination with CEO IRA Home Energy Rebate Program Staff

Coordinate with CEO IRA Home Energy Rebate Program Staff to develop routine program management processes and successfully:

- a. Achieve all SMART goals outlined in required plans;
- b. Reach all LMI funding requirements and spending milestones;
- c. Maintain engagement with stakeholders;

- d. Prepare information for routine quarterly reporting with the DOE;
- e. Confirm quality assurance and consumer protection;
- f. Coordinate budget tracking and management.

**DELIVERABLE:** Create and submit coordinated program management processes, tools and timelines for approval by the CEO.

Develop within 3 months of initial contract.

- **3.4.6. NOTE:** The final deliverables must follow **Accessibility** guidelines in line with HB21-1110. In order for State Agencies and local government entities to comply with HB21-1110 by July 1, 2024, State of Colorado vendors and bidders are required to demonstrate that information technology provided to the State of Colorado conforms to or addresses each of the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1, level A and AA success criteria. Offerors may do so by providing either of the following:
  - **3.4.6.1.** An independent, third-party evaluation from an accessibility consultancy
  - **3.4.6.2.** <u>A Voluntary Product Accessibility Template (VPAT).</u> If a VPAT is used, it must use the VPAT 2.4 template, which is based on WCAG 2.1 level A/AA. The Information Technology Industry Council offers a VPAT 2.4 WCAG template (download)."</u>
  - **3.4.6.3.** Additional resources include:
    - a. <u>Accessible Website Content: How To</u>
    - b. Accessible Online Content QA Checklist
    - c. Additional <u>How-to guides</u>

## SECTION 4.0 REQUESTED PROPOSAL FORMAT

Proposals should cover the following areas, with an emphasis on how these areas relate to the evaluation criteria listed in **Section 5** below. The page limit for proposals should not exceed 15 pages, excluding the company profile, resumes, security questions, and the cost sheet. The Responding Offerors will be required to provide the following information:

#### 4.1. COMPANY PROFILE

**Offeror's Response**- Provide a one (1) page summary of your company history. Include local address, local contact, and description of services, tools and local partnerships.

#### 4.2. DEMONSTRATED EXPERIENCE AND CAPABILITIES

**4.2.1. Offeror's Response**- Describe how the Offeror's experience and capabilities make it the ideal candidate to perform the work. Please provide a minimum of three similar projects you have performed, links to these projects (if relevant), and a reference for

each of these projects.

**4.2.2. Offeror's Response**- Indicate key personnel who will be assigned to the project and describe their experience. Reference **Section 2.2** of this solicitation regarding the desired organizational personnel. Please submit resumes for each key personnel and indicate how their past experience relates to the current project.

#### 4.3. ACCESSIBILITY REQUIREMENTS

**Offeror's Response-** Offeror shall make a statement indicating their acceptance and ability to comply with the accessibility requirements detailed in Section 3.1 of this solicitation. Describe how the Proposal will comply with these accessibility requirements, or briefly explain why any requirement would be inapplicable. Please note any exceptions from compliance with these requirements required by the Offeror.

#### 4.4. SECURITY REQUIREMENTS

#### Offeror's Response-

**4.4.1.** The Offeror shall clearly state that the Proposal shall be in compliance with the current OIT Technology Standards promulgated by the OIT Chief Technology Officer and available at

#### http://www.oit.state.co.us/cto/ea/standards

- 4.4.2. The Offeror shall clearly state agreement to complete, prior to award and if requested by the State, the assigned vendor portions of the System Security Plan as directed by the Office of Information Security and as reflected in Appendix G System Security Plan Template.
- **4.4.3.** For each category of security control listed below, describe how the Offeror will comply, or briefly explain why the control would be inapplicable.
  - **4.4.3.1.** Role-based access control (RBAC) for any logical interactive access to applications and/or supporting systems (e.g., user-interface, maintenance);
  - **4.4.3.2.** Auditable logs/trails for successful and attempted access to the application/system, administrative actions such as add/delete/modify user permissions, and/or other auditable events;
  - **4.4.3.3.** Business continuity and disaster recovery planning, including defined recovery time and recovery point objectives;
  - **4.4.3.4.** Third-party certification or audit results that fully covers the scope of the work included in the Proposal, such as a SOC 2 Type II report, FISMA compliance certification, or similar information security assurance certification, or agreement to allow the performance of security audit and penetration tests as requested by OIS or its designee;
  - **4.4.3.5.** Documentation of an industry-standard secure system development lifecycle (S-SDLC), including written policies and procedures, documented

results of vulnerability scans and/or penetration testing, evidence of and/or plans for remediation of known vulnerabilities, etc.;

- **4.4.3.6.** Infrastructure hardening consistent with all standards published on CISecurity.org, or similar;
- **4.4.3.7.** Any additional policy, procedure, practice, or evidence not described above related to compliance with the Colorado Information Security Policies or the NIST Cybersecurity Framework on which the CISPs are based?
- **4.4.4.** Please state if the solution(s) described in the Proposal will require any exceptions from compliance with the CISPs or other information security controls described above?

#### 4.5. MANDATORY REQUIREMENTS

**Offeror's Response-** Offeror shall describe how their proposed solution will meet or exceed each of the mandatory requirements detailed in **Section 3.3** of this solicitation.

#### 4.6. TECHNICAL/BUSINESS PROPOSAL

**Offeror's Response**- Offeror shall describe how their proposed solution will meet or exceed the Scope of Work detailed in **Section 3.3** of this solicitation. Please include an outlined project schedule. Proposal should address all aspects of the criteria presented in **Section 3.3** Scope of Work, and include a demonstrated ability to perform each of the tasks in the Scope of Work in a timely and cost-effective manner. Develop a well-sequenced work plan that matches the demands of the Early Administrative Phase and the anticipated Tranches in the Full Program Phase.

#### 4.7. COST PROPOSAL

#### 4.7.1. Early Administrative Performance Period

The maximum budget available for the Early Administrative performance period of this project is \$2,035,214. Offeror's Cost Proposal shall include Offeror's Budget and a Budget Narrative, separately defining IRA 50121 and IRA 50122, and shall be allocated to the following sections A-D:

- **4.7.1.1.** Strategic Impact Analysis
- **4.7.1.2.** Agreements supporting collaboration with CBOs and organized labor
- 4.7.1.3. Pilot Program
- **4.7.1.4.** Offeror's Cost of Services, including any travel costs.

Proposals with a budget in excess of \$2,035,214.00 for the Early Administrative Program will not be accepted.

Please note that while the entire maximum Early Administrative Period budget has been provided, the State seeks competitive pricing and the price quoted will be one of the factors considered in the decision to award to the Offeror with the most advantageous

response. Proposals will be evaluated based on several factors, including how competitive the submitted pricing is. Therefore, Offerors should provide their best pricing.

**Offeror's Response-** Provide a detailed budget proposal for the Offeror's work to be completed during the Early Administrative Performance budget period. The budget proposal should be broken out by Task.

Cost MUST be submitted in a separate file from the rest of the proposal and labeled "COST FILE 1."

#### 4.7.2. Full Program Performance Period

The State of Colorado anticipates a total program allocation of up to \$70,395,350 for IRA 50121 and a total program allocation of up to \$69,985,890 for IRA 50122. Twenty percent of these total funds are available for administrative costs, which are to include all non-rebate activities listed in this RFP. Administrative funds are defined in Home Energy Rebate Programs Requirements and Application Instructions Section 2.0.

The disbursement of funds occurs in four stages (referred to as Tranches), extending until September 30, 2031. Tranche 1 is granted upon successful completion of the CEO's 50121 and 50122 program applications. Future tranches require submission of additional deliverables or milestones. In addition to these milestones, future tranches are granted upon successfully reaching minimum spending requirements to demonstrate CEO's progress in adherence to overarching program funding allocation rules for effectively reaching Low Income Households and Low Income Multifamily Buildings. All tranche requirements are documented in the SCEP Budget Allocation Calculator. The budgets shall remain separate for IRA 50121 and IRA 50122.

Please note that while the entire maximum budget has been provided, the State seeks competitive pricing and the price quoted will be one of the factors considered in the decision to award to the Offeror with the most advantageous response. Proposals will be evaluated based on several factors, including how competitive the submitted pricing is. Therefore, Offerors should provide their best pricing.

**Offeror's Response-** Provide the Offeror's Budget amount and Offeror's Budget narrative for the Offeror's work to be completed during the Full Program performance period. The budget proposal for the Full Program performance period should be broken out by Task and Tranche.

Cost MUST be submitted in two separate files from the rest of the proposal and labeled as "COST FILE 2."

## SECTION 5.0 EVALUATION METHODOLOGY

#### 5.1. EVALUATION PROCESS

A comprehensive, thorough, complete and impartial evaluation of each proposal received will be conducted in accordance with \$24-103-203(7), C.R.S, which states, "The award shall be made to the responsible Offeror whose proposal is determined in writing to be the most

advantageous to the State, taking into consideration the price and evaluation factors set forth in the request for proposal."

#### 5.2. EVALUATION COMMITTEE

- **5.2.1.** An Evaluation Committee will be established utilizing measures to ensure the integrity of the evaluation process. These measures include the following:
  - **5.2.1.1.** Selecting committee members who do not have a conflict of interest regarding this solicitation.
  - **5.2.1.2.** Facilitating the independent review of proposals.
  - **5.2.1.3.** Requiring the evaluation of the proposals to be based strictly on the content of the proposals.
  - **5.2.1.4.** Ensuring the fair and impartial treatment of all Offerors.
- **5.2.2.** The objective of the Evaluation Committee is to conduct reviews of the proposals that have been submitted, to hold frank and detailed discussions among themselves, and to recommend an Offeror for award.

#### 5.3. PROPOSAL EVALUATION CRITERIA

- **5.3.1.** The State will evaluate proposals to determine if each Offeror meets all mandatory qualification requirements. However, the State has the authority to waive non-material mandatory requirements in certain circumstances. (Reference Procurement Rule R-24-103-301-03) The mandatory and accessibility requirements are scored on a Pass/Fail basis and only those proposals found to meet all mandatory and accessibility requirements, other than non-material mandatory requirements waived by the State, can be considered for a Contract resulting from this solicitation.
- **5.3.2.** Proposals will be evaluated by the Evaluation Committee using the evaluation criteria listed below. The evaluators will consider whether the Scope of Work requirements in the solicitation have been addressed, and they will review the capabilities of the Offeror, as well as the quality of the approach proposed, the price, and any other aspect determined relevant to the evaluation criteria.
- **5.3.3.** The evaluation criteria to be used in evaluating the proposals are as follows (and are listed in no particular order):
  - **5.3.3.1.** Demonstrated experience and capabilities in program administration (Organization and Personnel). The Evaluation Committee will evaluate proposals to determine if the Offeror's experience and capabilities, both those of the organization and its personnel, are similar to the proposed project in scope, size, and depth and whether the proposal satisfactorily demonstrates their ability to successfully complete the project.
  - **5.3.3.2.** Acceptance and ability to comply with Accessibility requirements. This is pass/fail and only those proposals who pass this requirement will continue for further evaluation.

**5.3.3.3. Security Requirements.** The Evaluation Committee, or their designated Subject Matter Experts, will evaluate proposals to determine if the Offeror has met the requirement to comply with the State of Colorado's Information Security Policies (CISP) promulgated by the Colorado Chief Information Security Officer and available at <a href="http://oit.state.co.us/ois/policies">http://oit.state.co.us/ois/policies</a>. This is pass/fail and only those proposals who pass this requirement will continue for further evaluation.

#### 5.3.3.4. Technical/Business Proposal.

- a. The Evaluation Committee will thoroughly evaluate each proposal and determine which proposal best meets the CEO's needs and is most likely to produce a successful outcome in accordance with the Scope of Work in Section 3, considering all factors including but not limited to rebate administration, privacy, data, modeling and measuring capabilities and outcomes.
- **b.** Social, Cultural, and Economic Diversity. Company will demonstrate their commitment to partnering with SCED groups, achieving J40 outcomes, and expertise working with Disproportionately Impacted (DI) communities.
- **5.3.3.5. Cost Proposal.** While cost is always a factor in the award decision, lowest bid alone will not determine the Awarded Offeror. The CEO and Evaluation Committee will make its award recommendation based on all evaluation criteria and the final determination of what is the best overall value to the State.

#### 5.4. DEMONSTRATIONS AND DISCUSSIONS

The Evaluation Committee may, if it deems necessary, request clarifications, conduct discussions or oral presentations/demonstrations, or request best and final offers. Per R-24-103-203-03, discussions may be held with responsible Offerors whose proposals are determined to be reasonably susceptible to be selected for award to:

- A. Promote understanding of the State's requirements and the Offerors' proposals; and
- **B.** Facilitate a contract that will be most advantageous to the State taking into consideration price and the other evaluation factors set forth in the request for proposals.

The Evaluation Committee may adjust its scoring based on the results of such activities. However, proposals may be reviewed and determinations made without such activities. Offerors should be aware that the opportunity for further explanation might not exist; therefore, Offerors should ensure that their submission is complete, and are encouraged to submit their best possible proposal, including pricing.

#### 5.5. SINGLE PROPOSAL

If only one bid or proposal is received in response to a solicitation, an award may be made to the single bidder or offeror if the procurement official finds that the price submitted is fair and reasonable and that other prospective bidders or offerors had reasonable opportunity to respond. (Reference Procurement Rule R- 24-103-201-02(d)).

#### 5.6. AWARD

- **5.6.1.** A Notice of Intent to Award will be published on Colorado VSS and Colorado BidNet.
- **5.6.2.** The award determination is ultimately a business decision that will reflect an integrated assessment of the relative merits of the proposals received, using the factors set forth in **Section 5.3.3**. The State intends to award Contract(s) to the Offeror(s) whose proposal(s), conforming to the solicitation, will be most advantageous to the State, price and other factors considered.
- **5.6.3.** The State reserves the right to award to multiple offerors if it is determined to be in the best interest of the State.