



**REQUEST FOR PROPOSALS
FOR
SAN DIEGO COMMUNITY POWER**

FOR

Refrigeration Equipment Supplier Services

Date of Issuance: July 23, 2024
[Addendum #1 Issued August 23, 2024](#)

SUBMITTALS DUE: [September 6](#)~~August 20~~, 2024 at 5:00 p.m. Pacific Time (PT)



SAN DIEGO COMMUNITY POWER REQUEST FOR PROPOSALS

No. 24-005

For Refrigeration Equipment Supplier Services

I. BACKGROUND AND INTRODUCTION

San Diego Community Power (“SDCP”) is the default electricity provider for the Cities of Chula Vista, Encinitas, Imperial Beach, La Mesa, National City, and San Diego, and the County of San Diego which serves the unincorporated areas. SDCP’s Joint Powers Authority (“JPA”) agreement is the first in California with a goal to achieve 100 percent renewable energy availability and usage by no later than 2035, which is in advance of current State targets. For more information, please visit SDCP’s website.¹ Proposers shall review SDCP’s Procurement Policy² and Inclusive and Sustainable Workforce Policy³ to ensure compliance when drafting proposals.

Through this Request for Proposals (“RFP”), SDCP is seeking proposals from qualified firms⁴ to provide refrigeration equipment supplier services (“Services”). These Services are sought to coordinate and fulfill the purchase, delivery, and installation of energy-efficient refrigerator and freezer equipment and remove/recycle existing equipment (as needed) at corner stores⁵ and/or small businesses⁶ in low-income or low-food access areas throughout SDCP’s service territory. SDCP expects the work to commence on or about November 15 ~~October 18~~, 2024 through April 30, 2026.

¹ www.sdcommunitypower.org

² https://sdcommunitypower.org/wp-content/uploads/2022/08/SDCP-Procurement-Policy_Adopted_2022.07.28.pdf

³ https://sdcommunitypower.org/wp-content/uploads/2022/02/SDCP_ISWF-Policy.pdf

⁴ Use of the term “firm” throughout this document shall mean individual proprietorship, partnership, limited liability company, corporation (whether for profit or not-for-profit), joint venture, or other public or private entity duly existing and operating under California law or authorized to do business in California.

⁵ Corner stores, which include small-scale or grocery stores, either independent or chain, that sell a limited selection of foods and other products, that are located in a low-income or low-food access area in a rural, urban, or suburban region. Corner stores do not need to be located on street corners.

⁶ Small businesses including but not limited to small farm operations with farm stands or stores, that sell or donate food to low-income or low-food access clientele.



II. PROPOSAL SCHEDULE

The estimated timetable for this RFP is as follows:

Description	Date
Release of RFP	July 23, 2024
Deadline for Written Questions	July 30, 2024 at 5:00 p.m. PT
Responses to Questions Provided	August 6, 2024
Deadline for Proposal Submission	<u>September 6</u> August 20 , 2024 at 5:00 p.m. PT
Interviews (if necessary)	<u>Early September</u> Late August
Board Approval of Contract	<u>October 24</u> September 26 , 2024
Execution of Contract	No later than <u>November 7</u> October 11 , 2024
Commencement of Work	No later than <u>November 15</u> October 18 , 2024

The above scheduled dates are tentative and SDCP retains the sole discretion to adjust the above schedule. Nothing set forth herein shall be deemed to bind SDCP to award a contract for the above-described Services, and SDCP retains the sole discretion to cancel or modify any part of or all of this RFP at any time.

III. QUESTIONS AND RESPONSES

Proposers may submit questions regarding this RFP using the online Questions Submissions Form. The question form can be accessed by using the following link: <https://forms.monday.com/forms/84a14f69c373f2e4b3af1617638d410c?r=use1>.

All questions must be received by 5:00 p.m. PT on July 30, 2024. When submitting questions, please specify which section of the RFP you are referencing and quote the language that prompted the question. Questions may address issues or concerns that the evaluation criteria and/or business requirements would unfairly disadvantage Proposer or, due to unclear instructions, may result in SDCP not receiving the best possible responses from Proposer.

SDCP will provide responses to questions on August 6, 2024. SDCP reserves the right to group similar questions when providing answers.

IV. PROPOSAL SUBMISSION DEADLINE

Proposals should be submitted electronically to SDCP as a single PDF document using the online Proposal Submissions Form, which can be accessed by using the following hyperlink: <https://forms.monday.com/forms/17ea3dc272f90095ac4bcc510ccc260a?r=use1>.



The deadline to submit a proposal is 5:00 p.m. PT on September 6~~August 20~~, 2024. It is the sole responsibility of Proposers to ensure that their proposal is received before the submission deadline. Proposers shall bear all risks associated with delays in delivery. Any proposals received after the scheduled closing date and time for receipt of proposals may not be accepted.

V. REQUEST FOR PROPOSALS

A. Scope of Services

The Services sought under this RFP are set forth in more detail in **Attachment A**, attached hereto and incorporated herein by reference. Notwithstanding the inclusion of such Services in **Attachment A**, the final scope of Services negotiated between SDCP and the selected Proposer shall be set forth in the Professional Service Agreement ("Agreement") executed by and between SDCP and the selected Proposer. A copy of the Agreement is attached hereto as **Attachment B**.

B. Content and Format of Proposal

Proposals shall be concise, well organized, and demonstrate qualifications and applicable experience and approach necessary to provide the required scope of contemplated Services. Ideally, proposals should use Calibri 12-point font and be single-spaced with 1-inch margins. Proposals should be submitted in Adobe PDF format. Proposers should submit their PDF as a single PDF and include the following items shown in this section and in the order listed as a PDF:

1. Cover Letter⁷ (No more than 1 page):

- a. Legal name and address of the company.
- b. Legal form of company (partnership, corporation).
- c. If company is a wholly owned subsidiary of a "parent company," identify the "parent company."
- d. Name, title, address and telephone number of the proposed representative to contact concerning the Proposal Submittal.
- e. California Business License Number

2. Experience & Services Offered Narrative (No more than 2 pages):

Please provide a narrative that addresses the following:

- a. A description of the services your firm provides.
- b. A description of the geographic areas/customers your firm serves.

⁷ The Cover Letter shall be signed by an individual, partner, officer or officers authorized to execute legal documents on behalf of the proposer.



- c. To the extent that a Proposer lacks specific expertise in any of the areas described in **Attachment A**, a professional team of subcontractors or associate firms should be assembled by the Proposer to complement their technical expertise. Please include any subcontractors that will support one or more of the service areas described in **Attachment A**.

3. Proposed Approach Narrative (No more than 2 pages):

Please provide a narrative that addresses the following:

- a. Describe your proposed approach to the Scope of Services in **Attachment A**.
- b. Proposers may include other services deemed relevant to the successful accomplishment of the Scope of Services.

4. Proposed Budget & Narrative (No More than 4 pages):

Please provide a table and narrative that addresses the following:

- a. Pricing for each piece of equipment listed in the Qualified Products List in **Attachment A** and any other fees associated with ordering, shipping, and delivering the equipment within SDCP's service territory.
- b. Fees for removing and recycling of replaced equipment.
- c. (If applicable) Fees for administrative tasks (e.g., meetings).
- d. (If applicable) Please provide a description of any additional fees and/or compensation the Proposer may seek from SDCP for services.

C. Protests

1. Protest Contents: Proposer may protest a contract award if the Proposer believes that the award was inconsistent with SDCP's Procurement Policy or this RFP is not in compliance with law. A protest must be filed in writing with SDCP (email is not acceptable) within five (5) business days after receipt of notification of the contract award. Any protest submitted after 5:00 p.m. of the fifth business day after notification of the contract award will be rejected by SDCP as invalid and the Proposer's failure to timely file a protest will waive the Proposer's right to protest the contract award. The Proposer's protest must include supporting documentation, legal authorities in support of the grounds for the protest and the name, and the address and telephone number of the person representing the Proposer for purposes of the protest. Any matters not set forth in the protest shall be deemed waived.



2. SDCP Review: SDCP will review and evaluate the basis of the protest provided the protest is filed in strict conformity with this section. SDCP shall provide the Proposer submitting the protest with a written statement concurring with or denying the protest. Action by SDCP relative to the protest will be final and not subject to appeal or reconsideration. The procedure and time limits set forth in this section are mandatory and are the Proposer's sole and exclusive remedy in the event of protest. Failure to comply with these procedures will constitute a waiver of any right to further pursue the protest, including filing a Government Code claim or legal proceedings.

D. Submittal Requirements

1. General: It is strongly recommended that the Proposer submit proposals in the format identified in Section V(B) to allow SDCP to fully evaluate and compare the proposals. All requirements and questions in the RFP should be addressed and all requested information should be supplied. SDCP reserves the right to request additional information which, in SDCP's opinion, is necessary to assure that the Proposer's competence, qualifications, number of qualified employees, business organization, and financial resources are adequate to perform the Services according to the terms of the Agreement.

2. Authorization: The proposal shall be signed by an individual, partner, officer, or officers authorized to execute legal documents on behalf of the Proposer.

E. Miscellaneous

1. Exceptions Certification to this RFP: In submitting a proposal in response to this RFP, Proposer is certifying that it takes no exceptions to this RFP including, but not limited to, the Agreement. If any exceptions are taken, such exceptions must be clearly noted in the proposal and may be reason for rejection of the proposal. As such, Proposer is directed to carefully review the attached Agreement and, in particular, the insurance and indemnification provisions therein.

2. Amendments to Proposals: No amendment, addendum or modification will be accepted after a proposal has been submitted to SDCP. If a change to a proposal that has been submitted is desired, the submitted proposal must be withdrawn and the replacement proposal must be submitted to SDCP prior to the proposal due date and time.

3. Price Validity: Prices provided by Proposers in response to this RFP are valid for 90 days from the proposal due date. SDCP intends to award the contract within this time but may request an extension from the Proposers to hold pricing, until negotiations are complete and the contract is awarded.



4. Right to Negotiate and/or Reject Proposals: SDCP reserves the right to negotiate any price or provision, task order or service, accept any part or all of any proposals, waive any irregularities, and to reject any and all, or parts of any and all proposals, whenever, in the sole opinion of SDCP, such action shall serve its best interests and those of SDCP ratepayers. Proposers are encouraged to submit their best prices in their proposals, and SDCP intends to negotiate only with the Proposer(s) whose proposal most closely meets SDCP's requirements at the lowest estimated cost. The contract award, if any is awarded, will go to the Proposer whose proposal best meets SDCP's requirements.

5. Prevailing Wages: Proposers shall take cognizance of the requirements of California Labor Code Sections 1720 et seq., as well as California Code of Regulations, Title 8, Section 16000 et seq. ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public work" and "maintenance" projects. To the extent applicable, the Proposer must agree to fully comply with and to require its subcontractors/subconsultants to fully comply with such Prevailing Wage Laws. If the Services are funded in whole or in part by federal funds or otherwise require compliance with the Davis-Bacon Fair Labor Standards Act, the successful Proposer and all its subcontractors/subconsultants shall pay the higher of the state or federal prevailing wage rates.

F. Proposal Evaluations & Criteria

Proposals will be evaluated in accordance with the following evaluation criteria:

	Evaluation Criteria
1.	Proposer's qualifications and experience, including demonstration of past success
2.	Proposer's approach to the services
3.	Commercial Terms/Price

For a list of bonus points/special preferences, please visit SDCP's Procurement Policy⁸. Following the initial evaluation, SDCP may select one particular Proposer or select a number of Proposers (with or without interviews) or conduct interviews with a "short list" of Proposers, consisting of those Proposers reasonably likely, in the opinion of SDCP, to be awarded the contract. Any interview may include discussions about services offered, conflicts of interests with other clients, or fees/compensation amount or structure. Interviews may take place through written correspondence, telephone, or video conference, and/or face-to-face interviews, at SDCP's sole discretion.

⁸ https://sdcommunitypower.org/wp-content/uploads/2022/08/SDCP-Procurement-Policy_Adopted_2022.07.28.pdf



SDCP reserves the right to not convene interviews or discussions, and to make an award on the basis of initial proposals received. After a Proposer(s) has been selected, SDCP will negotiate a contract for execution. If a satisfactory contract cannot be negotiated, SDCP may, at its sole discretion, begin contract negotiations with the next qualified Proposer who submitted a proposal, as determined by SDCP. Proposers are further notified that SDCP may disqualify any Proposer with whom SDCP cannot satisfactorily negotiate a contract.

VI. RESERVATION OF RIGHTS

This RFP is a solicitation for proposals only and is not intended as an offer to enter into a contract or as a promise to engage in any formal competitive bidding or negotiations. SDCP may, at its sole discretion, accept or reject any or all proposals submitted in response to this RFP. In addition, SDCP may, at its sole discretion, only elect to proceed with contract negotiations for some of the services included in the proposal. SDCP further reserves the right to cancel this RFP at any time prior to contract award without obligation in any manner for proposal preparation, interview, fee negotiation, or other marketing costs associated with this RFP. SDCP also reserves the right to waive minor errors and omissions or inconsequential disparities in proposals, request additional information or revisions to offers, and to negotiate with any or all Proposers.

SDCP shall not be liable for any costs incurred by the Proposer in connection with the preparation and submission of any proposal. SDCP has the right to amend the RFP, in whole or in part, by written addendum, at any time. SDCP is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda. Such addendum shall be made available to each person or organization which SDCP records indicate has received this RFP. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the proposal being found non-responsive and not being considered, as determined in the sole discretion of SDCP. SDCP is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf prior to an award of contract by SDCP. SDCP has the right to reissue the RFP at a future date.

VII. CONFIDENTIALITY AND PUBLIC RECORDS

Proposals submitted in response to this RFP shall become the exclusive property of SDCP. SDCP is subject to the California Public Records Act ("CPRA"). The proposal will become a matter of public record when contract negotiations are complete and when an agreement is executed by SDCP. Exceptions to disclosure may be available to those parts or portions of proposals that are justifiably and reasonably exempted under the CPRA, such as trade secrets. If a Proposer desires to exclude a portion of its proposal from disclosure under the California Public Records Act, the Proposer must prominently mark it "confidential" and state the specific provision in the



California Public Records Act that provides the exemption as well as the factual basis for claiming the exemption. A blanket statement of confidentiality or the marking of each page of the proposal as confidential shall not be deemed sufficient notice of a CPRA exemption. A Proposer who indiscriminately and without justification identifies most or all of its proposal as exempt from disclosure or submits a redacted copy may be deemed non-responsive.

Although the CPRA recognizes that certain confidential information or other exempt records may be protected from disclosure, SDCP is not in a position to establish that the information that a Proposer submits is exempt. If a request is made for information marked "Confidential," SDCP will provide Proposers who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.

SDCP shall not, in any way, be liable or responsible for any resulting disclosure of any such record or any parts thereof pursuant to the CPRA or otherwise by law.

VIII. CONFLICTS OF INTEREST

SDCP is governed by the Political Reform Act, Government Code Section 1090, Government Code Section 84308, and other requirements governing conflicts of interest, campaign contributions, and gifts. Proposers are required to review all applicable conflict of interest laws. In addition, SDCP has adopted policies governing procurement. Proposers are advised to review all policies, including the Procurement Policy⁹.

The Proposer may not contact or receive information outside of this RFP process. If it is discovered that the Proposer contacted SDCP and received information outside of the process specified herein regarding this solicitation, SDCP may, in its sole discretion, disqualify the proposal from further consideration.

All contact regarding this RFP or any matter relating thereto must be submitted using the online questions submissions form:
<https://forms.monday.com/forms/84a14f69c373f2e4b3af1617638d410c?r=use1>.

IX. REPORTING OF SUPPLIER DIVERSITY INFORMATION

Public Utilities Code Section 366.2(m) requires certain community choice aggregators, including SDCP, to annually submit to the California Public Utilities Commission ("CPUC"): (1) a detailed and verifiable plan for increasing procurement from small, local, and diverse business

⁹ https://sdcommunitypower.org/wp-content/uploads/2022/08/SDCP-Procurement-Policy_Adopted_2022.07.28.pdf



enterprises; and (2) a report regarding its procurement from women, minority, disabled veteran, persons with disabilities, and LGBT business enterprises.

General Order (“GO”) 156, adopted by the CPUC, requires certain California public utilities to engage in outreach activities and meet specific procurement goals from women, minority, disabled veteran, persons with disabilities, and LGBT business enterprises. Qualified businesses become GO 156 certified through the CPUC and are then added to the GO 156 Supplier Clearinghouse database¹⁰.

To assist SDCP with its reporting obligations under Public Utilities Code Section 366.2(m) and with evaluating its supplier outreach and other activities, proposers that are awarded the contract will be asked to voluntarily disclose their certification status with the CPUC Clearinghouse, as well as their efforts to work with diverse business enterprises, including women business enterprises (“WBEs”), minority business enterprises (“MBEs”), disabled veteran business enterprises (“DVBES”), and lesbian gay bisexual transgender business enterprises (“LGBTBES”).

Except as otherwise expressly provided under SDCP’s Procurement Policy and/or required by applicable state or federal law or funding requirements (including, without limitation, any grant or loan conditions), SDCP shall not use any demographic information received from potential vendors in any way as part of its decision-making or selection process. Rather, SDCP will use such information solely for compliance with its reporting obligations to the CPUC and evaluation of SDCP’s outreach and other activities consistent with applicable law. Pursuant to Article I, Section 31 of the California Constitution, SDCP shall not discriminate against or give preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin except as otherwise allowed therein.

X. NON-DISCRIMINATION & COMPLIANCE WITH APPLICABLE LAWS

- A. SDCP will not discriminate and will require the selected Proposer to agree not to discriminate, harass, or allow harassment or discrimination against any employee or applicant for employment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. The Selected Proposer agrees to require the same of all contractors and consultants retained to carry out the activities under this Agreement.

¹⁰ www.thesupplierclearinghouse.com



- B. The Selected Proposer agrees that during the performance of this Agreement, the evaluation and treatment of its employees and applicants for employment are free from discrimination and harassment. The Selected Proposer will comply with the provisions of the Fair Employment and Housing Act (Government Code section 12990 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, section 10000 et seq.). The applicable regulations of the Fair Employment and Housing Council implementing Government Code section 12990 (a-f), set forth in Division 4.1 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. The Selected Proposer will give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining unit or other Agreement.
- C. If a subcontract will be used to complete any of the work outlined in Attachment A (Scope of Services), then the Selected Proposer must also include the Section X.B. (Nondiscrimination) and Section X.C. (Compliance Provisions) provisions in all subcontracts.

XI. ATTACHMENTS

For Information Only

Attachment A – Scope of Services

Attachment B – SDCP Professional Services Agreement

Attachment C – Proposer Submission Checklist



ATTACHMENT A SCOPE OF SERVICES

In December 2023, SDCP was awarded a grant from the California Department of Food and Agriculture’s Healthy Refrigeration Grant Program¹¹ (“Program”). The Program funds energy-efficient refrigeration and freezer equipment in corner stores and small businesses in low-income or low-food access areas in the State to stock California-grown fresh produce, nuts, dairy, meat, eggs, and minimally processed and culturally appropriate foods.

The grant funds will be used to launch an Efficient Refrigeration Pilot Program (“Pilot”) in SDCP’s service territory (see *Figure 1*). The Pilot aims to provide up to two energy-efficient refrigeration and/or freezer units to approximately 24 corner stores and/or small businesses. SDCP is seeking an all-in-one refrigeration/freezer equipment vendor to perform the below services.

I. Equipment Purchase, Delivery, and Installation

- A. Supply energy-efficient refrigeration and freezer equipment and coordinate the purchase of equipment by an approved program participant.
 - Work with the eligible program participant to select equipment from the Program’s Qualified Products List outlined in *Table 1*.
- B. Coordinate delivery of the selected equipment to the program participant’s location.
 - Schedule an in-store/business appliance installation appointment directly with the program participant.
 - Complete appointment confirmation (electronically or via phone call) prior to delivery.
- C. Deliver and install the equipment.
 - Deliver equipment to the program participant’s location and unload and inspect the new appliance(s) for damage, verifying that the unit(s) can be installed.
 - Install the unit(s), verify they are fully operational, provide the new appliance information to the store, and obtain relevant signatures.
 - Complete program participant onboarding steps as agreed upon with SDCP staff (e.g., provide instructions on filing equipment warranty claims, provide program approved resources, etc.).
- D. Remove and recycle existing equipment that the new equipment is replacing (as

¹¹ <https://cafarmtofork.cdfa.ca.gov/hrgp.html>

needed) in compliance with federal, state, and local regulations.

II. Administrative Tasks

- A. Provide regular reporting to SDCP (e.g., appointment and delivery confirmations, equipment purchased).
- B. Attend check-in meetings as needed (e.g., Pilot kickoff meeting).

Figure 1: SDCP's Service Territory

San Diego Community Power

SERVICE AREA MAP

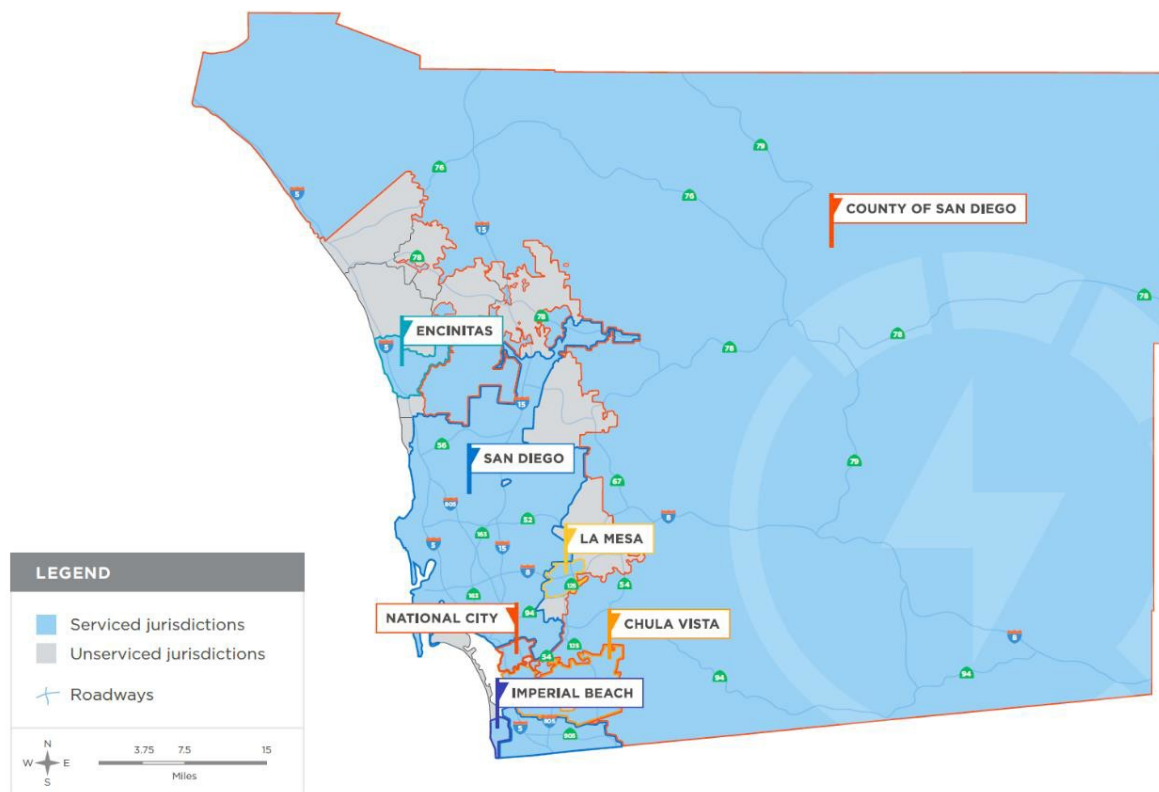




Table 1: Qualified Products List

Type of Equipment	Make	Model	Refrigerant Used
Standalone unit	True	GDM-49-HC_TSL01	R290
Standalone unit	Turbo Air	TJMR-55SD(B)-N	R290
Standalone unit	Turbo Air	TGM-72SDB-N	R290
Standalone unit	True	GDM-72-HC_TSL01	R290
Standalone unit	Turbo Air	TGF-35SDB-N	R290
Standalone unit	Turbo Air	TGF-47SDB-N	R290
Standalone unit	True	T-49F-HC	R290



ATTACHMENT B
SDCP PROFESSIONAL SERVICES AGREEMENT

SDCP's standard form Professional Service Agreement will be posted on SDCP's solicitations website¹² in PDF form under the announcement for this RFP.

¹² <https://sdcommunitypower.org/resources/solicitations/>



**ATTACHMENT C
PROPOSER SUBMISSION CHECKLIST**

- **Cover Letter (No more than 1 page)**
- **Experience & Services Offered Narrative (No more than 2 pages)**
- **Proposed Approach Narrative (No more than 2 pages)**
- **Proposed Budget & Narrative (No More than 4 pages)**