

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Date: April 6, 2021

SUBJECT: Wildfire Safety Division 2021 Guidance on Engagement of Independent Evaluators Pursuant to Public Utilities Code §8386.3

This statement issues guidance on the Wildfire Safety Division's (WSD) expectations for electrical corporation engagement of independent evaluators (IE) for the review of compliance with 2020 Wildfire Mitigation Plans (WMP).

To Whom It May Concern:

Pursuant to Public Utilities Code (PU Code) 8386.3(c)(2)(A), before March 1, 2021 the California Public Utilities Commission's (CPUC) Wildfire Safety Division (WSD), in consultation with the California Department of Forestry and Fire Protection (CAL FIRE), shall make available a list of qualified independent evaluators (IEs) with experience in assessing the safe operation of electrical infrastructure. On February 22, 2021 the WSD, after consultation with CAL FIRE, published a list of qualified IEs.¹ Pursuant to PU Code 8386.3(c)(2)(B)(i), each electrical corporation shall engage a qualified IE, as listed by the WSD and CAL FIRE, to review and assess the electrical corporation's compliance with its wildfire mitigation plan (WMP). Additionally, the engaged IE shall consult with, and operate under the direction of, the WSD of the CPUC. After June 30, 2021, the engaged IE shall consult with, and operate under the direction of, the Office of Energy Infrastructure Safety (OEIS) of the California Natural Resources Agency (CNRA) (Assembly Bill 111).

Summarized in Table 1 below is a chronology of statutory requirements and deadlines for 2021 that the WSD has adopted in fulfilling its duty to oversee electrical corporations' compliance to their WMPs.

¹https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/About_Us/Organization/Divisions/WSD/WSD_IE_List_2021.pdf

SUBJECT: Wildfire Safety Division Guidance on Engagement of Independent Evaluators Pursuant to Public Utilities Code §8386.3, 2021 Only

April 6, 2021

Page 2

Table 1 WMP Compliance Requirement References, Summaries, and Deadlines

PU Code	Summary of Requirement	Due Date
8386.3(c)(2)(A)	IE list published for use by electrical corporations	February 28, 2021 [COMPLETE]
8386.3(c)(1)	Electrical corporations to ARC addressing compliance with their respective WMPs during the prior calendar year	March 31, 2021 [COMPLETE]
N/A [WSD Requirement]	Electrical corporations submit SOW for IE contract	April 13, 2021
N/A [WSD Requirement]	WSD approval of electrical corporation SOW for IE contracts	April 21, 2021
N/A [WSD Requirement]	Draft IE ARCs submitted to WSD for review	June 11, 2021
8386.3(c)(2)(B)(i)	Final IE ARCs published and served	June 30, 2021
N/A [WSD Requirement]	Public comment on final IE ARCs	July 22, 2021
N/A [WSD Requirement]	Electrical Corporation response to final IE ARC report	July 31, 2021

Unique Nature of the 2021 IE Process

Several factors combine to contribute to unique challenges for the inaugural IE process in 2021. First, 2021 is the first time this IE process is being executed and the nascent nature of the effort will inevitably lead to unanticipated questions and obstacles. Second, given the statutory deadlines imposed on the IE process, there is limited time between the publication of the list of qualified IEs and the deadline for publication of the IE Annual Report of Compliance (ARC). Considering that there is no existing precedence for establishing the IE scope of work and breadth of review, developing such scope, executing contracts to hire IEs, IEs completing their evaluations and producing IE ARCs for WSD review and consideration in the span of several months is a tall order. Finally, pursuant to the mandates of Assembly Bill (AB) 111, the WSD must execute its transition to becoming the OEIS – independent of the CPUC – on the same date (i.e., July 1, 2021) that the IE ARC is due.

Considering all the complications described above, the WSD understands and acknowledges that the 2021 IE process must consequentially be flexible and appropriately scoped to ensure statutory mandates are met while meeting the unique challenges and expedited timing presented in 2021. Accordingly, described in the following section are the WSD's expectations and guidance for the IE process in 2021. These expectations and guidance take into consideration the comments received on the draft guidance letter on the 2021 IE process issued on February 23, 2021.

SUBJECT: Wildfire Safety Division Guidance on Engagement of Independent Evaluators Pursuant to Public Utilities Code §8386.3, 2021 Only

April 6, 2021
Page 3

2021 IE Process Guidance and Expectations

In anticipation of the receipt of electrical corporations' ARCs and IE ARCs for the 2020 compliance period, the WSD provides the following guidance regarding the expedited timing referenced above in Table 1 for the year 2021:

1. To satisfy the requirement of 8386.3(c)(2)(B)(i), each electrical corporation shall engage an IE listed to review and assess the electrical corporation's compliance with its WMP. The IE shall:
 - a. Refer to [WSD guidance documents](#) including but not limited to: Remedial Compliance Plans (RCP), Quarterly Reports (QR), Quarterly Initiative Update (QIU), and Quarterly Advice Letters (QAL) upon auditing an electrical corporation's compliance to its applicable WMP.
 - b. Validate and describe quality assurance (QA)/quality control (QC) programs in place for WMP compliance.
2. In addition to determining whether the electrical corporation is in compliance with its WMP, the IE shall determine whether the electrical corporation failed to fund any activities included in its WMP (8386.3(c)(2)(B)(i)). The IE shall:
 - a. Use available financial audit reports and memorandum accounts, including but not limited to Wildfire Mitigation Plan Memorandum Account (WMPMA), Fire Risk Mitigation Memorandum Account (FRMMA), Fire Hazard Prevention Memorandum Account (FHPMA), and Catastrophic Event Memorandum Account (CEMA).
3. The electrical corporations will use their own internal contracting methods to hire a listed IE and shall consult with the WSD on the terms and conditions of the hire prior to finalization.
4. The WSD strongly encourages electrical corporations to work collectively on developing the scope of work (SOW) for the IE contracts. It is the WSD's expectation that the IE SOWs will be closely aligned and similar in nature across all electrical corporations.
 - a. Electrical corporations shall develop the SOW for IE contracts and present them to the WSD for review and approval in accordance with the schedule identified in Table 1.
 - b. Upon receipt of IE contract SOWs, the WSD will assess for consistency across all electrical corporations and expeditiously review and approve the SOW for IE contracts in accordance with the schedule identified in Table 1.

SUBJECT: Wildfire Safety Division Guidance on Engagement of Independent Evaluators Pursuant to Public Utilities Code §8386.3, 2021 Only

April 6, 2021
Page 4

5. Costs incurred for hiring listed IEs shall be the sole responsibility of the electrical corporation and not the Commission or CAL FIRE. The Commission shall authorize electrical corporations to recover in rates the costs of the IE (8386.3(c)(3)).
6. IEs are to view the above guidance(s) as minimum expectations and are encouraged to expand evaluation criteria within the scope of statute, when possible.
7. All communications containing exchanges of information or documents material to the IE's evaluation of WMP compliance between the IE and electrical corporation shall include a copy to a designated WSD representative and the following inbox: WSDCompliance@cpuc.ca.gov.
8. Electrical corporations shall refer to Electrical Corporation Independent Evaluator Engagement Frequently Asked Questions for answers to general inquiries received regarding hiring and engaging with the IEs (attached to this document for reference).

Approval Process

1. The IE shall submit to the WSD the draft IE ARC for review by the date identified in Table 1. Any necessary revisions will be addressed by the IE prior to the final submittal of the IE ARC. The electrical corporation shall not review the IE ARC report in its draft form.
2. The final IE ARC shall be delivered to the WSD by the date identified in Table 1 via an agreed upon submission method.
3. The WSD will post the final IE ARC publicly and serve to the Service List of CPUC Rulemaking (R.)18-10-007.
4. After posting of the final IE ARC, the electrical corporations will have thirty (30) days to respond to the IE findings. Any electrical corporation responses shall be served to the R.18-10-007 Service List.
5. WSD shall receive all draft deliverables and approve all final deliverables.

Public Comments Received

The Wildfire Safety Division (WSD) served the draft *2021 Guidance on Engagement of Independent Evaluators Pursuant to Public Utilities Code §8386.3, 2021 Only* letter on February 23, 2021 with the public comment period ending March 23, 2021. The WSD appreciates the time and effort put forth by all stakeholders who provided comments.

Per the public comments received, the WSD has included a draft IE ARC report due date in Table 1 of this letter. Please refer to Table 1 for additional details.

SUBJECT: Wildfire Safety Division Guidance on Engagement of Independent Evaluators Pursuant to Public Utilities Code §8386.3, 2021 Only

April 6, 2021
Page 5

The WSD acknowledges the public comments received regarding the need for standardization relating to process efficiency purposes. As the IE process has evolved, the WSD recognizes areas where the process would benefit from standardization, to include the use of Generally Accepted Auditing Standards / Generally Accepted Government Auditing Standards (GAAS/GAGAS). These suggestions will be considered in future iterations of the IE process.

The WSD also acknowledges that it may be appropriate to adjust guidance as it pertains to the Small/Multi-Jurisdictional Utilities (SMJUs). As the WSD continues to refine the IE process in coming years, there may be opportunities to reevaluate the process such that requirements and administrative responsibilities for SMJUs are differentiated from those of large electrical corporations. However, given the timing of the IE process in 2021 and the associated limitations, the WSD will reserve any such changes for future consideration.

A request was submitted to have the annual publication date for the IE List be adjusted to earlier in the calendar cycle. The WSD intends to confirm IE interest in their continued enlistment on the 2022 List publication with enough advance notice to assist electrical corporations with earlier hiring efforts. Therefore, the WSD will not be advocating to have the IE list publication date changed at this time.

For questions regarding the guidance provided in this letter, please contact Edward Chavez, Program Project Supervisor in the Wildfire Safety Division, at Edward.Chavez@cpuc.ca.gov, with a copy to WSDCompliance@cpuc.ca.gov.

Sincerely,



Caroline Thomas Jacobs
Director, Wildfire Safety Division
California Public Utilities Commission

Attachments:

1. Electrical Corporation Independent Evaluator Engagement Frequently Asked Questions
2. 20NC0427 Request For Qualifications (RFQ) – Independent Evaluator List Posting

**SUBJECT: Attachment 1 - Electrical Corporation Independent Evaluator
Engagement Frequently Asked Questions**

April 6, 2021

Page 1

1. **Q.** Can WSD specify the scope of work for the IE? For example, the types of work and frequency?
 - A.** Per Public Utility Code §8386.3(c)(2)(B)(i) the IE shall determine whether the electrical corporation failed to fund any activities included in its Wildfire Mitigation Plan (WMP). The WSD also expects the IE to assess whether the electrical corporation has effectively implemented its WMP. The IE must deliver the IE ARC by July 1st of every calendar year. The WSD strongly encourages electrical corporations to work together to develop a common scope of work.
2. **Q.** In addition to compliance with the WMP for covered conductor work, does the IE need to look for GO 95 issues as well?
 - A.** The focus is on WMP initiatives; however, if the IE identifies non-compliance with GO 95 in the course of assessing WMP compliance, then it would need to be reported by the IE.
3. **Q.** Can the same IE work for all electrical corporations?
 - A.** Yes, if they can maintain adherence to the conflict of interest requirements, the IE may work for multiple electrical corporations.
4. **Q.** If an IE is hired for the the IE Annual Report on Compliance for the 2020 WMP, is it expected that the same IE will be required to continue beyond that date?
 - A.** No, it is not expected that the electrical corporation utilize the IE beyond the production of the IE ARC submitted in 2021.
5. **Q.** Does WSD want to see a draft report before for the July 1st due date?
 - A.** Yes. Refer to the Wildfire Safety Division Guidance on Engagement of Independent Evaluators published with this FAQ.
6. **Q.** Does WSD need to review the terms and conditions of the IE before they are hired?
 - A.** Yes. Refer to the Wildfire Safety Division Guidance on Engagement of Independent Evaluators published with this FAQ.
7. **Q.** Can all electrical corporations and WSD set up a meeting to discuss the IE?
 - A.** If additional insight is needed after the receipt of the Wildfire Safety Division 2021 Guidance on Engagement of Independent Evaluators Pursuant to Public Utilities Code §8386.3 letter and this FAQ document, an additional meeting may be coordinated.
8. **Q.** If an electrical corporation already employs vendors that are now an enlisted IE, are they expected to avoid those vendors (“IEs”) that already have contracts with them?
 - A.** The IEs disclosed any conflicts of interest during the RFQ (20NC0427) process. Additional information regarding WSD’s conflict of interest

SUBJECT: Attachment 1 - Electrical Corporation Independent Evaluator Engagement Frequently Asked Questions

April 6, 2021
Page 2

expectations for the IEs can be found on PDF pages 5-7 of RFQ 20NC0427. It is the IEs' responsibility to avoid all conflicts of interest, which includes evaluating work they may have been hired by an electrical corporation to perform in a different capacity outside of an IE responsibility. If an IE evaluates their own work and reports this information to WSD, it is a direct conflict of interest and the result may include WSD dissolving their status as an IE.

9. **Q.** Do electrical corporations need to select an IE that has all skill sets needed to be covered for the WMP work?
 - A.** Electrical corporations may select the IE that meets the requirements outlined in Public Utilities Code §8386.3.
10. **Q.** When does WSD need the IE to be in place to start working?
 - A.** The IE should be hired in time to meet the expectations outlined in the Wildfire Safety Division Guidance on Engagement of Independent Evaluators published with this FAQ.
11. **Q.** Can WSD clarify which inspections are required for the IE?
 - A.** The IE is expected to conduct any inspections that are required for the IE to complete the IE ARC.
12. **Q.** What system/tools are needed to fulfill the IE requirement?
 - A.** WSD is not requiring any specific systems for the IE to conduct their evaluations. The WSD expects the IE to have appropriate tools and systems to meet the requirements of performing an independent evaluation of electrical corporation compliance with its WMP.
13. **Q.** Knowing that they cannot inspect their own work, can an IE work for the electrical corporation and be an IE at the same time?
 - A.** The IOU and IE need to work within the conflict of interest parameters outlined within the RFQ 20NC0427. It would be up to the electrical corporation and the IE to determine if there was a conflict of interest.
14. **Q.** Is there a price cap for the IE?
 - A.** The electrical corporation is responsible for all contract terms and conditions, including pricing.
15. **Q.** Work is directed by the WSD but electrical corporation is paying for it. Can invoices go to WSD for approval first and then to the electrical corporation for payment?
 - A.** CPUC/WSD will not be reviewing IE invoices.
16. **Q.** How many deliverables are expected of the Independent Evaluator?
 - A.** One (1). The IE ARC.
17. **Q.** What is the Independent Evaluator's role?

**SUBJECT: Attachment 1 - Electrical Corporation Independent Evaluator
Engagement Frequently Asked Questions**

April 6, 2021
Page 3

- A.** Per Public Utilities Code 8386.3(B)(i), the independent evaluator shall, “shall determine whether the electrical corporation failed to fund any activities included in its plan” and provide any additional information required by the WSD.
- 18. **Q.** Will the IE need direct access to electrical corporation computer systems and subsequent Cyber Security training?

 - A.** Any information from electrical corporation computer systems should be obtained via a request from the IE to the electrical corporation.



**REQUEST FOR QUALIFICATIONS
INDEPENDENT EVALUATOR LIST
RFQ No.: 20NC0427
California Public Utilities Commission
- in partnership with -
California Department of Forestry and Fire Protection**

October 21, 2020:

You are invited to review and respond to this Request for Qualification (RFQ). To submit a statement of qualifications (SOQ) for these services, you must comply with the instructions contained in this document as well as the requirements stated in the Scope of Work. By submitting a SOQ, the Applicant agrees to the terms and conditions stated in this RFQ.

NOTE: THE DEADLINE FOR SUBMITTAL OF STATEMENTS OF QUALIFICATIONS IN RESPONSE TO THIS REQUEST FOR QUALIFICATIONS IS:
November 20, 2020 at 4:00PM PST

Department Contact:

Peggy Owens
California Public Utilities Commission
Contracts Office
400 R Street, 2nd Floor
Sacramento, CA 95811

Email: solicitations@cpuc.ca.gov
Subject: 20NC0427 (Applications/Question/Public Comment)

TABLE OF CONTENTS

1. GENERAL INFORMATION/INTRODUCTION	1
1.1 BACKGROUND	1
1.2 LEGISLATIVE REVIEW.....	1
1.3 COPYRIGHT	2
1.4 RFQ OWNERSHIP	2
1.5 KEY ACTION DATES	2
1.6 KEY CONTACT INFORMATION	3
2. CONFLICT OF INTEREST REQUIREMENTS	3
2.1 GENERAL DESCRIPTION	3
2.2 DEFINITIONS.....	3
2.3 CONFLICT OF INTEREST REVIEW AND EVALUATION.....	4
2.4 PROHIBITIONS AND OBLIGATIONS RELATED TO CONFLICT OF INTEREST	4
2.5 TERMINATION / DE-ENLISTMENT CRITERIA	5
3. SCOPE OF WORK	5
3.1 TASK 1 – PROJECT TEAM MANAGEMENT AND QUALITY CONTROL	5
3.2 TASK 2 – FACILITY RISK ASSESSMENT AND INSPECTION PRIORITIZATION.....	7
3.3 TASK 3 – RECORDS REVIEW COMPLIANCE ASSISTANCE.....	7
3.4 TASK 4 – FIELD INSPECTIONS COMPLIANCE ASSISTANCE	8
3.5 TASK 5 – ANNUAL REPORTING AND ISSUE RESOLUTION	9
3.6 TASK 6 – ONGOING STATUS ASSESSMENT, ANALYSIS AND PROJECT COMPLETION	10
4. RESPONSE REQUIREMENTS FOR THIS RFQ.....	10
4.1 MINIMUM QUALIFICATIONS.....	10
4.2 APPLICANT RESPONSIBILITY.....	11
4.3 SOQ SUBMITTAL REQUIREMENTS.....	12
4.3.1 ATTACHMENT A – TRANSMITTAL LETTER.....	12
4.3.2 ATTACHMENT B – INDEPENDENT EVALUATOR APPLICATION	12
4.3.3 ATTACHMENT C – REFERENCE SHEET	13
4.3.4 ATTACHMENT D – CONFLICT OF INTEREST DECLARATION.....	13
4.3.4 ATTACHMENT E – SOQ SUBMITTAL CHECKLIST	13
5. EVALUATION PROCESS	13
6. CONTRACTING PROCESS	13
6.1 SMALL BUSINESS AND DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM	14
7. PROJECT SUPERVISION.....	14
8. WITHDRAWAL AND DISPOSITION OF THIS RFQ	14
ATTACHMENT A – Independent Evaluator Transmittal Letter.....	15
ATTACHMENT B – Independent Evaluator Application	16
ATTACHMENT C – Reference Sheet.....	17
ATTACHMENT D – CONFLICT OF INTEREST DECLARATION.....	18
ATTACHMENT E – SOQ Submittal Checklist	19

1. GENERAL INFORMATION/INTRODUCTION

The California Public Utilities Commission's (CPUC or Commission) Wildfire Safety Division (WSD) in consultation with the California Department of Forestry and Fire Protection (CAL FIRE), is tasked with establishing a list of Independent Evaluators (independent evaluator) list. As a result of this Request For Qualifications (RFQ), a list of qualified firms will be created from which the electrical corporations will engage an independent evaluator for a 1 year term.

The purpose of this RFQ is to develop a list of independent evaluators qualified to review and assess electrical corporation compliance with their approved Wildfire Mitigation Plans (WMPs), assist electrical corporations in assessing their safety compliance, and perform safety inspections of new and existing electric distribution and transmission systems in high fire threat zones. The WSD is soliciting Statements of Qualifications (SOQs) from qualified firms interested in being on the independent evaluator list to perform the various functions outlined in the Scope of Work as noted below. Firms that submitted a proposal for RFP# 18NC2227 that were not awarded the contract, as well as prospective firms, are encouraged to submit a SOQ if interested. Qualified firms must be able to demonstrate compliance with the Conflict of Interest (COI) terms, that are identified in Section 2 of this RFQ.

1.1 BACKGROUND

In accordance with Public Utilities Code (PU Code) 8386.3(c)(2)(A), by March 1, 2021, and before each March 1 thereafter, the WSD in consultation with CAL FIRE, shall make available a list of qualified independent evaluators with experience in assessing the safe operation of electrical infrastructure. Each electrical corporation shall engage an independent evaluator listed pursuant to subparagraph (A) to review and assess the electrical corporation's compliance with its' approved WMP. The engaged independent evaluator shall consult with, and operate under the direction of, the WSD. Costs incurred for hiring listed independent evaluators shall be the sole responsibility of the electrical corporation and not the Commission or CAL FIRE.

1.2 LEGISLATIVE REVIEW

- PU Code 8386.3(c)(2)(B)(i), (ii), (iii) and (iv) state, "(i)...The independent evaluator shall issue a report on July 1 of each year in which a report required by paragraph (1) is filed. As a part of the independent evaluator's report, the independent evaluator shall determine whether the electrical corporation failed to fund any activities included in its plan.
 - (ii) The Wildfire Safety Division shall consider the independent evaluator's findings, but the independent evaluator's findings are not binding on the division, except as otherwise specified.
 - (iii) The independent evaluator's findings shall be used by the Wildfire Safety Division to carry out its obligations under Article 1 (commencing with Section 451) of Chapter 3 of Part 1 of Division 1.
 - (iv) The independent evaluator's findings shall not apply to events that occurred before the initial plan is approved for the electrical corporation."
- PU Code 8386.3(c)(3) states, "The commission shall authorize the electrical corporation to recover in rates the costs of the independent evaluator."
- In summary, PU Code 8386.3(c)(5)(C) requires the independent evaluator to perform the following tasks:
 - Task 1 – Consult with the WSD on compliance assurance auditing that will be performed,
 - Task 2 – Perform compliance assurance auditing, including field inspections,

- Task 3 – Draft and provide to the WSD a report on audit findings, including deficiencies of underfunded WMP activities,
- Task 4 – Draft and provide to the WSD a report on deficiencies of electrical corporations and expected resolution timelines, and
- Task 5 – Track and report deficiencies of audit findings.

California is facing unprecedented wildfire risk, including continued threat of utility-related wildfires. The WSD is responsible for monitoring electrical corporation’s compliance with safety requirements set forth in the in the California Public Utilities Code, CPUC General Orders, and Wildfire Mitigation Plans. The independent evaluators will work in conjunction with the WSD to provide additional safety and compliance assurance, with a specific focus on electric overhead facilities located in high fire threat zones (as defined by CPUC [Fire-Threat Map](#)) and electric operations as they relate to implementing all related activities described in the respective utility’s active WMP. A list of independent evaluators will be generated from the responses collected from this RFQ.

Throughout the independent evaluator’s approval term (i.e. – date independent evaluator added to independent evaluator List to date of renewal/expiration), the independent evaluators must maintain a team that has adequate time available and the necessary expertise to adequately cover all tasks outlined in this RFQ and the Scope of Work, and meet the expectations set by WSD staff.

1.3 COPYRIGHT

By submitting a response, the Applicant agrees that WSD may copy the response for purposes of facilitating evaluations or to respond to requests for public records. The Applicant represents that such copying will not violate any copyrights in the materials submitted. The Applicant understands that WSD will publish company information on the internet so that CPUC employees, CAL FIRE employees, and electrical corporations have access to the most accurate information.

1.4 RFQ OWNERSHIP

WSD and CAL FIRE will not be responsible for any costs incurred by the Applicant or their associates in preparing, delivering, or presenting responses to this RFQ. By submitting a response to this RFQ, the Applicant accepts that WSD will keep a copy of the response and all other documentation and correspondence received from the Applicant. Once submitted, the Applicant responses will be the property of the State of California and will not be returned.

1.5 KEY ACTION DATES

The following table indicates the key dates of this RFQ process. Any SOQs received after the Final Due date and time will be rejected. Key Action Dates subsequent to the “Final SOQ Due Date” are subject to change at the Commission’s discretion without issuing an addendum to this RFQ. If the RFQ is modified prior to the Final SOQ Due Date, WSD will issue an addendum to all consultants via the Cal eProcure website.

NOTE: Questions regarding how electrical corporations intend to hire/pay for/work with listed independent evaluators will not be addressed via this solicitation and/or the Questions and Answers Addendum.

Key Actions	Due Date
RFQ released; Posted on Cal eProcure website	October 21, 2020
Deadline for Submission of Written Questions	November 4, 2020
Responses to Written Questions Posted on Cal eProcure	November 10, 2020
Final SOQ Submission Date	November 20, 2020
SOQ Responsiveness Evaluation	November 16, 2020 - December 4, 2020
Qualified Independent Evaluator List Posted for Public Comment	December 16, 2020
Final Public Comments Submission Date	December 31, 2020
Qualified Independent Evaluator List Finalized	March 1, 2021

1.6 KEY CONTACT INFORMATION

Peggy Owens
Email: Solicitations@cpuc.ca.gov
Mailing Address:
CPUC, Contracts Office, 400 R Street, Suite 250
Sacramento, CA 95811

2. CONFLICT OF INTEREST REQUIREMENTS

2.1 GENERAL DESCRIPTION

Throughout the term of this RFQ and subsequent award of contracts, successful independent evaluators and associated team members shall read and abide by the Conflict of Interest provisions specified by the Fair Political Practices Commission (FPPC) as identified in the Conflict of Interest presentation located at <http://www.fppc.ca.gov>. Any current WSD contractor able to review Independent Evaluator reports shall be considered to have a conflict of interest for the purpose of this solicitation. This would include WSD contractors providing compliance assurance and forensic accounting audit support.

2.2 DEFINITIONS

- a. "Conflict of Interest" means: a) Any activity or interest prohibited by any applicable Federal or State law, including the Political Reform Act³, relating to conflicts of interest and any regulation under them; b) Party to an applicable CPUC proceeding or related; Any financial interest or relationship⁴ that may impair the ability of the individual or firm to deliver fair unbiased work for the State.
- b. "Covered Entities" means any Applicant or parties, including those associated to a proceeding with influence on or interest in the outcome for a project undergoing an independent evaluator audit where the CPUC is a Lead or Responsible Agency, or the successor proceeding(s) to those proceedings.
- c. "Listed Independent Evaluator" means a firm(s) that has been accepted by the WSD to appear on the list of Independent Evaluators that may receive a contract to conduct safety compliance and safety inspection assignments resulting from this RFQ. The Independent Evaluator includes all Team Members.
- d. "Team Member" includes a) any firm (either as a prime or sub) whether incorporated or not, including a sole proprietorship ("firm Team Member"); and b) any individual, whether

an employee, independent consultant or other ("Individual Team Member"). An exception to "Team Member" for the purpose of this Conflict of Interest section is any firm or individual that may incidentally perform work in conjunction to being a Listed Independent Evaluator, but for whom no direct work, supervisory work, or indirect work under this RFQ or any resulting Agreement involves or is expected to involve the exercise of judgment (e.g. reprographics subcontractors or event management subcontractor firms may not be subject to conflict of interest provisions.)

2.3 CONFLICT OF INTEREST REVIEW AND EVALUATION

- a. The WSD may score the proposers to this RFQ based on the presence or absence of potential conflicts.
- b. The WSD may conditionally include an independent evaluator on the list with specific restrictions excluding a particular electrical corporation if there is a Conflict of Interest issue with only that electrical corporation but the independent evaluator is otherwise qualified.
- c. The WSD may terminate an independent evaluator's enlistment, or any team members' portion therein, if a Conflict of Interest issue arises and is confirmed. See Termination / De-Enlistment section 2.5 below.
- d. The WSD may request and agree to reasonable mitigation plans to reduce or eliminate any harm, or potential harm, from Conflicts of Interest.

2.4 PROHIBITIONS AND OBLIGATIONS RELATED TO CONFLICT OF INTEREST

a. Prohibitions

During the duration of any contract between a qualified independent evaluator and an electrical corporation, the independent evaluator and any Team Member shall not engage in any activity that would constitute a Conflict of Interest.

b. Obligations

For the term of this RFQ and subsequent award of any contracts pursuant to being identified as an Independent Evaluator, all Team Members will be obligated to:

- i. Comply with the requirements herein for all proposed Team Members unless expressly excluded.
- ii. Avoid any activity, agreement, business investment, or interest that leads to a Conflict of Interest or the perception of a Conflict of Interest during the terms of an electrical corporation Agreement and independent evaluator enlistment period.
- iii. Avoid any activity, agreement, business investment, or interest that impairs their ability to act independently and serve the WSD pursuant to Public Utilities Code Section 8386 et. seq, particularly an activity with a Covered Entity and/or an activity related to the specific project.
- iv. Avoid any activity that impairs their ability to provide impartial, technically sound, objective assistance, such that the Team Member can provide unbiased work products.
- v. Avoid any activity that may provide an opportunity to benefit from having access to confidential information related to this work and/or use information gained in the course of this project to provide an unfair competitive advantage to a Team Member.
- vi. Comply with notice and disclosure obligations described below, including signing Conflict of Interest statements at the firm and individual level.

- vii. Comply with any and all applicable Conflict of Interest Laws and the Conflict of Interest terms of this RFQ or any resulting Agreement, including maintaining Conflict of Interest Procedures at the firm level.

2.5 TERMINATION / DE-ENLISTMENT CRITERIA

The Wildfire Safety Division (WSD) will routinely review both the Independent Evaluators' work products and Conflict of Interest provisions to ensure that the Independent Evaluator continues operating consistently with the requirements set forth in the Public Utilities Code, Section 8386.3. The WSD may initiate an investigation if it is brought to attention through internal or external sources that the Independent Evaluator is acting inconsistent with the expectation of this solicitation or the authorizing statute.

Based on the severity of any infractions discovered in the investigation, the WSD may either notify the electrical corporation and the Independent Evaluator of required corrective actions or may recommend that the Independent Evaluator is removed from the list of qualified Independent Evaluators. Parties will have 30-days to submit responses to the WSD on any recommendations to de-enlist an Independent Evaluator. The final determination will be made by the Director of the WSD after review of stakeholder and public comments.

3. SCOPE OF WORK

This section contains a generalized version of the roles, responsibilities, and varied tasks expected of the independent evaluator. No work shall be performed without prior approval by the assigned Wildfire Safety Division Program Manager or designee.

Although the independent evaluator functions as the WSD staff's delegate, the WSD has the final authority over determining whether an electrical corporation is in compliance with their , Wildfire Mitigation Plans (WMP), and the various Public Utilities Codes (PU Code), General Orders (GO), WSD decisions and any other rules and regulations that are related to and overlap with the WMP or other authorities held by the WSD. As a WSD staff delegate, the independent evaluator shall abide by any interpretation of the rules and regulators made by the WSD. Additionally, all independent evaluator team members shall be approved by the WSD, including additions or replacement team members through a process established by the WSD Program Manager or designee.

The independent evaluator shall perform administration functions, complete a series of specific plan reviews, site-inspections, and construction-monitoring and reporting tasks, and provide technical/interpretive support services when necessary. Required independent evaluator tasks include Tasks 1-6, below.

3.1 TASK 1 – PROJECT TEAM MANAGEMENT AND QUALITY CONTROL

The independent evaluator shall:

1. Understand and be familiar with state contracting requirements applicable to this project.
2. Attend and participate in WSD team meetings as requested by the WSD Program Manager or designee. The majority of these meetings will be held at the Sacramento WSD location.
3. Establish a Program Management Office (PMO) and develop all standard PMO processes and procedures, including but not limited to project charter, project plans, project tracking, governance plan, communication plan, forms and templates, deliverable timelines, cost tracking, project risk analysis and other project support functions as required by the WSD Program Manager or designee.
4. Develop procedures required to establish the independent evaluator's audit and field inspection program, including process for coordinating audit and field inspections with

- electrical corporations, audit and inspection scheduling, auditor/inspector assignments, guidelines for performing work in the field, documentation requirements, issue escalation and other supporting processes as required by the WSD Program Manager or designee.
5. Supervise and manage independent evaluator's personnel, including daily management and tracking of all independent evaluator's personnel location and work assignments.
 6. Plan, organize, review, monitor, train and provide general direction to independent evaluator staff.
 7. Administer personnel leave, subject to the WSD Program Manager or designee's concurrence.
 8. Confirm completion of the necessary technical and safety training necessary for work associated with the construction, operation, and maintenance of various environments.
 9. Ensure independent evaluator personnel has the appropriate Personal Protective Equipment (PPE) required by electrical corporations and WSD.
 10. Ensure independent evaluator personnel has the appropriate inspection tools that include but are not limited to: mobile devices, laptops, cameras, global positioning systems (GPS), rangefinders, flashlights, and measuring devices.
 11. Monitor the health and safety of personnel working in a hazardous environment (i.e., electrical safety risks).
 12. Use a password-protected, project-specific website for the posting of the weekly reports and other project documents. The documents on the website shall be posted in Microsoft Word or Excel compatible format or geographic information system (GIS) compatible format, and applicable submittals shall be converted to .pdf files for the Periodic Compliance Reports (PCRs).
 13. Ensure that all files and documentation shall adhere to WSD standards of the Microsoft Suite of products including Microsoft Project, and, where appropriate, established GIS products.
 14. Provide document security and backup methods to the WSD Program Manager or designee for review and approval to ensure that the electronic submittal process is secure, and data can be re-established if it is lost or damaged.
 15. Maintain a site presence and an on-site field office as directed by the WSD Program Manager or designee.
 16. Provide Lead Engineer to oversee engineering inspections and WMP compliance and sign off on engineering work in accordance with California Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) requirements.
 17. Issue as necessary correction notices and non-conformance reports to ensure electrical corporation compliance.
 18. Include all the components listed below in a weekly PCR with an easily navigable format. Provide the PCRs to the WSD Program Manager or designee via email, web posting, or web service and include:
 - i. Executive summary of current construction, audit and inspection activities,
 - ii. List of audit and field inspections performed this week,
 - iii. List of independent evaluator staff onsite and their duties,
 - iv. Compliance issues with applicable rules and regulations,
 - v. List of safety issues or potential non-conformance reports,

- vi. A three (3) week look ahead schedule or scheduling forecast, and
 - vii. List of any job-related accidents whether Occupational Safety and Health Administration (OSHA) recordable or not.
19. Provide initial and periodic refresher training support to the WSD, including the WSD Program Manager and/or designee, on the independent evaluator Document Submittal and Tracking System.
 20. Maintain, via a Document Control Manager, a log of all email correspondence pertinent to all document submittals, and inspection activity issues.
 21. Independent evaluator shall coordinate with the electrical corporations operating electric infrastructure being inspected, the WSD and other parties as required by the WSD Program Manager or designee. Independent evaluator shall maintain open and clear communication.

3.2 TASK 2 – FACILITY RISK ASSESSMENT AND INSPECTION PRIORITIZATION

WSD electric safety responsibilities are extensive, cover the entire State of California and include overseeing the safety of:

- Over 200,000 miles of overhead electric transmission and distribution lines,
- 77,000 miles of underground transmission and distribution lines,
- 2,200 substations,
- 4.5 million utility poles,

In 2018, the CPUC adopted the CPUC Fire-Threat Map designed specifically for the purpose of identifying areas where there is an increased risk for utility associated wildfires. Based on the Fire-Threat map, 44 percent of California’s land area is designated as having elevated or extreme risk of wildfires. Resources for performing physical inspections of utility infrastructure are limited. Therefore, the independent evaluator will need to coordinate with the WSD on risk assessment of utility infrastructure and develop a risk-based audit and inspection plan.

The independent evaluator shall:

1. Develop a working knowledge of the CPUC Fire-Threat Map and all applicable California Department of Forestry and Fire Protection (CAL FIRE) and electrical corporation risk assessment methodologies.
2. Review electrical corporation risk-based criterion for audit and field inspection prioritization and electrical corporation procedures for audit and inspection.
3. Assist the WSD in development and/or improvement of utility-specific methods and tools to perform risk assessment of utility infrastructure, including identifying technical solutions that may need to be deployed by electrical corporations or the WSD to collect and analyze required data based on a review of the electrical corporation’s processes.

3.3 TASK 3 – RECORDS REVIEW COMPLIANCE ASSISTANCE

The primary role of the independent evaluator is to review and assess electrical corporation compliance with their approved WMP and perform field inspection of electric overhead facilities, including attached communications facilities as necessary to audit compliance with the electrical corporation’s current, approved WMP. However, the WSD Program Manager or designee may ask the independent evaluator to occasionally review utility records, including engineering documents, construction drawing, calculations and other technical materials. Additionally, for inspections of facilities under construction, the independent evaluator may elect to request documentation from electrical corporation in

order to perform compliance assurance activities. Documents for review may include policy, procedures and protocols for electric operations and engineering designs, construction drawings, calculations, and other documents pertaining to electric facilities being inspected.

The independent evaluator shall:

1. Audit and inspect applicable utility facilities, infrastructure, equipment, documents, and systems, including but not limited to: on-site inspections, operational observations, document review, and personnel interviews to support compliance assurance activities.
2. Notify the electrical corporations of any potential violations of CPUC rules and regulations and attempt to resolve issues.
3. Ensure that the results of all audit and inspections are available to the WSD Program Manager or designee.

3.4 TASK 4 – FIELD INSPECTIONS COMPLIANCE ASSISTANCE

The primary role of the independent evaluator is to review and assess electrical corporation compliance with WMPs and perform field inspection of electric overhead facilities, including attached communications facilities as necessary to audit compliance with the electrical corporation's current, approved WMP. In this role, the independent evaluator is responsible for the audit and inspection of energy infrastructure and operations as it relates to wildfire mitigation activities specified in the utility's Wildfire Mitigation Plan. This may include inspection of construction projects (either new construction or upgrades to existing facilities) and in-service electric transmission and distribution lines, including attached communications facilities. The primary goal is to identify and correct compliance issues that increase risks of wildfire ignitions and/or delays efforts to reduce scope and scale of potential Public Safety Power Shutoffs (PSPS).

The independent evaluator shall:

1. Provide qualified professional field inspectors, engineers, certified International Brotherhood of Electrical Workers (IBEW) journeyman linemen and other appropriately qualified personnel to perform field inspection of new and existing electrical systems by assembling a distinct team embodying the necessary qualifications and experience.
2. Provide a monthly work plan. The independent evaluator shall obtain the WSD Program Manager or designee's approval prior to commencing work.
3. Perform electrical line inspection work that includes but shall not be limited to: visual pole integrity, asset management data discrepancies (including GPS location), cross arm angle and integrity, joint pole cable management, signage, vegetation clearance, insulator integrity, guy wire integrity and other elements required to assure compliance with CPUC rules and regulations.
4. Collect information necessary to confirm field control dimension (i.e. – vertical, horizontal, depths, and elevations).
5. Provide appropriate equipment such as vehicles, personal computers, cell phones, cameras, tools, and personal safety devices, including clothing, equipment and tools, so their staff can perform safely and efficiently.
6. Conduct on-site safety inspections in coordination with electrical corporations during work hours that align with utility operations.
7. Issue a stop-work order for unsafe conditions found on the work site. The stop-work shall include at minimum details of the necessary conditions to remedy the unsafe condition(s) before work can resume and issued in writing to the representative identified by the electrical corporation operating the facility.

8. Maintain a log of and document all safety-related issues.
9. Document inspection activities in daily reports that include but shall not be limited to: work performed, equipment inspected, potential violations, safety issues and list crew members performing the work.
10. Communicate effectively with WSD and electrical corporation staff.

3.5 TASK 5 – ANNUAL REPORTING AND ISSUE RESOLUTION

Per PUC Section 8386.3(c)(1), the independent evaluator must submit an annual report on July 1 of each year assessing the electrical corporation's compliance with their approved WMP during the previous year. PUC Section 8386.3(c)(5)(C) further requires the independent evaluator to issue a report within 1 year of the expiration of any time period for an electrical corporation to correct and eliminate any deficiency identified in the July 1 annual report. Reports may also include issues related to, and overlapping with, the Public Utilities Code, CPUC GOs, Wildfire Mitigation Plans and other applicable CPUC rules and regulations. The goal is to provide additional safety assurance, assess electrical corporation levels of compliance and resolve issues that increase potential wildfire threat or negatively impact electrical corporation's ability to reduce scope and scale of PSPS. The independent evaluator is not expected to certify utility infrastructure or assure that all electric transmission and distribution infrastructure is in compliance with CPUC rules and regulations. It is the responsibility of the electrical corporations to assure that their facilities are safe and in compliance with all applicable rules and regulations. The CPUC has the ultimate authority to determine violations of rules and regulations under the jurisdiction of the CPUC. The independent evaluator has the authority to identify safety issues and potential violations, but the determination of actual violations and need to take enforcement action shall be made by the WSD/CPUC.

The independent evaluator shall:

1. Produce a report on July of each year in which an electrical corporation is required by PUC Section 8386.3(c)(1) to submit a report on their compliance with their WMP during the prior year.
2. Issue a report within 1 year of the expiration of any time period for an electrical corporation to correct and eliminate any deficiency identified in the independent evaluator's July 1 audit report specifically describing any failure of the electrical corporation to substantially comply with the vegetation management targets in the electrical corporation's WMP.
3. Communicate identified issues and potential violations to the electrical corporation and work with electrical corporation and the WSD to address the concerns and resolve conditions.
4. Keep thorough documentation of all issues and potential violations identified, corresponding communication with electrical corporations and outcomes.
5. Develop and maintain a data file with all audit and inspection data collected, as well as, potential violations identified that includes: the specific electrical corporation, equipment, location, date, observation, action taken, resolution and other information as required by the WSD Program Manager or designee.
6. Escalate issues to the WSD Program Manager or designee if there are concerns of an unresolved safety threat, identified issues are not being addressed in a timely manner, or the electrical corporation is otherwise not cooperating.
7. Seek the cooperation and assistance of the WSD Program Manager or designee prior to initiating a stop-work order. For emergency situations, the independent evaluator

may initiate a stop-work prior to notifying the WSD Program Manager or designee. For any action taken under emergency conditions, the WSD Program Manager or designee shall be notified within four (4) hours of the action.

3.6 TASK 6 – ONGOING STATUS ASSESSMENT, ANALYSIS AND PROJECT COMPLETION

The WSD will rely on documentation maintained by the independent evaluator for assessment of electrical corporation compliance. The WSD will also rely on documentation maintained by the independent evaluator to assess performance of the independent evaluator in meeting requirements and obligations. Therefore, it is necessary for the independent evaluator to maintain a robust Document Submittal and Tracking System to keep all records organized and available for the WSD Program Manager or designee on demand.

The independent evaluator shall:

1. Collect all audit and inspection information in digital format and share directly with the WSD Program Manager or designee via an agreed upon GIS-enabled platform.
2. Submit progress reports and attend meetings with state personnel at intervals determined by the WSD Program Manager or designee to determine if the work and effort(s) are meeting the needs of the WSD (i.e., whether the project is on schedule, provide communication of interim findings, and afford occasions for airing difficulties or special problems encountered so that remedies can be developed quickly.)
3. Maintain a data file of daily reports describing the work being performed and completed during the shift.
4. Develop summary reports on a schedule agreed upon with the WSD Program Manager or designee.
5. Perform analysis of information being collected through audit and field inspections and develop reports that summarize trends, patterns and other information that may be required by the WSD Program Manager or designee in order to assess overall compliance performance of electrical corporations.
6. Annually and/or at the discretion of the WSD Program Manager or designee, the independent evaluator shall hold an annual/final meeting at which the independent evaluator shall present any findings, conclusions, and recommendations.
7. Maintain all records in a manner that can be transferred to the WSD at the conclusion of the independent evaluator enlistment period. As stated earlier, the files must be in the WSD standard of Microsoft Office suite of products and GIS-compatible.

4. RESPONSE REQUIREMENTS FOR THIS RFQ

4.1 MINIMUM QUALIFICATIONS

The Applicant's team shall fulfill the following minimum qualifications and provide documentation to verify each qualification as required:

1. The Applicant shall be available to work on the scope of work.
2. The Applicant shall have an established headquarters or office in California.
3. The Applicant's team shall meet the minimum licensing and certification requirements and has included a copy of the licenses and certifications as requested.

4. Applicant shall work statewide, in coordination with various utility companies, their crews and WSD staff, and shall be available to perform timely inspection of work being performed.
5. Applicant's personnel shall perform physically and mentally demanding work and can operate in environments that include loud noises, dust, chemicals, extreme weather conditions and sunlight exposure, including heat up to 120 degrees and cold as low as 15 degrees as well as strong winds, rain, sleet, or snow.
6. Applicant's personnel shall:
 - a. Possess a valid Driver's license,
 - b. Have the skillset and ability to drive safely in all weather and road conditions, and
 - c. Have the ability to work extended hours, nights, weekends and holidays when necessary.
7. Applicant shall certify their ability to provide the number of personnel they estimate to bring to the project (via Cover Letter).
8. Applicant shall demonstrate, at all times, that they can and will effectively manage time and resources across multiple projects, setting work plan schedule and workflow, and respond to WSD and/or electrical corporation needs in a timely and competent manner.
9. The Applicant and affiliates shall read and understand the Conflict of Interest provisions specified by the Fair Political Practices Commission (FPPC) as identified in the Conflict of Interest presentation located at <http://www.fppc.ca.gov>. Applicant and all affiliates shall submit Conflict of Interest declarations with their Statement of Qualifications.
10. The Applicant shall identify all subcontractors proposed for participation in the scope of work, and the roles/responsibilities that would be assigned to each affiliate (via application).
11. If enlisted as an independent evaluator, the Applicant's team agrees to sign a Confidentiality/Nondisclosure agreement with the WSD for the use of data.
12. The Applicant shall adhere to the State of California Professional Engineers Act (Business and Professions Code sections 6700-6799). The Professional Engineers Act includes requirement for licensure to practice civil engineering, electrical engineering, and mechanical engineering (section 6730) and requires a licensed engineer in the State of California to certify engineering work. The Applicant shall ensure that work products have sign-off that meets California Engineer Practice requirements as applicable.
13. The Applicant shall certify all personnel meet all appropriate safety requirements for the work being performed, including adhering to all active and relevant local, state, and federal COVID-19 protocols.

All Minimum Qualifications certified by the Applicant may be subject to verification by the WSD.

4.2 APPLICANT RESPONSIBILITY

Applicants are solely responsible for understanding this RFQ and all the required terms, conditions, evaluation criteria, etc. before submitting their SOQ. If the RFQ is modified prior to the final due date, the WSD will issue an addendum posted on Cal eProcure. All costs resulting from the applicant's participation in the RFQ process are at the firm's expense. If the applicant fails to meet any of the RFQ requirements or comply with the WSD requests, WSD can reject, disqualify or remove the firm from the process. The WSD is not committed or obligated to award an agreement resulting from this RFQ.

4.3 SOQ SUBMITTAL REQUIREMENTS

Two (2) complete copies of the SOQ, one of which must include original signatures, and one (1) electronic copy of the SOQ is to be provided on a USB flash drive. If the submission is incomplete or is not received by deadlines specified in the Key Action Dates, then the submission shall be deemed non-responsive.

SOQS MUST BE IN THE FOLLOWING FORMAT AND CONTAIN ALL THE INFORMATION LISTED BELOW:

4.3.1 ATTACHMENT A - TRANSMITTAL LETTER

Using the template provided (**Attachment A – Independent Evaluator Transmittal Letter**), elaborate on the following:

1. A brief background outlining the qualifications of the firm and any associated team members, the location of the firm's headquarters as well as the location of the primary office where the work will be performed.
2. Identify the names of the key project managers, as well as their office locations, and the details of their previous experience with the WSD and electrical corporations, if any. Since these individuals are the primary point of contact with WSD staff and electrical corporations, their qualifications and experience with the WSD and electrical corporations will be carefully evaluated. If the work is to be shared among other firms and offices in different locations, indicate where each office is located, what work is to be performed in each office, and who will be doing the work.
3. A brief, summary description of the work to be performed by each team member, and their technical qualifications and previous experience with the WSD and electrical corporations, if any. It is imperative that firms selected for the 2020 independent evaluator list maintain a roster of highly qualified and capable team members that can demonstrate the ability to provide an expertise in the changing wildfire landscape in California, as well as maintain no conflicts of interest for the specific projects to be evaluated.
4. A list of the person(s) authorized to act on behalf of the firm during the selection process and contract negotiations, if any.
5. A statement of good faith indicating that a well-qualified project manager and supporting technical team will be available to perform work at various times during the term of the independent evaluator enlistment period and subsequent electrical corporation agreements, and that substitution of staff will only be done when absolutely necessary due to a change in employment status (or similar) and must be approved in advance by the WSD Compliance Program Manager. The new independent evaluator program manager must be acceptable to the WSD and have similar qualifications and experience to the original.
6. No supplemental documentation elaborating on the points above (1-5) shall be submitted by the applicant. If included, they will not be reviewed and/or considered. No alternative business letter templates shall be utilized/submitted, only the **Attachment A – Independent Evaluator Transmittal Letter** shall be considered.

4.3.2 ATTACHMENT B - INDEPENDENT EVALUATOR APPLICATION

Using the template provided (**Attachment B – Independent Evaluator Application**), complete each section of the application following the instructions provided within. All sections of the application must be completed. Failure to complete all sections of the application may cause the Applicant's submittal to be rejected from the evaluation process. No alternative application templates shall be utilized/submitted, only the **Attachment B – Independent Evaluator Application** shall be considered.

4.3.3 ATTACHMENT C - REFERENCE SHEET

Using the template provided (**Attachment C – Reference Sheet**), complete each section of the reference sheet. A maximum of three (3) references is allowed for this RFQ. No alternative reference templates shall be utilized/submitted, only the **Attachment C – Reference Sheet** shall be considered.

4.3.4 ATTACHMENT D - CONFLICT OF INTEREST DECLARATION

Using the template provided (Attachment D – Conflict of Interest Declaration), follow the instructions and complete the conflict of interest declaration.

4.3.4 ATTACHMENT E - SOQ SUBMITTAL CHECKLIST

Using the template provided (**Attachment D – SOQ Submittal Checklist**), complete the checklist. No alternative checklist templates shall be utilized/submitted, only the **Attachment D – SOQ Submittal Checklist** shall be considered.

5. EVALUATION PROCESS

1. The WSD will evaluate each Applicant's SOQ to determine how qualified it is to perform the tasks enumerated in Section 3, as well as the requirements of PU Code 8386.3. A selection panel comprised of WSD and CAL FIRE personnel will make the final selection of independent evaluators. This finalized list will be posted for public comment in accordance with the dates outlined in **Key Dates**. After the public comment period has closed, the finalized independent evaluator list will be published to the WSD's website. Independent evaluators will be notified in writing that they have been approved to participate as an independent evaluator and may be solicited by electrical corporations for work.
2. No submission of rates or costs associated with the Applicant or team member's services shall be submitted with the Applicant's response to this RFQ. Any submission of rates or costs shall not be considered during the evaluation of the Applicant's submittal.
3. Following every independent evaluator term, an evaluation will be performed to verify the independent evaluator is meeting the expectations as outlined in this RFQ and Legislation. Based on these evaluations, the WSD and CAL FIRE will make recommendations to continue or to discontinue the use of specific independent evaluators.

6. CONTRACTING PROCESS

If selected for the 2020 independent evaluator list, firms will enter into an agreement directly with the electrical corporation and not the WSD or CAL FIRE. Additional proposals or quotes may be required by the electrical corporation in order to execute an agreement. Agreements with electrical corporations will be negotiated directly between qualified independent evaluators and electrical corporations. Any deviation from approved application requires approval from the WSD Compliance Program Manager to remain on the qualified independent evaluator list – regardless of contract status with electrical corporation(s). Maintaining status on independent evaluator list is required to perform any work for electrical corporations under the independent evaluator provisions in PUC 8386.3.

6.1 SMALL BUSINESS AND DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM

The California Public Utilities Commission is committed to supporting the state's Small Businesses (SBs) and Disabled Veteran Business Enterprises (DVBEs). For more information on how to become SB and/or DVBE certified, please contact CPUC's Small Business Advocate:

CPUC SB/DVBE ADVOCATE

(415) 703-2666; Bezawit.Dilgassa@cpuc.ca.gov

7. PROJECT SUPERVISION

Public Utilities Code (PUC) Section 8386.3 (c)(2)(B)(i) requires each electrical corporation to engage an Independent Evaluator from the list developed by the WSD and CAL FIRE. This PUC section also states, "The engaged independent evaluator shall consult with, and operate under the direction of, the Wildfire Safety Division..." The WSD Program Manager will communicate regularly with the engaged independent evaluator on priorities, consistency, draft findings, deliverables and overall performance. The WSD Program Manager may communicate with the electrical corporation and the engaged independent evaluator, or directly with the independent evaluator, as necessary. No information requested by the WSD Program Manager shall be edited, redacted, or otherwise restricted by the electrical corporation. Failure of the independent evaluator to consult with and operate under the direction of the WSD Program Manager may result in a formal review per Section 2.5 of this RFQ.

8. WITHDRAWAL AND DISPOSITION OF THIS RFQ

It is the WSD's policy not to solicit SOQs unless there is a bona fide intent to draft a list of qualified firms for work needing to be performed. The WSD reserves the right to withdraw this RFQ at any time, and to accept or reject all SOQs received in response to this RFQ. This RFQ does not commit the WSD to award a contract nor approve a contractor or to be responsible or liable in any manner for any risks, costs or expenses incurred in the preparation of a SOQ in response to this RFQ.

Upon the creation of the independent evaluator list, all documents submitted in response to this RFQ will become the property of the State of California and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public. The State cannot prevent the disclosure of public documents. It is strongly advised that sensitive, confidential, or privileged information is not disclosed in this SOQ.

ATTACHMENT A – Independent Evaluator Transmittal Letter

 CALIFORNIA PUBLIC UTILITIES COMMISSION
Official Independent Evaluator Transmittal Letter
FOR APPLICANT USE ONLY

SAMPLE

ATTACHMENT B – Independent Evaluator Application



RFQ 20NSXXXX Independent Evaluator Application (Attachment B)

INSTRUCTION: Please complete the Application and submit with SOQ.

All boxes must be populated. If an area is left blank, please explain.

Do Not Submit Costs or Rates For Services Referenced Below

Applicant Name:

The Applicant's Team must meet the following minimum requirements. Please provide the name(s) of the firm(s) that will assume the role or function referenced below. Applicant shall provide a copy of the licenses and certificates for applicable team members documented below. If the Applicant plans to assume the role or function, this must be documented below. Scroll down to complete sections A through I below.

A. Compliance Delegate/Program Manager

Requirement(s): Firm(s) or individual(s) must have at minimum ten (10) years of experience in managing safety assurance programs, including overseeing field inspections and construction.

Please name the Firm(s) or individual(s) that will assume this role/responsibility. Provide a brief description/narrative explaining how the requirements are being met. Additional fields have been provided for your convenience. If they are not needed, please indicate "N/A."

Firm or Individual Name:

Firm or Individual Name:

Firm or Individual Name:

Firm or Individual Name:

Justification:

B. Project Management Office (PMO) Lead

Requirement(s): Firm(s) or individual(s) must have at minimum three (3) years of experience in leading project management office(s).

Please name the Firm(s) or individual(s) that will assume this role/responsibility. Provide a brief description/narrative explaining how the requirements are being met. Additional fields have been provided for your convenience. If they are not needed, please indicate "N/A."

Firm or Individual Name:

Firm or Individual Name:

Firm or Individual Name:

Firm or Individual Name:

Justification:

ATTACHMENT C – Reference Sheet



RFQ 20NSXXX Reference Sheet (Attachment C)

INSTRUCTION: Please complete the Reference Sheet and submit with application.

Applicant Name:

Reference 1

Name of Firm:
Street Address (City, State, Zip):
Contact Person: **Telephone Number:**
Dates of Service: **Value or Cost of Service:**
Brief Description of Service Provided:

Reference 2

Name of Firm:
Street Address (City, State, Zip):
Contact Person: **Telephone Number:**
Dates of Service: **Value or Cost of Service:**
Brief Description of Service Provided:

Reference 3

Name of Firm:

SAMPLE

ATTACHMENT D – Conflict of Interest Declaration



RFQ 20NSXXXX Conflict of Interest Declaration (Attachment D)

INSTRUCTION: Please complete the Conflict of Interest Declaration and submit with application.

Applicant Name:

Applicants need to be aware of the following provisions regarding current or former state employees and disqualifying interests from the following provisions:

Current State Employees (Public Contract Code §10410):

1. No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency unless the employment, activity or enterprise is required as a condition of regular state employment.
2. No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Public Contract Code §10411):

1. For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiated transactions, planning, arrangements or a part of the decision-making process relevant to the contract while employed in that capacity by any state agency.
2. For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

Firewall provisions will be established by Independent Evaluators selected to best tailor the firewall provisions to the specific structure of the organization. Applicants also need to disclose the following:

1. Prior contracts during the last three years with the Covered Entities or any parent, subsidiary, or affiliate thereof. Provide the total amount of payments, duration, and nature of service.
2. Any current contracts, subcontracts, or other projects, business relationship with, or any financial interest in any of the Covered Entities. (List the entities name, the start and duration of the relationship or interest and its total monetary value.);
3. And any work performed within the last three years for entities planning, developing, constructing or operating the delivery of ancillary services to California consumers (including marketing, brokering, and financial instruments). (Provide the client name, total amount of payments, duration, and nature of services provided.)

By submitting this Conflict of Interest Statement with its statement of qualifications, the Applicant named below hereby attests that:

1. The Applicant and its proposed team members, and/or anyone performing the scope of work indicated in Exhibit A, are in compliance with Public Contract Code §10410 and §10411, which applies to current and former State employees.
2. The Applicant and its proposed team members, and/or anyone performing the scope of work indicated in Exhibit A, agrees to refrain from entering into any relationship that could result in a conflict of interest.
3. The Applicant and its proposed team members, and/or anyone performing the scope of work indicated in Exhibit A, have provided a full disclosure and additional information regarding any and all potential conflicts of interest under the terms of this RFQ.
4. The Applicant shall provide a statement, signed by the principal of each team member's firm that the conditions specified in Conflict of Interest Section 2.4 relating to automatic disqualification do not exist for any proposed team member.
5. The Applicant will notify The Program Manager promptly of any potential conflict of interest, including those of its employees, team members, and/or anyone performing the scope of work indicated in Section 3.

Signed By:

Title:

Printed Name:

Date:

ATTACHMENT E – SOQ Submittal Checklist



RFQ 20NSXXX SOQ Submittal Checklist (Attachment E)

INSTRUCTION: Please complete the Checklist and submit with application.

Applicant Name:

Required Document(s)	Status
Transmittal Letter Completed (All content included on Page 1, Signed on Page 2)	<input type="checkbox"/> Completed and included with application
Application Completed (All boxes populated with content)	<input type="checkbox"/> Completed and included with application
References All applicable references to demonstrate qualifications (maximum)	<input type="checkbox"/> Completed and included with application
Conflict of Interest Declaration (Applicant and any Team Members) Completed (Applicant name inserted, all necessary statements included)	<input type="checkbox"/> Completed and included with application
RFQ Checklist Completed (Applicant name inserted and all boxes checked)	<input type="checkbox"/> Completed and included with application

THIS BOX IS FOR PUBLIC USE ONLY

Notes: Reviewer Names:

Pass/Fail (circle one):
Yes No

SAMPLE