

Clean Energy Alliance

JOINT POWERS AUTHORITY

UNSOLICITED PROPOSALS POLICY

As a normal course of business, Clean Energy Alliance (CEA) develops its own requirements, solicits proposals or bids, and contracts with entities whose proposals or bids are deemed to most closely meet the requirements at the best value. The CEA Board of Directors desires to provide a venue whereby innovative ideas may be forwarded to CEA outside of a solicitation to for review. This policy describes the process for submission and how the unsolicited proposal will be handled.

For purposes of this policy, an “unsolicited proposal” is defined as a proposal for goods, projects, programs or services that are not within the scope of an open competitive procurement such as a request for proposal or request of qualifications.

Unsolicited proposals must meet all of the following requirements to be eligible for review:

- Must contain a novel, innovative, or otherwise meritorious concept, application, approach or method;
- Is for a good, project, program or service that would not be normally procured through CEA’s typical solicitation processes;
- Be independently originated and developed by the proposer;
- Be prepared without CEA staff supervision or direct CEA staff assistance;
- Present the proposed work or project in sufficient detail to allow a determination to be made that the proposed project could enhance, benefit, and provide valuable input to meeting CEA goals.

Approach

CEA receives and evaluates unsolicited proposals using a two-phased approach:

Phase 1 - Conceptual Proposal

Phase 2 – Detailed Proposal

Phase 1 – Conceptual Proposal

The purpose of the Conceptual Proposal Form (Exhibit A) is for CEA to receive written, concept-level proposals and to screen those proposals to determine whether the proposals meets requirements to move to Phase 2 – Detailed Proposal.

The Conceptual Proposal will be reviewed to determine if it meets the eligibility requirements detailed above as well as the following criteria:

- The proposal offers direct or anticipated benefits to CEA, its member agencies, and its customers;
- The proposal is consistent with CEA’s objectives and goals;
- The proposal satisfies a need for CEA that can be reasonably accommodated within CEA’s budget;
- The proposal does not rely on CEA’s credit to finance the project;
- Other criteria appropriate for the particular proposal.

CEA will notify the proposer of the results of the review of the Conceptual Proposal within 30 days. Potential outcomes may be to discontinue moving forward with the Proposal, proceed to Phase 2 – Detailed Proposal, or CEA may pursue a competitive solicitation.

The receipt of a Conceptual Proposal does not commit CEA to award, nor does it commit CEA to pay any cost incurred in the submission of the Conceptual Proposal, or in making necessary studies or designs for the preparation thereof.

Phase 2 – Detailed Proposal

The purpose of Phase 2 – Detailed Proposal is for CEA to receive more detailed technical and financial information to fully understand and evaluate the proposal. Through the review of the Detailed Proposal CEA will decide whether to forego moving forward with the proposal, to proceed to a sole source agreement or to pursue a competitive solicitation.

CEA may engage outside consultants to assist with the evaluation of the Detailed Proposal if deemed necessary and beneficial.

The Detail Proposal must include, at a minimum, the following information:

- Description of the proposer’s organization and previous experience in the field;
- Names and relevant background of key personnel who would be committed to the project;
- Type of support needed from CEA; e.g. facilities, equipment, materials, or personnel resources;
- Type of support being provided by the proposer;
- A sufficiently detailed description of the scope of work being proposed to all CEA to evaluate the value received for the price proposed;
- Proposed price or estimated cost in sufficient detail for meaningful evaluation and cost analysis;
- Schedule for implementation;
- Required statements and disclosures about organizational conflicts of interest and environmental impacts.

Detailed Proposals will be evaluated in accordance with the criteria set out in this section, as well as any other criteria identified in the response to Phase 1 – Conceptual Proposal. The Detailed Proposal will be evaluated using the same criteria set forth in Phase 1 in addition to the following minimum factors:

- Proposer’s capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives;
- Qualifications, capabilities and experience of key personnel who are critical in achieving the proposal objectives;
- Proposer’s financial capacity to deliver the goods or services defined in the proposal;
- Viability of the proposed schedule;
- Proposal’s consistency with CEA’s objectives and goals;
- Any other factors appropriate for the particular proposal.

Detailed Proposals that meet the requirements outlined above will be scheduled to be presented to the CEA Board of Directors for discussion and direction. The Board may decide to forego moving forward with the proposal, proceed to a sole source agreement or pursue a competitive solicitation.

Nothing in this policy or otherwise requires CEA to act or enter into a contract based on an Unsolicited Proposal. CEA, at its sole discretion, may return and/or reject an Unsolicited Proposal at any time during the process.

Fair and Open Competition

CEA’s receipt of an Unsolicited Proposal does not, by itself, justify a contract award without fair and open competition. If the Unsolicited Proposal offers a proprietary concept that is essential to contract performance, it may be deemed a Sole Source. If not, CEA may pursue a competitive procurement.

Sole Source Award

If it is impossible to describe the project, program or services offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the project, program or services, CEA may make a sole source award. A sole source award may not be based solely on the unique capability of the proposer to provide the project, program or service proposed.

Claims against CEA

Neither your organization nor any of your representatives shall have any claims whatsoever against CEA, or any of its respective officials, agents, or employees arising out of or relating to the Unsolicited Proposal, except as set forth in the terms of a definitive agreement between CEA and your organization.

Form of Proposals

Electronic proposals only will be accepted.

Withdrawal of Proposal

Proposers may withdraw their proposals at any. The proposer must submit a written withdrawal request signed by the proposer's duly authorized representative addressed to and submitted to the contact.

Public Records Act (CPRA)

Please note that any information provided as part of an Unsolicited Proposal may be subject to the Public Records Act (PRA). If the Proposer feels that any part of its submission is proprietary information, please identify by section, paragraph, and page the information the Proposer believes is proprietary. In the event of a PRA, this information may be reviewed by CEA's attorneys for applicability. No guarantee can be provided that any part of the Proposer's information will be kept confidential.

Confidentiality

All data and information obtained from or on behalf of CEA by the Proposer and its agents in this Unsolicited Proposal process, including reports, recommendations, specifications, and data, shall be treated by the Proposer and its agents as confidential. The Proposer and its agents shall not disclose or communicate this information to a third party or use it in advertising, publicity, propaganda, or in another job or jobs, unless written consent is obtained from CEA. Generally, each proposal and all documentation, including financial information, submitted by a Proposer to CEA is confidential until a contract is awarded, when such documents become public record under State and local law, unless exempted under PRA.

Exhibit A
Clean Energy Alliance Unsolicited Proposal
Concept Proposal Form

Phase 1 of CEA’s Unsolicited Proposal process involves submission of this form to the Clean Energy Alliance Chief Executive Officer via email at ceo@TheCleanEnergyAlliance.org. Submit only the information requested on this form. If CEA determines that the Unsolicited Proposal should proceed to Phase 2, CEA will notify the proposer.

Proposer Information

Name: _____

Address: _____

Primary contact information: _____

Type of organization: _____

CEA will submit technical and/or business questions concerning the proposal and results of review to the primary contact.

Technical Information

Title of the proposal: _____

CEA Goal or Objective the proposal addresses: _____

An executive summary of the proposal, up to a maximum 2 pages, must be attached. The summary must include a brief discussion of the following:

1. Description of the project, program or service
2. Objectives project, program or services will achieve
3. Method of approach which makes the proposal novel, innovative, or otherwise meritorious
4. Manner in which the work will help support the goals and objectives of CEA
5. Clearly identify the benefit to CEA, its member agencies or its customers

Technical expertise the proposer needs from CEA: _____

Financial Information

Proposed price or total estimated cost (by year if appropriate):

Financing plan for the proposal: _____

Procedural Information

Period of time for which the proposal is valid: - _____

Proprietary data has been submitted with this proposal and is deemed confidential by the proposer in the event of a request submitted to CEA under the California Public Records Act. *Any proprietary data must be clearly designated.*

Other government entities, CCAs or private parties have received this proposal.

Please explain: _____

Other government entities, CCAs or private parties may provide funding for this proposal.

Please explain: _____

There are patents, copyrights and/or trademarks applicable to the Unsolicited Proposal.

Please explain: _____

There is additional information not requested in this form that would assist CEA in evaluating this proposal at a conceptual phase.

Please describe: _____

Signature

Signature

Name: _____

Date: _____

Title: _____

The individual who signs this form must be authorized to represent and contractually obligate the Proposer.