

DOCKETED

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Document Title:	Mojave Solar LLC Comments: on Request for Qualifications for On-Call and Project Specific Delegate Chief Building Official
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Organization:	Kathleen Sullivan, PE/Mojave Solar LLC
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Comment Received From: Kathleen Sullivan, PE

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MSLLC comments: 16-MISC-01, DCBO Selection Process RFQs

Additional submitted attachment is included below.

Mojave Solar LLC

August 5, 2016

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 16-MISC-01
1516 Ninth Street
Sacramento, CA 95814-5512

Re: California Energy Commission Request for Qualifications Delegate Chief
Building Official Services for the STEP Division, Docket No. 16-MISC-01

Dear California Energy Commission:

Mojave Solar LLC (MS) provides the following comments and questions on the California Energy Commission's ("CEC") recent Request for Qualifications ("RFQs") for On-Call and Project-Specific Delegate Chief Building Official ("DCBO") services docketed on June 28, 2016. MSLLC owns and operates the Mojave Solar Project, a CEC-licensed facility in California, with recent experience working with a CEC-determined DCBO for the duration of the construction period.

MS has reviewed the CEC draft scope for "On-Call" and "Project-Specific" RFQs and offers the following comments and questions:

1. How will it be determined what is a "minor power plant modification" that would use the On-Call DCBO vs. a "major power plant modification" requiring the Project-Specific DCBO?
2. If the Project Owner is responsible to reimburse the CEC for employing the On-Call DCBO, will there be a separate bid prepared for a small amendment prompting the need for the on-call DCBO, so the Owner will know costs?
 - a. At what point in the amendment process would this be available?
 - b. Would information be available in advance in order to estimate DCBO costs prior to filing the amendment?
3. During the initial construction period, until issuance of the final Certificate of Occupancy ("CO"), the DCBO also served as Fire Marshal for the Project. If a small or large amendment is undertaken after issuance of the original, final CO, would the local authority remain the Fire Marshal, or would the DCBO partially or completely temporarily assume these duties? MS's preference, for continuity and the avoidance of confusion related to jurisdiction, would be that the local authority remain the Fire Marshal, regardless of any amendments following start of plant operations and issuance of the original CO.
 - a. Task 6 mentions Fire Protection. Is this intending to state the DCBO would take up Fire Marshal duties? Or what are the implications?

- b. P. 20, project team qualifications lists Fire Marshall. State the intent of the DCBO acting as Fire Marshal vs. the local authority who is already serving as Fire Marshal. What would be the reason for duplication? Would the DCBO Fire Marshal only be for plan review purposes related to the modification? If the intent is to have separate jurisdictions for each on the project site, how will this be handled?
4. P. 2 of the On-Call RFQ states, "The purpose of this RFQ is to initiate a competitive bid process to select a highly qualified On-Call DCBO Firm to assist the STEP Division with compliance oversight for small or emergency power plant facility changes for a contract cycle of two years." Not knowing how many small amendments or emergency changes will be needed, how will the CEC determine the size of firm that is eligible and capable of providing the manpower? Perhaps more than one firm is needed.
5. The on-call funding cap of \$500,000 over the 2-year-contract period seems also somewhat arbitrary, again, considering the amount the On-Call DCBO may be needed is unknown.
6. P. 11 of the On-Call RFQ states, "The CAM [the Energy Commission Contract Agreement Manager] will prepare and issue the written work authorizations and shall set a maximum price, budget, and schedule for the work to be performed. The CAM will work, in consultation with the contractor, to assign work to either the Contractor or a subcontractor." When and how does the Project Owner have input into the budget and schedule for work related to his project, if the Owner is ultimately responsible to reimburse these costs to the CEC?
7. To ensure DCBO costs to the Project Owner are confined to the action (plant modification) triggering the need for the DCBO, DCBO activities should be limited to monitoring that activity. For example, the DCBO-supplied Certified Safety Monitor's duties should be limited to the subject project prompting the DCBO's activity on site, and not extend to the entire project site. The sites have their own Health and Safety Managers and personnel to manage compliance with all LORS related to project operation. Similarly for SWPPP and DESCP compliance, for the costs that will require DCBO cost reimbursement, the DCBO Team Engineer should be monitoring compliance related to the modification and not monitoring a 3-square mile site.
8. Ex. H, the BMPs appear to relate to only the initial construction and are not clearly defined to be applied on a limited basis to a minor or major modification. This should be clarified.
9. On-Call RFQ Task 6 should clarify that the responsibility is confined to the specific plant modification for which they were hired, unless the intent is for the DCBO to also function as another site inspector, other than the CPM and CEC staff, for the overall project. If that is the case, billing for DCBO-modification-related activities need to be segregated from existing project inspection support costs since the annual licensing fee covers the overall project oversight.
10. It is unclear in On-Call RFQ Task 6 where DCBO communication occurs with the Project Owner or Owner's contractor to address any perceived unsafe situation prior to a stop-work order. Is there a statutory definition of "emergency situation" that can be referenced?

11. No prices are submitted with the SOQ, but the quotes/bids “will be negotiated with the top-rated firm.” This does not offer the opportunity for cost savings both to tax payers and well as project owners if several firms have similar qualifications, but some are substantially less expensive.
12. How will conflict-of-interest or favoritism on the part of the Evaluation Committee be avoided? Presumably, many candidates will have already served as DCBOs and may have relationships with CEC staff.
13. What is the current pool of DCBOs from which the CEC draws? How large is the pool? Are applicants outside this existing pool expected?
14. Both RFQs state, “Lastly, the Project Owner's Resident Engineer (RE) is responsible for monitoring the DCBO plan review activities.” Please clarify what is meant by this statement.

Thank you for the opportunity to participate in this process.

Respectfully,

Mojave Solar LLC