



GOBIERNO DE PUERTO RICO
DEPARTAMENTO DE DESARROLLO ECONÓMICO Y COMERCIO

REQUEST FOR PROPOSALS (RFP)

FOR

**PROFESSIONAL SERVICES: ENERGY POLICY PROGRAM
REBRANDING SERVICES**

UNDER THE

ENERGY POLICY PROGRAM

RFP-DDEC-EPP-2023-001

**PUERTO RICO'S DEPARTMENT OF ECONOMIC
DEVELOPMENT AND COMMERCE**

July 17, 2023
RFP Issued

Date: August 09, 2023 at 3:00 p.m.
Proposal Due Date

TABLE OF CONTENTS

Pages

1. DEFINITIONS/ACRONYMS	1
2. INTRODUCTION.....	2
2.1 Description of the Agency/Program Issuing the Request for Proposals	2
2.2 OVERVIEW AND PURPOSE.....	2
3. STATEMENT OF PURPOSE	3
4. BACKGROUND INFORMATION	4
5. SCOPE OF WORK	4
6. RFP PROCEDURES	9
7. GENERAL INSTRUCTIONS	13
7.1. Proposal Format	13
7.2 Technical Proposal Organization.....	14
7.3. Proposal Execution.....	16
7.4. Proposal Submission	16
8. TECHNICAL REQUIREMENTS	18
8.1. Mandatory Requirements.....	18
8.2. Qualifications.....	19
8.3 Approach to Scope of Services (Strategies and Methods)	21
9. COST PROPOSAL REQUIREMENTS.....	21
9.1 Budget (Cost Requirements of the Proposal).....	21
9.2 Proposer’s compensation	22
10. PROCUREMENT AND AWARD PROCESS	22
10.1. Receipt of Proposals	22
10.2. Evaluation Committee	23
10.3. Errors and Omissions in Proposals	23
10.4. Proposal Scoring.....	23
10.5. Interviews and Proposal Refinements	24
10.6. Negotiations.....	24
10.7. Selection and Award	24
10.8. Award without Negotiation	25
10.9. Notice of Selection	25
10.10. Execution of Agreements.....	25
10.11. Rejection of Proposals and Cancellation of RFP.....	25
10.12. Confidentiality of Responses and Proprietary Information.....	26

10.13. DEDC Options	26
11. ADMINISTRATIVE PROCEDURE AND APPELLATE REMEDIES	27
12. CONTRACT	28
12.1 Type of Contract	28
12.2 Contract Period:	28
12.3 Performance Period	28
12.4 Payments	28
13. REFERENCES	29

1. DEFINITIONS/ACRONYMS

The following terms shall have the meanings indicated below, shall apply to both their singular and plural forms:

- **“Addendum”** shall mean the written documents issued by the DDEC to revise, amend or otherwise, modify this RFP.
- **“Consultant”** refers to the experienced personnel appointed by the Respondent that can provide consulting services in the administration of the awarded contract.
- **“DEDC”** means the Department of Economic Development and Commerce, which is the agency that serves as the grant recipient for State Energy Program and Weatherization Assistance Program funds allocated through the U. S. Department of Energy.
- **“EPP”** refers to the Energy Policy Program made part of the Department of Economic Development and Commerce in accordance with Act No. 141 of July 11, 2018, also known as Execution Act of the Reorganization Plan of the Department of Economic Development and Commerce of 2018 (Act 141-2018).
- **“Evaluation Committee”** means the qualified technical review Committee appointed by the DEDC to evaluate the Proposals submitted by Respondents.
- **“Key Staff”** refers to the employees appointed by the Respondent to deploy the proposed solution.
- **“Proposal”** shall mean each Respondent's submittal in response to this RFP. Concerning the evaluation of Proposals and selection of a successful proposer, the "proposal" shall include any best and final offers requested by the DEDC and submitted by a Respondent.
- **“Proposal's Due Date”** means the date and time outlined in this RFP for submission of the Proposal. Date and time may be amended from time to time by Addendum.
- **“Respondent”** means the firms that respond to this RFP.
- **“SEP”** refers to the State Energy Program whose funds, assigned by the U.S. Department of Energy, are managed by the EPP to promote the efficient use of energy and reduce the consumption and demand for energy, through the development and implementation of programs that support the Puerto Rico Public Energy Policy.
- **“RFP”** means this Request for Proposals, as amended, revised or modified, issued by the DEDC to procure the services herein described.
- **“Successful Proposer or Selected Proposer”** means the Respondent selected to provide services solicited through this RFP.
- **“WAP”** refers to the Weatherization Assistance Program whose funds, assigned by the U.S. Department of Energy, are managed by the EPP to reduce residential energy costs while ensuring the health and well-being of eligible families, prioritizing homes with children, the elderly, and people with disabilities, among other things.

2. INTRODUCTION

2.1 Description of the Agency/Program Issuing the Request for Proposals

The DEDC is a public agency and instrumentality of the Government of Puerto Rico, duly organized and existing according to Reorganization Plan No. 4 of June 22, 1994, as amended. It is responsible for implementing and supervising the execution of Puerto Rico's public policy on economic development. Among its programs is the Energy Policy Program (EPP) which was made part of the DEDC through Act No. 141 of July 11, 2018, also known as Execution Act of the Reorganization Plan of the Department of Economic Development and Commerce of 2018 (Act 141-2018). Among other things, the EPP is mainly responsible for implementing and supervising the execution of Puerto Rico's public policy on energy efficiency in government. In addition, it is the designated to administer the funds assigned to Puerto Rico from several programs of the Department of Energy (DOE).

The EPP administers several federally funded programs assigned by the DOE. Among them is the State Energy Program (SEP) and the Weatherization Assistance Program (WAP) whose funds are granted in accordance with the Energy Policy and Conservation Act, as amended (42 U.S.C 6321 et. seq. and 42 U.S.C 6861 et. seq, respectively).

The SEPs mission is to promote the efficient use of energy and reduce the consumption and demand for energy, through the development and implementation of energy efficiency projects. As for the WAP, for which Puerto Rico has participated since 2009, it assists low-income families who lack the resources to invest in energy efficiency.

2.2 Overview and Purpose

The Department of Economic Development and Commerce seeks proposals to select a firm to provide rebranding services of the EPP for a period of one year.

The proponents must be able to provide communications services addressed to all the clients that the EPP wants to reach, to inform them of the Government of Puerto Rico energy policy and available opportunities through the federal funds it manages.

This procurement action may result in one or more contract awards, based on areas of expertise and upon funds available through the SEP.

Eligible Respondents

The EPP plans several activities for which it requires hiring the services of **Rebranding Services** that will provide the complete solution and services for the various aspects of the Program.

The applicants must be able to demonstrate previous experience and the capacity and commitment to develop services for a diversity of situations and requirements of the DEDC's EPP. The work requires understanding the EPP purpose and related programs and integrating the perspectives of the different stakeholders.

The Selected Proposer is called upon to provide professional services to develop a strategic and comprehensive communications, outreach strategy, and implement the various components by acting as advertising and public relations consultant resulting in the rebranding of the EPP.

3. STATEMENT OF PURPOSE

DDEC/EPP needs to highlight and disseminate the different activities carried out under the SEP and WAP, and other programs, through the rebranding of the EPP. The DDEC/EPP wants to execute different activities that will bring together government, industry professionals, academia, and citizens focused on energy efficiency measures and initiatives. Establishing a unified brand for the EPP will leverage the collective strength of the system and enhance customer awareness and provide clarity and consistency about the Programs mission as well as contributions to supporting Puerto Rico energy efficiency goals and the economy.

All the events for rebranding are customized to the needs and interests of the targeted attendees who represent various sectors and profiles.

The State Energy Program (SEP) was created by the U.S. Department of Energy (DOE) in the early 1970s, to facilitate the implementation of state programs with energy efficiency and renewable energy measures. The purpose of the SEP is to promote the efficient use of energy and reduce the consumption and demand for energy, through the development and implementation of projects that support the Puerto Rico Public Energy Policy. Through SEP, the DEDC/EPP has continued its efforts aimed at, but not limited to, the following initiatives:

- Modernization project for lighting systems, as part of energy efficiency improvements in government facilities
- Installation of electric vehicle charging stations
- Energy audit program in government agencies and municipalities
- Installation of photovoltaic systems
- Collaborative agreements with educational entities, for research and evaluation of new technologies
- Guidance on compliance with the Energy Public Policy, as an action plan
- Program that promotes efficiency, renewable energy, and education projects to reduce the Government's consumption of electrical energy.
- Annual development of the Puerto Rico Energy Assurance Plan, together with the federal Department of Energy

Therefore, the EPP delegates funds from the SEP to eligible sub-recipients that will implement energy efficient projects aligned with the programs main purpose.

Also, in the 1970's the U.S. The Department of Energy (DOE) created the Home Weatherization Program, now known as the WAP, to assist low-income families who lack the resources to invest in energy efficiency. Puerto Rico has participated of WAP funds since 2009 and the EPP is now responsible for managing the funds assigned to the island. Its mission is to reduce

residential energy costs while ensuring the health and well-being of eligible low-income families, prioritizing homes with children, the elderly, and people with disabilities. In the latest initiatives with WAP funds, the top energy-savings implementations included replacement of Air Conditioners (up to 12 000 BTU), Solar Water Heaters, and Refrigerators, on 336 low-income households to achieve a total combined annual energy savings of \$137,136 (685,681 kWh@ 20/kWh). Therefore, the EPP also delegates WAP fund to eligible sub-recipients that will carry out the programs mission in eligible households.

The EPP is also responsible for certifying qualified professionals as Renewable Energy Systems Installers, in accordance with the adopted Regulation.

4. BACKGROUND INFORMATION

The DEDC/EPP oversees the development and promulgation of the public energy policy of the Government of Puerto Rico, by virtue of Act No. 141 of July 11, 2018, also known as Execution Act of the Reorganization Plan of the Department of Economic Development and Commerce, of 2018. Among its multiple functions, it oversees administering and operating different federal programs, among them, the State Energy Program (SEP), the Home Weatherization Program (WAP), and the State Program of the Green Energy Fund, with the main purpose of promoting energy efficiency and introducing renewable energy to the Puerto Rico electricity grid. Pursuant to Law 17-2019, known as the Puerto Rico Public Energy Policy Act, the objective is to mitigate Puerto Rico's dependence on centralized fossil fuel plants and optimize the available energy resources that allow building resilience and, ultimately, facilitating that the island can obtain 100% of its energy from renewable sources by 2050.

5. SCOPE OF WORK

The EPP is seeking proponents for the creation, development, and implementation of the rebranding of the program and DOE program funds it manages. This implies that the rebranding will be for all components including the SEP, WAP, among others.

The rebranding must include to develop and implement a Comprehensive Marketing (Communications) Plan and Public Relations to position the program as a vital tool for government agencies and citizens, it is necessary to recruit qualified firms dedicated to providing Rebranding Services. In addition, will support local implementation of the new brand.

The funds to award the contract(s) are governed by SEP, local, state, and federal laws, regulations, and directives; and 2 CFR *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards*. The selected service provider(s) must be knowledgeable of the allowable costs for this funding stream, to avoid the potential for disallowed costs.

The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television, direct mail, exhibits, electronic or computer transmittals.

Under the direction of the EPP, the winning Respondent(s) will develop and agree to the scope and delivery of this work, taking into consideration the presented needs and, most importantly, the timeframe within which the work must be completed.

Deliverables

The primary objective is to contract a Marketing (Communications), Public Relations firm/individual to provide professional advertising, marketing, rebranding, public relations, media planning/placement, website maintenance and revision of the communications strategy for EPP programs and activities. The firm must be responsible to advertising effectiveness, tracking studies, drive social media efforts and develop strategic plans.

EPP is interested in retaining an individual firm or a team of firms which collaborate with EPP's strategic advertising and community engagement plan, and develop and implement campaigns that will:

1. Promote awareness of EPP programs island wide, which includes:
 - a. Strategy for Community Outreach
 - b. Rebranding of EPP
 - c. Communications Campaigns (EPP value launch, grand opening, campaign messaging)
 - d. Identification of Key Target Audiences and Tactics for each
 - e. Annual Report
2. Increase EPP profile/brand awareness as a lead program for establishing and promoting the energy efficiency policy in the government or Puerto Rico.
3. Increase local awareness of EPP Programs and Services.
4. Support a comprehensive brand strategy for EPP across key stakeholders, including for profit and non-for-profit entities, renewable energy systems installers, partners of EPP and client engagement.
5. Support EPP website maintenance and enhance/propose. Access the EPP website through the DDEC website. Provide links to others related websites.
6. Develop promotional materials such as cups, coolers, etc. with the name of EPP.

Communications Objectives, but not limited to:

- Increase awareness of DDEC/EPP and its programs, resources, initiatives, and successes.
- Encourage citizens and prospective sub-grantees to utilize DDEC/EPP as a resource and a gateway to opportunity, through the organized dissemination of valuable information.

- Engender additional support for the continued and expanded mission of DDEC/EPP within the community, particularly among targeted industry-specific stakeholders, elected officials, and peer organizations.
- Create consulting or collaboration opportunities.
- Disseminate accurate information to the community regarding the outcomes of DDEC/EPP initiatives and activities.
- Become a valued partner with local print and electronic media, as a resource for energy efficiency information.

Target Audiences

Depending on the communication vehicle and activity, the following audiences may be targeted, but not limited to:

- Customers – citizens.
- Strategic Partners – local, regional, and state business and industry for profit and non-for-profit organizations; and other state and local community organizations and stakeholders.
- Policy Makers – Including local, state, and national officials.
- Academia – secondary and post-secondary education.
- Media – television, radio, print and social media.

Services to be Provided

The overall goal of this RFP is to procure a reliable, timely and strategic Marketing Specialist that will promote the mission of EPP in serving its customers. The successful proponent will be engaged in coordination, as requested, authorized and committed with the DEDC, in the following program specific services:

• Provide customized media and public relations services that may include, but are not limited to:

- interpreting and adapting the concepts and values outlined by the project strategists into appropriate mass media messages to ensure the impact and reach of the project's target message.
- providing project's strategists with data and recommendations on costs, reach, audience/segments, and specific value of different media formats/outlets for placement of campaigns.
- distributing media materials, such as background materials, press releases, speeches, presentations, and press kits.
- executing media programs.
- preparing materials and handouts for scheduled press conferences, broadcast and/or print media interviews, etc.
- conducting media alerts.
- press clipping services.

- other activities related to public relations, marketing, and rebranding services.

- **Advertising services may include, but are not limited to:**

- disseminating information to industry and consumer advocacy groups.
- engaging in information campaigns.
- working with the project strategists to conduct advertising objective analysis.
- distributing messages.
- recommending media selections.
- conducting outdoor marketing and media services.
- procuring broadcast media (radio, TV, internet, and public service announcements).
- implementing direct mail services.
- supporting advertising evaluation.
- conducting other activities related to advertising services and promoting public awareness of the project mission and initiatives.

- **Marketing and research support services, including but not limited to:**

- jointly with the DEDC's strategic team, interpret and adapt the conceptual guidelines outlined in the strategic plan into tactics and strategies of a feasible and executable marketing plan.
- implementing creative concept alternatives aligned with the project's values, to capture a definitive brand image and identity.
- implementing creative materials aimed at fostering and raising the level of public awareness of products, services and issues identified by the DEDC's project strategists.
- supporting target market identification and analysis.
- supporting the establishment and tracking of measurable marketing objectives, aligned with the strategies and outreach expectations outlined in the project's communications plan.
- supporting the DEDC project strategic team's research activities as needed, such as focus groups, interviews, surveys, telemarketing, and call centers.
- other activities related to marketing research and analysis services, to deliver input to the DEDC's project strategic team.

- **Advertising/ Marketing / Rebranding**

- Create coordinated advertising campaigns (print, broadcast, digital, online, email, etc.). Includes written plan with objectives, audience description, strategies, tactics, and budgets (if it's necessary).
- Creative strategy and design (collateral, annual report, advertising and visual display, broadcast or social media materials and campaign messaging).
- Concept development, including quality graphic design. (Program flyer designs/year, Annual Report, website banner designs, newsletter template designs, unique social media designs/month, sizing adjustments/design unique program posters).
- Develop original copy (text), copywriting and editing. This may also include multi-cultural marketing collateral, particularly for EPP.

- Media planning & buying media negotiations, client meetings, phone calls and correspondence related to the specific media plans/purchases.
- **Commercial photography services, which may include, but are not limited to:**
 - photography, which may be used for commercial advertisements and/or illustrations that will appear in social media, books, magazines and/or other forms of media.
- **Graphic design services may include, but are not limited to:**
 - in consultancy with the DEDC's project strategic team, implementing visual communications to convey specific messages or concepts, clarifying complex information, or project visual identities.
 - producing printed materials, packaging, advertising, signage systems, using corporate identification (logos).
 - providing commercial artists to generate drawings and illustrations requiring technical accuracy or interpretative skills (examples may include commercial art or special effects services that educate the consumer market about product(s) and/or service(s).
 - with the DEDC's project strategic team, developing conceptual design and layouts, creating sketches, drawings, publication designs, and typographic layouts.
 - furnishing custom or stock artwork (including electronic artwork).
- **Video/film production services may include, but are not limited to:**
 - writing, directing and/or shooting.
 - arranging for talent / animation, narration.
 - music and sound effects.
 - duplication and distribution.
 - video scoring.
 - video editing.
 - outputs, such as accessibility and video streaming development.
 - filming in studios, on location, live shows or events.
- **Web-based marketing services may include, but are not limited to:**
 - writing, modifying, testing, and supporting software to meet DEDC's needs.
 - website programming and maintenance services.
 - search engine optimization implementation.
 - email marketing implementation.
 - interactive marketing.
 - web-based advertising implementation (including marketing and social media outlets).
 - webcasting.
 - web-based video conferencing services.
 - online media management.

NOTE: Media will be provided in a format that is compatible with the DEDC's software requirements. Continual website updates and maintenance may also be required.

• **Conference, meeting, townhalls, and event planning services may include, but are not limited to:**

- organizing, promoting and/or managing events, such as townhalls, large and small conventions, round tables, mall exhibitions, conferences and meetings (whether or not they manage and provide the staff to operate the facilities in which these events take place).
- project management, coordination, and implementation of third-party participation.
- liaison support with venue, audiovisual and information technology support.
- support for topic and speaker identification.
- site location research.
- reservation of facilities.
- on-site meeting and registration support.
- automation and telecommunications support.
- design and editing productions.
- mailing and other communication with attendees, including pre/post meeting mailings and computer database creation.

General Note: Any commissions received for media placement, conference planning, etc; shall be applied as a credit to the DEDC, under the contract.

Special Considerations:

- Online Services
- The bidder will have to consider in its costs that there may be (activation of services) emergency services that will be required with less than 24 hours to perform.

Note: The proponent will be activated to provide services according to DEDC/EPP needs. All creations and copyright will be property of the DEDC/EPP after the services are paid.

6. RFP PROCEDURES

This RFP shall be governed by the procedures described in the following sections.

RFP Documents Acquisition

All documents pertaining to the procurement process will be sent via e-mail upon request at rfpenergia@ddec.pr.gov. Requests for proposal guidelines will be answered during business hours.

Addendum

DDEC reserves the right to amend this RFP at any time. Any amendments to the RFP will be issued as written Addenda. Copies of each Addendum for all prospective Proposers shall be sent by e-mail or can be retrieved at DDEC's website to all the persons and entities that requested the RFP instructions.

All documents pertaining to the procurement process, including Addenda issued by DDEC, are and will be published at <http://www.ddec.pr.gov>. All prospective proposers must monitor the abovementioned website to retrieve Addenda, if any, issued for the below-stated procurement process.

Addendum will become a part of this RFP. **All prospective proposers must monitor the Website and e-mail accounts to retrieve Addendum.**

Schedule

A summary schedule of major activities as associated with this RFP is presented in Table 1 below. The dates, times, and activities are subject to change and may be revised through the issuance of Addenda by the DDEC.

Table: 1

Event/Activity	Due Date
RFP Release Date Questions and Answers (Q&A) period opens <i>Questions must be submitted through rfpenergia@ddec.pr.gov the Subject must be: Questions related to RFP #<u>include number</u> <u>here</u></i>	July 17, 2023
Question Period closes; 12:00 noon (for inquiries on RFP clarification)	July 28, 2023
DDEC provides final vendor Q&A document on ddec.pr.gov (estimated)	August 02, 2023
Proposal Deadline	August 09, 2023

Correspondence and Communications

Inquiries and communications regarding the RFP must be submitted to DEDC by the following electronic mail: rfpenergia@ddec.pr.gov. The proponent is responsible for obtaining any needed clarification of the RFP requirements, while the RFP is open until Q&A period closes. Email is the only method of contact.

Allowed and Prohibited Communications

Only questions and requests for clarifications on this RFP submitted by prospective Proposers of this RFP are allowed. Other than these communications for clarifications purposes,

communications by prospective Proposers with officials and/or representatives of the DEDC, and other Government Entities, or other relevant entities of the Federal Government, regarding any matter related to the contents of this RFP or this qualification and selection process, are prohibited during the submission and selection processes. Failure to adhere to this requirement may result in the rejection of submitted Proposals.

Verbal inquiries or e-mails sent to addresses not specified in this RFP will not be addressed by DDEC.

Submission of Inquiries

Each prospective Proposer may submit written questions as to the intent of clarity of this RFP, its attachments, and its Exhibits. Proposers must submit all questions in writing on or before the submission deadline established in this RFP to the electronic mailing address specified in Section 6.4 of this RFP. Inquiries shall be submitted by prospective Proposers using the document titled Form for the Submission of Inquiries included as Appendix J.

Questions shall be clearly labeled and shall cite the Section(s) and page number in this RFP or other document that forms the basis of the question. Questions may be in Spanish or English.

Responses to all Proposers' questions will be distributed as an Addendum to this RFP on or before the date established in Table 1 in this RFP.

Representations for Proposal Submission

All costs associated with the Proposal in response to this RFP are the sole responsibility of Proposer. Neither DEDC, the Government of Puerto Rico, nor any of its government entities or its instrumentalities, or other relevant entities of the Federal Government, will be responsible for any expenses in the preparation and/or presentation of the Proposals, oral presentations or for the disclosure of any information or material received in connection with this RFP.

No individual, or firm, is assured of obtaining any work because of this RFP process.

DDEC reserves the right, without limitations, to reject partially or completely any and all Proposals received in response to this RFP when, in its opinion, the Public Interest, the best interest of the Government of Puerto Rico or DEDC, will be served by such action. DEDC further reserves the right, without limitations, to make such investigations as it deems necessary as to the qualifications or perceived conflicts of interest of any and all firms submitting Proposals in response to this RFP. The mere appearance of a conflict of interest shall constitute sufficient cause for the outright rejection of a Proposal. In the event that any or all Proposals are rejected, DEDC reserves the right, without limitations, to re-solicit Proposals.

By submitting a Proposal, the Proposer shall adhere to complying with all applicable Federal and Puerto Rico laws and regulations.

DDEC reserves the right, without limitations, to: (i) grant more than one contract and/or select more than one qualified Proposer; (ii) amend the Contract(s) of the Selected Proposer(s) to,

among others, extend its original duration, as further explained in this RFP, or to extend its scope to include work.

Proposal Modification or Withdrawal

A Proposer may modify or withdraw a Proposal at any time before the Proposal Due Date. The withdrawal must be submitted in writing to the electronic mailing address specified in Section 6.4. of this RFP and directed to the Evaluation Committee of DEDC. Timely withdrawal of a Proposal does not prejudice the right of a Proposer to submit another Proposal by the Proposal Due Date. No oral, telephonic, or facsimile modification of a Proposal shall be recognized. After the Proposal Due Date, corrections or withdrawal of Proposals may be permitted only if the Proposer can show clear and convincing evidence that a mistake of a non-judgmental character was made, the nature of the mistake, and the Proposal price intended.

All decisions to allow correction or withdrawal of a Proposal shall be supported by a written determination signed by DEDC's Contracting Officer or Procurement Director, as delegated official after the Proposal Due Date. Changes in prices or other provisions of Proposals prejudicial to the interest of the DEDC or fair competition will not be permitted.

Ownership of Proposals

All materials submitted in response to this RFP shall become the property of DEDC and will not be returned. The selection or rejection of a Proposal does not affect this provision.

Requirements for Legal Entities

Proposers that are Puerto Rico based corporations, limited liability companies, partnerships, or any other legal entity, shall be duly and properly organized or registered in compliance with the applicable laws of Puerto Rico. Such entities must show that they are in "good standing" at the time of Proposal submission. In the event the Proposer is a foreign legal entity, including US-based entities, it shall be duly and properly organized and/or registered in compliance with the applicable laws of its place of organization and/or incorporation. Such entities must show that they are in "good standing" within their jurisdiction at the time of Proposal submission. If a Contract is awarded to a foreign entity Proposer, said Proposer should request authorization to do business in Puerto Rico before the execution of the contract.

Federal Grant Requirements/Penalties

The procurement of proposals undertaken in compliance with the federal guidelines outlined in the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Final Rule" (also known as the Super-circular or Omni-circular). All contractor(s) selected under this RFP must follow the guidelines outlined in this circular. This final guidance supersedes requirements from OMB Circulars A-21, A-87, A-110, and A-122; Circulars A-89, A-102, and A-133, and the guidance and advice in Circular 1-50 on Single Audit Act follow-up and the final guidance located in Title 2 of the Code of Federal Regulations.

The funds to award the contract(s) are governed by SEP; local, state, and federal laws, regulations, and directives; and 2 CFR *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. The selected service provider(s) must be knowledgeable of the allowable costs for this funding stream in order to avoid the potential for disallowed costs.

Under the direction of the EPP-DEDC, the winning Respondent will develop and agree the scope and delivery of this work, taking account the presented needs and most importantly the timeframe within which the work must be completed.

7. GENERAL INSTRUCTIONS

To ensure uniformity with specific requirements and prompt reference among all Proposals, the format of the Proposals shall adhere to the following parameters:

7.1. Proposal Format

All proposals should follow the format provided. Responses will be reviewed for completeness before detailed evaluation. Any response submitted in a manner that makes evaluation unnecessarily time-consuming may be eliminated from further consideration. Elaborated proposals are not necessary. Quality, substance, brevity, clarity and responsiveness to the DEDC's needs are essential and required.

- Take the time to use language that is clear and concise and responds to the rating factors listed below. “*Over-written*” submissions will reflect negatively to the Proposer’s ability to prioritize and communicate in an effective manner.
- Proposals shall be type written in English or Spanish, on standard 8 ½” x 11” paper. Pages shall have a one-inch margin and the font shall be 12-point pitch size.
- All documents that need a signature as part of the Proposal shall be signed in blue ink. Documents consisting of more than one page that require signature shall contain the initials of the Proposer’s Authorized Representative at the right-top corner of every page.
- All names must be included below each signature.
- Proposals’ cover page shall include the Proposer’s name, contact information, mailing address, the RFP submission date and the Project Title.
- Figures and tables must be numbered and referenced in the text by that number. They should be placed as close as possible to the referencing version.
- Written content of the Proposal can be presented in double line spacing. Insertion of tables, graphs, calculations and projections may be written in single line spacing, as needed. Larger paper (up to 11" x 17") and smaller fonts are permissible for charts, diagrams, spreadsheets, etc.

7.2 Technical Proposal Organization

Table of Contents:

The Proposal shall contain a Table of Contents to facilitate the DEDC's consideration and evaluation. It is the Respondent's responsibility to ensure that all sections of the Proposal, including all Attachments, are identified and easy to locate. The Table of Contents should read as follows:

Cover Page:

The title page shall contain the RFP subject; the name, email, and postal address of the Respondent; the name, title and telephone number of the person authorized to represent the Respondent; and the date of the Proposal.

Transmittal Letter:

The letter of interest shall contain a general statement of the purposes for submission of a Proposal. It should briefly state the operational concept for the services (Project Approach), complying with the requirements of this RFP, demonstrate its understanding of the needs hereunder and the Respondent's commitment to performing the services by the provisions of this RFP.

Tab 1: Executive Summary:

This part of the response to the RFP should be limited to a brief narrative highlighting the Respondent's Proposal. It should succinctly include qualifications and experience regarding the Respondent's ability to do the work requested in this RFP. The section should limit technical jargon and marketing information and focus instead on qualifications, experience, assumptions and a summary of the Respondent's ability to meet the business partnering requirements of the DEDC, as stated in this RFP. The Executive Summary should be limited to a maximum of five pages (Times Roman, size 12, single space).

Tab 2: Company Information:

- 1) Name of the Company or Entity
- 2) Corporate Registration Number in the State Department (if applicable)
- 3) Postal Address
- 4) Telephones
- 5) Facsimile
- 6) Email address
- 7) Name, Position and Signature of the Authorized Representative or Contractor
- 8) Direct phone, cell phone and email address of the Authorized Representative
- 9) Employer Social Security Number
- 10) Number of the Merchant-Treasury Registration Certificate

11) Policy Number-State Insurance Fund

12) Organization chart of the firm

Respondents are expected to address the following information items within this section of the Solution Proposal:

Background Information: The Respondent shall submit a brief history describing its experience providing services, similar to the ones specified herein.

Type of Organization: The Respondent shall specify the type of organization, D/B/A, Corporation, Partnership, Joint Venture or Sole Proprietorship.

Description of the Organization's History: If applicable, the Respondent shall describe the Respondent organization's history, including the ownership, operations, management and staff, subsidiaries, affiliations and office locations of the organization.

Organizational Documentation: Certifications depending on the type of organization. The Respondent shall submit copies of the Certificate of Incorporation, Partnership Agreement or Joint Venture, Board Certification to participate in the RFP, RUP; and any other organizational document deemed necessary.

Financial and Responsibility Information: All Respondents shall submit financial information (statements shall be audited) (See Section **7.1.3. FINANCIAL REQUIREMENTS**) that will enable the DEDC to evaluate its financial capacity to perform under the contract.

Tab 3: Approach to Scope of Services (Strategy and Methods)

Respondents are expected to address the following information items within this section of the Proposal:

- Overall description of the proposed solution.
- Overall description of the approach and methodology to cover DEDC professional service needs.
- Detailed scope of services to be provided.
- Risk management approach.
- The purpose of this section is to provide all the information needed by the DEDC to fathom the implications of the proposed services.

Although the DEDC recognizes that it may require additional information from specific Respondents concerning this section of the Proposal, it must be evident that Respondents have made a reasonable effort to formulate a responsible project approach.

Tab 4: Resumes of Key Staff and Consultants

Provide a personnel roster and resumes of key staff who shall be assigned by the Respondent to perform duties or services under the contract. Include an estimated number of hours to be worked on the contract for each person. Provide a resume, including education, licenses, valid certifications, background, accomplishments and any other pertinent information of the Respondent, key staff and consultants. Provide an organizational chart highlighting the key people who shall be assigned to accomplish the work required by this RFP, illustrating the lines of authority. And designate the individual responsible for the completion of each service component and deliverable of the RFP.

The Respondent shall provide the names of specific clients for whom similar work to the services requested in this RFP has been performed. Any licenses or certifications applicable to the services requested in this RFP should be submitted.

Tab 5: References for Services Performed

The Respondent will provide at least three recent references (within the last five years), including client names, contact persons, phone numbers and a description of services provided.

Tab 6: Attachments

7.3. Proposal Execution

An authorized representative of the Respondent shall duly execute the Proposal. To constitute proper execution, the Proposal shall be in strict compliance with the following:

- **Individuals:** Proposals submitted by Individuals shall be signed by them. If the Proposal is signed by an authorized representative, a power of attorney, dated and executed by the individual shall be attached to the Proposal, as evidence of the representative’s authority to sign the Proposal and to bind the Proposer thereto.
- **Partnerships:** Proposals submitted by a partnership shall be signed on the partnership’s behalf by at least one general partner or by an authorized representative of the partnership. If an authorized representative signs the Proposal, a power of attorney, dated and executed by all partners of the Proposer shall be attached to the Proposal, as evidence of the representative’s authority to sign the Proposal and to bind the Proposer.
- **Corporations:** Proposals submitted by for-profit and non-profit corporations shall state the correct name of the corporation and must be signed by an authorized officer, whose authority to bind the corporation must be evidenced by the corresponding corporate resolution. The title or position occupied by the corporate officer executing the Proposal shall appear below the signature.
- **Joint Venture:** Proposals submitted by a joint venture shall be signed by all members of the joint venture. If the Proposal is signed by only one member of the joint venture entity, the Proposal shall be accompanied with a copy of the joint venture agreement evidencing that the Proposal is signed by a member with authority to bind the joint venture. The joint venture agreement shall be executed before the date and time specified for the proposal submission.

7.4. Proposal Submission

Proposals are to be submitted on the Proposal Due Date. Responses to the RFP submitted after the prescribed deadline will not be accepted.

Proposal Due Date: August 09, 2023

Time: 3:00pm

Any Proposal received after this date and time shall be recorded as late and retained unopened in the procurement file.

The DEDC expressly reserves the right to extend or otherwise amend the Proposal Due Date via Addendum.

7.4.1. Emailed Submissions:

Through email will be the only method to receive bids / proposals / responses (collectively known as submissions) from vendors (i.e., bidders, proponents or Respondents) for all types of solicitation methods and contracts.

- Proposals must be saved in PDF format. The format must be “text searchable” and no scanned or “image” only document.
- The PDF file must be 25 megabytes or smaller.
- The PDF file must be submitted via email to rfpenergia@ddec.pr.gov.
- RFP number and company name must be included in the subject line of the email.
- The PDF file shall be named using the following format: RFP-DDEC-EPP- 2023-001 Company Name. PDF.
- Proposals must be received by the DEDC on or before the due date and time specified in each RFP.
- The DEDC will not consider any proposals that are submitted to an email address different from the one specified in the instructions. **NOTE: the email used to receive the RFP guide requests and submit questions regarding the RFP is not the same email to submit the Proposal.**
- The DEDC recommends Respondents to send **one** email with their complete submission whenever possible, and if it is not possible, clearly explain what the DEDC should consider as the final and full submission.
- The DEDC may request the Respondent to clarify which of the emailed documents should be considered as their final and full submission. However, the Respondent will not be able to submit additional information in response to this clarification.
- Only the emails received on time are going to be considered, which may mean that only some of the emailed documents are considered if a submission is sent in multiple emails.
- There are risks associated with sending submissions via email, including but not limited to delays in transmission between the sender's computer and the DEDC's electronic mail system.
- The DEDC recommends that the email be sent with a delivery receipt request.
- If an email is rejected or if an automated email is not received confirming that the email was received, contact Yelitza Torres at (787) 758-4747 ext. 5664.
- Any email containing a virus or malware will be rejected.
- The DEDC's designated staff will not open any emailed attachments prior to the closing of the submission period and, if one or more files cannot be opened (e.g.,

are corrupted), the Respondents will not have an opportunity to resend such files after closing.

- The Respondent is responsible for the choice of the method ("channel") they use to submit the Proposal. The DEDC does not assume any responsibility for delayed or rejected emails or for any files that cannot be opened.
- The Respondent acknowledges that all risks associated with emailed submissions are their sole responsibility and that late submissions, regardless of the reason, will be rejected.
- The COST PLAN must be submitted as a separate file. The file shall be titled as COST PLAN with the RFP number and the proponent's full name. None of the financial proposal data is disclosed in other documents of the submission.

8. TECHNICAL REQUIREMENTS

Each complete package of a Proposal shall comply with the technical information specified in the following sections.

8.1. Mandatory Requirements

Exhibit A provides a checklist of the documents and forms that must be submitted in a satisfactory manner to show evidence of satisfying Mandatory Requirements.

Proposers shall comply with the following Mandatory Requirements for their Proposals to be evaluated on their Qualification and Work Approach Requirements. Mandatory Requirements will be scored as either "Pass" or "Fail". If the Proposal meets all Mandatory Requirements of this RFP, the Proposal will "Pass" the Mandatory Requirements evaluation.

If the Proposal does not meet all Mandatory Requirements of this RFP, the Proposal will "Fail" the Mandatory Requirements evaluation. **Failure to comply with each of the Mandatory Requirements of this RFP will result in the disqualification of the Proposer.** However, the DEDC reserves the right to waive minor irregularities and minor instances of noncompliance.

Mandatory Requirements for this RFP are as follows:

8.1.1. Proposal Submission

The Proposal must be submitted within the closing date and time for Proposals, as established in Section 7.4 of this RFP.

8.1.2. Organizational Documents

Include all documents that demonstrate that the Proposer:

1. Is properly organized and/or registered and in compliance with the laws of its place of incorporation.

2. Is in “good standing” with the Government of Puerto Rico or with their jurisdiction of incorporation.

(See Exhibit A for the mandatory documents required.)

8.1.3. Financial Requirements

The Proposer shall demonstrate in the Proposal that has adequate financial resources to perform the services under the contract. Accordingly, the Proposer shall provide the following financial information to allow the DEDC to evaluate its financial capability:

The Respondents that generate over \$1 million annual revenue must provide the audited financial statements that include, as minimum, income statement and balance sheet. Those generating less than \$1 million annually may submit a reviewed financial statement if an audited report is not available. All Respondents shall submit the availability of bank credit or other information that will enable the DEDC to evaluate its financial capacity to perform under the contract.

The financial information requested is based upon circumstances existing at the time the RFP is released. The DDEC reserves the right, without limitations, to: (i) modify the requirements of the information; (ii) request additional information or clarification during the evaluation process and, if appropriate, (iii) modify the minimum score requirements; all in the best interest of the DEDC’s action plans.

8.1.4. Conflicts of Interest:

Pursuant to Act 12 of July 24, 1985, as amended, Act 237 of August 31, 2004 and/or Act 2 of January 4, 2018, Proposers will be required to certify that no officer, agent or employee of the Government of Puerto Rico or its Government Entities and instrumentalities, has a monetary interest in the Proposal or has participated in contract negotiations on behalf of the Government of Puerto Rico; that the Proposal is made in good faith without fraud, collusion or connection of any kind with any other Proposers; that the Proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm; and that the Proposer has not been convicted or has pleaded guilty in a state of federal court or any other jurisdiction of the United States of America, or another country if the elements which constitute the crime are the same, of certain crimes constituting fraud, illegal appropriation or misuse of public funds, for the terms stated in Act 2-2018.

8.2. Qualifications

The DEDC will evaluate proposals based on the Qualification Criteria listed below. It will rank order submissions and determine which Proposal submissions best align with the needs of the EPP. Respondents must have at least three (3) years of experience performing services like those described in this RFP.

Respondents shall ensure that they submitted sufficient information to demonstrate the knowledge, experience, and expertise necessary to complete the tasks and provided the services

specified herein, to allow the DEDC to determine their qualifications based on the provided information.

If the Proposer intends to subcontract some of the proposed work from another firm or consultant, similar information should be provided for each subcontractor. **The maximum points for Qualifications Criteria are 55 points.**

To evaluate the Qualifications Criteria, Proposals must comply with each of the following requirements:

8.2.1. Experience and Qualifications (Maximum of 15 Points)

- Describe your experience providing the services described in this RFP.
- Include three references.
- Evidence that the Respondent possesses the knowledge and capability of the individual consultant or legal entities necessary to perform adequately and meet contract requirements. Evidence should be based on past performance and client references.

8.2.2. Profile of Firm (Maximum of 15 Points)

- Applicants must submit a Profile that must include how the firm qualifies to render the proposed services and the firm's Statement of Values and Key Factor for Success. May not exceed five (5) pages.

8.2.3 Organizational Chart (Maximum of 15 Points)

- Proposers must provide an organizational chart identifying team members and flow of authority that reflects the Staffing Plan for the deployment of the proposed scope of work. Identify key staff within the Respondent's organization that has been or will be instrumental in providing sound management experience and direction to the organization in the performance of the services under the Agreement.
- Must include the individual resume or summary of qualifications for the key staff assigned to this Project, addressing their experience and capabilities to perform the required work. No more than two pages per resume.
- The Proposal shall identify and include any professional memberships, licenses, certifications, or accreditations held by the company, the company executives or the critical staff personnel.

8.2.4. Financial Analysis (Maximum of 10 Points)

Proposer's financial statements will be evaluated using basic financial analysis to determine if the Proposer is financially stable.

8.3 Approach to Scope of Services (Strategies and Methods)

Proposers shall draft and submit their approach as part of the Proposal. The **Work Approach will have a maximum score of 30 points**. The document must clearly identify the following:

- The Proposer's approach or plan for developing and/or implementing each element of the Scope of Services.
- The Proposer's capabilities and abilities to provide responsive coordination for Scope of Services. Include a brief description of how the Proposer will address the required tasks.

9. COST PROPOSAL REQUIREMENTS

9.1 Budget (Cost Requirements of the Proposal)

Reasonable pricing will be considered as part of the evaluation, but it is not the sole or determining factor in selecting the successful Proposer (s).

The Respondents must clearly and unambiguously establish a fixed budget to complete the Project. Include in the preceding all meetings, staff time coordination, and required project expenses. **The Budget will have a maximum score of 15 points.**

The Cost Proposals must be accompanied by a narrative to the budget submission that clarifies all significant plans and assumptions related to the budget.

Respondents are expected to establish the cost for the entire Case Management Services, by stating the number of workdays per services, milestone or deliverable (as per the proposed services approach and methodology) and establishing the corresponding cost at the same level.

Finally, the Cost Proposal must state that the costs quoted are valid for one hundred and eighty (180) days from the proposal submission date. Also, once the contract is awarded, charges quoted must be accurate for the duration of the contracted services.

Note: The Respondent shall be solely responsible for all expenses incurred in preparing a response to this RFP and shall be responsible for all costs associated with any presentations or demonstrations, contract negotiation and related expenses related to this request and any proposals made.

Subcontracting of Services

The proponents shall be prepared to furnish a general list of all subcontractors that it intends to utilize for the Project.

9.2 Proposer's compensation

Proposer's compensation will be determined as follows:

- Proposers will be compensated based on unit prices for each milestone of work achieved. The unit prices provided will include all expenses and any other additional fees applicable to the services requested.

After the Qualifications and Work Approach have been evaluated and initial Cost Proposals are reviewed, the DEDC may exercise its option to negotiate compensation with the Proposer (s).

The bidder must use the following table to calculate the cost:

Services	Cost per Services
Rebranding EPP	
Media and Public Relations Services	
Advertising Services	
Marketing Services	
Commercial Photography Services	
Graphic Design Services	
Video/Film Production	
Web-based Marketing Services	
Conferences, Meeting, Roundtables, Mall Exhibitions, Townhalls and Event Planning Services	

Note: The bidder will have to consider in its costs that there may be (activation of services) emergency services that will be required with less than 24 hours to perform.

10. PROCUREMENT AND AWARD PROCESS

10.1. Receipt of Proposals

Proposals will be dated, and time stamped immediately upon their receipt at the DDEC's Office as evidence of timely delivery. (Email receipt and read receipt will be considered stamp Process)

Only Proposals timely received will be considered and evaluated. No Respondent may modify, withdraw, or cancel his Proposal or any part thereof after the Proposal Due Date, except as required in writing by the DEDC, this RFP and the applicable legal and regulatory requirements.

Submittal of Proposals shall serve as evidence of a Respondent's acceptance of the terms, conditions and disclaimers of this RFP and the rights and options reserved hereunder by the DEDC.

All proposals shall remain valid for a period of one hundred and eighty (180) days after the date specified for the receipt of proposals.

Following the receipt, the response of all Proposers will be reviewed to determine that: (i) each Proposal has been submitted following the requirements of this RFP; (ii) each Proposal is complete and (iii) all required documentation was included with the Proposal.

Proposals will be evaluated by the DEDC, as described in the following sections.

10.2. Evaluation Committee

The Evaluation Committee appointed by the Secretary of the DEDC will review and score the different sections of this RFP, as well as make final recommendations to the Secretary. The Committee shall conduct a comprehensive, fair, and impartial evaluation of Proposals received in response to this RFP.

Following receipt, the responses of all Proposers will be reviewed for completeness and analyzed based upon the criteria described in this RFP. An initial evaluation will consider the Mandatory Requirements of the Proposal. Those who meet the Mandatory Requirements will then be evaluated by the Evaluation Committee for Qualification, Work Approach and Budget or Cost Requirements of the Proposals.

The Evaluation Committee may request clarifications to Proposers, to assist in gaining additional understanding of the Proposals. A response to a clarification request must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

Technical Committees may be convened by the Evaluation Committee, as deemed necessary.

The Evaluation Committee shall then prepare a written evaluation report to document the ranking of each Proposals by technical and cost merits. The Evaluation Committee report will be submitted to the Secretary of Economic Development with the corresponding recommendation for adjudication.

10.3. Errors and Omissions in Proposals

The DEDC reserves the right, without limitations, to reject a Proposal that contains an error or omission. It also reserves the right, without limitations, to request correction of any errors or omissions and/or to request any clarification or additional information from any Proposer, without opening clarifications for all Proposers.

10.4. Proposal Scoring

Proposers will be awarded points based on their qualifications and work approach requirements. **Table 2** presents the maximum points for the requirements of Proposals. For details regarding the distribution of points for each technical aspect of the Proposal, refer to the corresponding section.

Table 2: Proposal Scoring

Criteria	Maximum Points
Mandatory Requirements (Section 8.1)	Pass/Fail
Qualifications (Section 8.2)	55 points
Approach to Scope of Services (Section 8.3)	30 Points
Cost Proposal (Budget) (Section 9)	15 Points
Total Maximum Scoring	100 points

To be considered a “Qualified Proposer”, Proposers need to obtain a score greater than or equal to seventy-five (75) points in the evaluation of their Proposals.

10.5. Interviews and Proposal Refinements

The DEDC reserves the option to engage in interviews with Proposers that it considers viable candidates, to discuss questions and/or considerations that can provide better clarity to refine proposals.

10.6. Negotiations

After the corresponding evaluation of the Proposals, The DEDC will select all Qualified Proposers for negotiations. Negotiations are exchanges between the DEDC and Proposers that are undertaken with the intent of allowing the Proposers to revise their Proposals.

If the DEDC is not satisfied with the price offer of the Respondent, they will recommend doing further discussions/negotiations.

The primary object of discussions is to maximize the DEDC’s ability to obtain the best value, based on the requirements and the evaluation factors outlined in the RFP. The DEDC’s Evaluation Committee may request and receive best and final offers.

10.7. Selection and Award

Proposer(s) to be selected for the award will be based on the Proposal Scoring stated in Section 9.4 and the negotiations from Section 9.6. The DEDC, based on the overall Proposals received and their evaluation results, shall determine the number of successful proposers that represent the best interest of the overall programs implementation and the people of Puerto Rico.

The Proposer(s) to be awarded the RFP shall be recommended by the Evaluation Committee. After the final recommendation from the Evaluation Committee, the Secretary of the DEDC will issue the Award Notice.

Award will be made to the responsible and responsive Respondent whose Proposal represents the best value to the DEDC, taking all elements (including price and technical score) into

consideration. Award will be made at fair and reasonable prices only. The DEDC reserves the right to select a proposal other than the lowest price from a Respondent within the competitive range.

A proposal must conform to the material requirements of the RFP. If the Proposal does not conform to the solicitation, it will be rejected because it is considered non-responsive.

The Secretary of Economic Development shall review the Report of the Evaluation Committee and shall identify the Respondent(s) that should be selected to provide the services requested by this RFP. The determination of a Respondent's selection will be based on the merits of the Proposal presented, following the evaluation criteria. However, the Secretary of Economic Development, taking into consideration the Respondent's Proposal and the Evaluation Committee recommendation, shall identify for selection the Respondent(s) as deemed most advantageous to the DEDC's interests and objectives.

10.8. Award without Negotiation

If, after the initial evaluation of Proposals, there is a clear winner and there is no need to negotiate or obtain further clarification or information from that Respondent (e.g., the price is reasonable), the Secretary of Economic Development may proceed directly to award, provided that the RFP clearly stated that award could be made without negotiations.

10.9. Notice of Selection

The DEDC will issue a written notice of selection to the successful Proposer(s) through certified mail to the address provided as part of the Proposal (the "Notice of Selection"). The Notice of Selection will establish the selected Proposer(s) obligation to submit any applicable post-award documentation.

10.10. Execution of Agreements

The DEDC will seek to execute a Service Agreement with the selected Proposer(s). If an agreement cannot be reached, the DEDC may terminate negotiations with the chosen Respondent(s) and proceed to the next-highest rated Respondent until an agreement determined to be fair and reasonable to both parties is obtained.

No Proposal shall be binding upon the DEDC until an Agreement has been executed. The DEDC reserves the right to issue press releases or public statements regarding the services under the contract; and the right to cancel the award of an Agreement at any time before execution of the contract, without incurring in any liability.

10.11. Rejection of Proposals and Cancellation of RFP

Issuance of this RFP does not constitute a commitment by the Government of Puerto Rico and/or the DEDC to award a contract. The DEDC reserves the right, without limitations, to accept or reject, in whole or in part, and without further explanation, any or all Proposals submitted; and/or to cancel this solicitation and reissue this RFP or another version of it, if it deems that doing so is in the best interest of the public interest, the Government of Puerto Rico, the DEDC or the impacted communities.

The DEDC reserves the right, without limitations, to disregard or waive any noncompliance, informalities and/or irregularities in the Proposals received in response to this RFP, not otherwise identified as Mandatory Requirements and Qualifications in this RFP when, in its opinion, the public interest, the best interest of the Government of Puerto Rico, the DEDC or of the impacted communities will be served by such action.

10.12. Confidentiality of Responses and Proprietary Information

Upon completion of the RFP process, the DEDC will make public its report regarding the qualification, procurement, and selection process, which shall contain certain information related to this RFP process, except trade secrets, proprietary information or privileged and confidential information of the Proposers, so identified by Proposers. Accordingly, all Proposers are suggested to submit a redacted copy of their Proposal at the time of submission. For the purpose of clarity, “redacted copy” refers to a copy of the Proposal that has been modified, edited or revised and any confidential or sensitive information has been removed.

The DEDC reserves the right, without limitations, to make public the redacted copies of the Proposals at the conclusion of the RFP process. If a redacted copy is not submitted by a Proposer, the DEDC will assume that the original copy of the Proposal can be made public. Proposals containing substantial contents marked as confidential or proprietary may be rejected by the DEDC.

The DEDC cannot guarantee that confidentiality or proprietary claims made by a Proposer, in any way, will be honored. Due to the nature of this RFP, some confidentiality or proprietary claims cannot be assured. Provision of any information marked as confidential or proprietary shall not prevent the DEDC from disclosing such information if required by law. The ultimately awarded contract(s) and all prices set forth therein shall not be considered confidential or proprietary, and such information may be made publicly available.

All information, be it trade secrets, proprietary or confidential, submitted as part of this RFP, will be made available to DOLETA, the US Office of Inspector General or any other federal or state agency that requires said information for program evaluation and compliance purposes.

10.13. DEDC Options

Without limitation and in addition to other rights reserved by the DEDC in this RFP, and when it is determined to be in its best interests, the DEDC reserves and holds, at its sole discretion, the following rights and options:

- To reject any Respondent that has a poor performance record, as demonstrated by past work performed for the DEDC, specifically from the standpoint of work quality and progress.
- To reject any Proposal due to uncompleted work, which, in the judgment of the DEDC, might hinder or prevent the prompt completion of additional work, if awarded.

- To reject a Proposal if any of the Respondent's previous agreements with the DEDC or any other public or private entity declared in default.
- To conduct further investigations regarding the technical and financial qualifications of Respondents from any sources deemed necessary, which might be others than those identified in the Proposal.
- To reject a Proposal if there are unauthorized additions, conditional or alternate proposals or irregularities of any kind which may tend to make the Proposal incomplete, indefinite or ambiguous.
- To cancel, without prejudice, any selection of Respondents before the execution of the Agreements.
- To reject Proposals from a Respondent shown to be submitting Proposals under different names for the same services.
- To reject Proposals upon evidence of collusion among several or all Respondents.
- To take any action affecting the RFP process or the subject matter of this RFP, that would be in the best interests of the DEDC.
- Failure to provide any of the above-requested information shall be considered a substantial defect. All documents and products created by the Respondent's and their sub-consultants shall become the exclusive property of the DEDC.
- By submitting a Proposal, each Respondent agrees, if the Proposal is accepted, to enter into a contract with the DEDC for the term outlined in this RFP.
- Each Respondent also accepts all terms and conditions of this RFP and any amendment thereof. The Respondent's Proposal and any additional information submitted by the Respondent or negotiated between the Respondent and the DEDC before the selection, together with this RFP and any addenda hereto, will serve as confirmations of the Respondent's acceptance of all terms and conditions therein.

11. ADMINISTRATIVE PROCEDURE AND APPELLATE REMEDIES

Any person, party or entity that considers itself having been adversely affected by the Award Notice or award determination of the Secretary of the DEDC, made in relation to this RFP, may file a petition for reconsideration before the Secretary within the twenty (20) days from the date on which the copy of the Award Notice is duly notified, as established in Law 38-2017. This is a jurisdictional term not subject to any extension. Failure to timely file the petition for reconsideration will preclude the Secretary of the DEDC from considering the same.

The applicable terms for the filing of a judicial review petition before Puerto Rico's Court of Appeals in relation to this action or lack of action by the Secretary of the DEDC, shall be those established in Law 38-2017 for bids procedures, particularly, in Sections 3.19 and 4.2. Simultaneously with the filing

of the petition for reconsideration, the petitioner shall submit a copy of the petition to all the parties in the procedure and to the Secretary of the DEDC.

The mere filing of a petition for reconsideration before the DEDC's Secretary or filing of a judicial review petition before Puerto Rico's Court of Appeals will not have the effect of halting the contested award.

12. CONTRACT

12.1 Type of Contract

The DEDC expects to award a professional services contract for the selected firm(s) for the services. The services fees will be paid every month after the firm's monthly report is submitted to the DEDC, agency which will evaluate and recommend the payments to be issued.

12.2 Contract Period:

The DEDC intends to execute a contract with the Proposer(s) selected under this solicitation. The professional services contract will have effectiveness of one (1) year (approximately). This period includes all administrative tasks, the startup of services, the services included in the Proposal and the final payment at the end of each service.

12.3 Performance Period

The Performance Period for this Agreement is for a maximum of one (1) year, including holidays, from the day stated in the contract. The time is included in the Contract Period and is not to be considered as in addition to the Contract Period. The duration of the services will be as per Statement Work and as agreed to by the parties.

12.4 Payments

Payments shall be issued for services provided, previously approved by the DEDC. It is the Selected Proposer's responsibility to provide all services, as set forth under the Scope of Services detailed in this RFP.

Payment will be made upon presentation of invoice evidenced by the services provided and duly authorized by the DEDC. Selected Proposer must submit all required invoice supporting documents, including but not limited to, monthly reports, timesheets, expense plans, work projections and any other documentation that supports the services provided. Invoices must be submitted within the first ten (10) calendar days from the end of the period for the services being invoiced.

If the DEDC finds the submitted invoice and supporting documents as acceptable, then the invoice will be approved and processed for payment promptly after submission of the invoice. The DEDC reserves the right to review the correctness of invoices and perform audits as it deems necessary.

The Selected Proposer shall submit monthly invoices for the agreed fees. Invoices must be detailed, specified, and itemized, accompanied by a description of the services provided, as previously approved by the DEDC. In addition, it shall be noted that no public servant of the contracting entity is a party or has interest on the profits or benefits product from the contract, regarding the invoice. If it does have interest in some part on the profits or benefits of the contract, it must specify that a waiver has been mediated.

The DEDC shall request from the Selected Proposer all the necessary information related to the invoiced expenses, to verify them, before ordering the release of payment.

The Selected Proposer will deliver the original invoice to the DEDC as per the terms of the contract. Such invoice must be properly completed and certified by the Selected Proposer. Upon receipt, the designated office within the DEDC will process it for certification, in accordance with the Internal Revenue Code of Puerto Rico, following the standards and regulations established by enforcement agencies of the Government of Puerto Rico.

Thank you for your interest in participating in the SEP funded programs for the economic growth of Puerto Rico.

13. REFERENCES

The following links are reference to the services requested, in compliance with the SEP.

- Public Energy Policy Program
<https://www.ddec.pr.gov/en/public-energy-policy-program>
- 2 CFR PART 200—*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>
- 10 CRF Part 420, State Energy Program
<https://www.ecfr.gov/current/title-10/chapter-II/subchapter-D/part-420>
- *Orden Ejecutiva (OE-2021-062)* del gobernador de Puerto Rico, Hon. Pedro Pierluisi , para requerir la vacuna contra el COVID-19 a los contratistas de la Rama Ejecutiva, así como en los sectores de la Salud y las Hospederías.
- State Energy Program information
<https://www.energy.gov/eere/wipo/state-energy-program>
<https://www.ddec.pr.gov/en/public-energy-policy-program>

- Weatherization Assistance Program information
<https://www.energy.gov/eere/wap/weatherization-assistance-program>
<https://www.ddec.pr.gov/en/public-energy-policy-program>

END OF RFP