



Department of Commerce

STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
STATE ENERGY OFFICE
OLYMPIA, WASHINGTON

NOTICE OF FUNDING OPPORTUNITY

August 2019

GRANT TITLE: State Project Improvement Grant

APPLICANT CONFERENCE DATE: To be Determined

APPLICATION DUE: Phase 1: 4:00 PM 9/6/2019
Phase 2: 4:00 PM 11/15/2019

CONTRACT PERFORMANCE PERIOD: Up to 24 months

APPLICANT ELIGIBILITY:

Washington State Agencies, including all branches of government and higher education, with projects that have received funding in the 2019-2021 Capital Budget at state-owned facilities.

APPLICANT RESPONSIBILITY:

The Applicant bears the responsibility of reading this Notice of Funding Opportunity (NOFO) and all supplemental information prior to completing and submitting the Application. Failure to follow the instructions may result in rejection of the application.

COMMERCE complies with the Americans with Disabilities Act (ADA). Applicants may contact the NOFO Coordinator to receive this NOFO in Braille or as an audio recording.

Table of Contents

1 INTRODUCTION..... 2

1.1 PROGRAM OVERVIEW..... 2

1.2 THIS ROUND OF FUNDING 2

1.3 MATCH REQUIREMENTS 3

2 GENERAL INFORMATION FOR APPLICANTS..... 3

2.1 GRANT MANAGER..... 3

2.2 CONFLICT OF INTEREST 3

2.3 ESTIMATED TIMELINE 4

2.4 APPLICATION STEPS..... 4

2.5 MINIMUM REQUIREMENTS 6

2.6 PROGRAM REQUIREMENTS 7

2.7 ACCEPTABLE SCOPE OF WORK..... 9

2.8 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE 9

2.9 REVISIONS TO THE NOFO 9

2.10 DISCLAIMER 10

2.11 NO OBLIGATION TO CONTRACT 10

2.12 COMMITMENT OF FUNDS..... 10

3 APPLICATION EVALUATION 10

3.1 EVALUATION PROCEDURE..... 10

3.2 EVALUATION AND PRIORITIZATION 11

3.3 REJECTION OF APPLICATION 11

3.4 DEBRIEFING OF UNSUCCESSFUL PROPOSERS..... 11

3.5 PROTEST PROCEDURE 12

4 ATTACHMENTS 13

4.1 BUDGET PROVISIO: 13

1 INTRODUCTION

The State Project Improvement Grant (Grant) is part of the Energy Efficiency and Solar Grants Program for public facilities in Washington State. This grant was previously referred to as the Energy Enhancement or Minor Works grant. This grant is open to stand-alone and minor works projects at Washington state owned facilities that have received funding in the 2019-21 enacted Capital Budget. This grant has been developed in partnership with the State Efficiency and Environmental Performance Office (SEEP).

Please read this opportunity carefully. Questions must be submitted to Energy_Policy@commerce.wa.gov.

1.1 PROGRAM OVERVIEW

The Washington State Legislature created the Energy Efficiency and Solar Grants Program (Program) to support energy savings at public buildings. The program includes 3 primary grant funds: Energy Efficiency, Solar, and State Project Improvements.

State Project Improvements funding is available to cover the incremental costs associated with improving the energy efficiency or environmental performance of capital projects at state owned facilities.

Section 1039 (3) and Section 6007 (3) of Chapter 413, Laws of 2019 (Substitute House Bill 1102, 2019-21 Enacted Capital Budget) appropriates a total of \$6,737,000 for the State Project Improvements program, \$5,357,000 as new investments, and \$1,400,000 as re-appropriations from the 2017-19 biennium. The full legislation is available here: <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1102-S.SL.pdf> Commerce is making the awardable portions of these funds available through this Notice of Funding Opportunity (NOFO).

1.2 THIS ROUND OF FUNDING

In this round, up to \$6,554,290 will be awarded to projects that meet the requirements of the grant. If insufficient funding is available to fund all requests, projects with greater impacts will be prioritized. Any funding remaining after the initial application round will be awarded on a first come, first served basis.

Successful applications must meet all requirements and may be prioritized based on the criteria outlined below. Commerce reserves the right to extend the application period or amend this notice as necessary.

Awardees will be subject to the funding source requirements as applicable. See section 2.7 Program Requirements for the funding specific requirements.

Grants will be no more than 100% of the baseline project cost.

Contracts will be performance based, with final payment made upon successful completion of the scope of work. Progress payments for completed milestones can be negotiated during contract development.

1.3 MATCH REQUIREMENTS

No match is required for the grant. The Baseline Project must be fully funded, with funding from the 2019-21 Enacted Capital Budget contributing to the project.

2 GENERAL INFORMATION FOR APPLICANTS

2.1 GRANT MANAGER

The Grant Manager is the sole point of contact in Commerce for this grant. All communication between the Applicant and Commerce regarding this NOFO, including debriefs, protests, and conflict of interest, must be with the Grant Manager.

Questions regarding the application process must be submitted via email to Energy_Policy@commerce.wa.gov. All questions and responses will be published on a “Questions and Answers” (Q&A) document, which will be updated a minimum of monthly on the SPI Website. Commerce will respond to questions received prior to 5:00PM on 11/6/2019 and the final Q&A will be published on 11/8/2019.

Attempting to ask questions or discuss the Program outside of the Questions and Answers process may result in disqualification.

Grant Manager:	Dever Haffner-Ratliffe
Mailing Address:	P.O. Box 42525, Olympia WA 98504-2525
Street Address:	1011 Plum Street SE, Olympia WA 98504-2525
NOFO Website:	https://www.commerce.wa.gov/growing-the-economy/energy/energy-efficiency-and-solar-grants/state-project-improvement-grants/
E-Mail Address:	Energy_Policy@commerce.wa.gov Please use the following format in the subject line: “SPI Grant, <i>applicant's name, topic</i> ”

2.2 CONFLICT OF INTEREST

ASSOCIATION WITH DEPARTMENT OF COMMERCE EMPLOYEES

The applicant must identify any past or current association, outside of the employee’s official duties, with current Department of Commerce employees. This includes any Department of Commerce employees or former employees employed by the firm or on the firms governing board during the past twenty-four months, and any ongoing family, personal, volunteer, or academic relationships with current Commerce employees. Any relevant relationships identified following submission of the original application must be disclosed to Commerce as soon as possible, and no later than within five business days. This disclosure requirement applies to the applicant, as well as first and second tier subcontractors.

If a conflict of interest is identified, Commerce will pursue available alternatives to address the conflict of interest. If the applicant fails to identify and/or disclose a potential conflict of interest or if Commerce determines that the conflict of interest is unable to be addressed, the applicant may be disqualified and the contract terminated with full repayment to Commerce. Commerce reserves its right to pursue all available remedies under the law to address the conflict.

The information in the application regarding former state employees must:

- Identify the individual by name
- The nature of the association (employment, relative, etc.)
- The agency previously or currently employing the individual (if applicable)
- The job title or position held (if applicable)
- The separation date, if any.

2.3 ESTIMATED TIMELINE

DATE	MILESTONE	NOTES
8/26/2019	Phase 1 Opens	Commerce begins to accept pre-applications for the Grant
9/6/2019	Phase 1 Applications Due	All applications and materials must be received by Energy_Policy@commerce.wa.gov by 4:00 PM PST.
9/25/2019	Phase 1 Decisions	Phase 1 applicants will be informed if they are eligible to apply for phase 2.
9/30/2019	Phase 2 Application Opens	Commerce begins to accept full applications for the Grant
October – to be announced.	Applicant Webinar	Applicants can learn about the Grant, the Phase 2 Application, NOFO, and ask questions via Skype.
11/15/2019	Phase 2 Applications Due	All applications and materials must be received by Energy_Policy@commerce.wa.gov by 4:00 PM PST.
2/17/2020	Awards Decided	Successful and unsuccessful applicants will be notified via email.
3/5/2020	Awards Announced	Commerce will issue a press release and update the website to announce the awards publically.
February 2020	Debriefing Meetings	Unsuccessful applicants may request a Debriefing to discuss their application.
March 2020	Contract Negotiation	Successful applicants may begin negotiating their contracts.

APPLICANT CONFERENCE

Commerce will host an applicant conference via Skype with potential applicants to review the application process and respond to questions. The webinar will be date and information will be announced to all Phase 1 applicants that are eligible to apply for Phase 2. Questions asked during the webinar will be answered live (as time allows) and transcribed to the Questions and Answers publication.

2.4 APPLICATION STEPS

Phase 1 Application:

Step 1: Applicant reviews all Program materials thoroughly.

Step 2 (Optional): Applicant may ask questions directly to Commerce. Questions about the application process can be submitted by email to Energy_Policy@commerce.wa.gov. A Questions and Answers (Q&A) page will be posted on the SPI webpage. Commerce staff may contact

applicants to clarify questions prior adding to the Q&A sheet. Discussion or questions regarding a specific application, project or site are not allowed.

Step 3: The applicant completes and submits the Pre-Application form per the instructions below, along with all required support documents as cited on the application and available on the webpage. The applicant is responsible for the application being submitted on time, to the specified recipient, complete, and accurate.

Step 4: Commerce will acknowledge receipt of the application within one business day. Only contact Commerce to confirm receipt if a confirmation has not been received after one business day.

Phase 2 Application:

Step 5: Commerce notifies pre-applicants that are eligible for the program and provides the phase 2 application and instructions.

Step 6 (Optional): Applicant participates in or watches the recorded Applicant Conference webinar, which will be recorded and published on the [SPI webpage](#).

Step 7 (Optional): Applicant may ask questions directly to Commerce. Questions about the application process can be submitted by email to Energy_Policy@commerce.wa.gov. A Questions and Answers (Q&A) page will be posted on the SPI webpage. Commerce staff may contact applicants to clarify questions prior adding to the Q&A sheet. Discussion or questions regarding a specific application, project or site are not allowed.

Step 8: The applicant completes and submits the Full Application form per the instructions provided, along with all required support documents as cited on the application and available on the webpage. The applicant is responsible for the application being submitted on time, to the specified recipient, complete, and accurate.

Step 9: Commerce will acknowledge receipt of the application within one business day. Only contact Commerce to confirm receipt if a confirmation has not been received after one business day.

Additional information and documentation submitted with the application will be reviewed at the discretion of Commerce. Supplemental information or documents not directly requested by Commerce will not be allowed after the application deadline. Commerce reserves the right to request additional information, a project presentation or visit the facility if necessary to evaluate the application.

INSTRUCTIONS FOR SUBMITTING

- Phase 1 Applications:
 - Are due by 4:00PM PST on September 6, 2019.
 - Applications must be submitted by email to EEandS@commerce.wa.gov.
 - The email subject line: SPI APP_Name of Submitting Entity
 - All materials must be submitted as searchable PDFs or Word documents, not scanned or imaged documents
- Phase 2 Applications are due by 4:00PM PST on November 15, 2019. Eligible Phase 2 Applicants will be provided instructions on how to apply.
- All materials must be labeled as instructed in the application materials.
- Commerce will NOT accept applications that are mailed, faxed, or hand delivered to our offices.

2.5 MINIMUM REQUIREMENTS

All of the following requirements must be met during the Step 1 review for an application to be reviewed further. Applicants bear burden of proof for all requirements and criteria.

APPLICANT REQUIREMENTS:

- The primary applicant is the Washington State agency or institution that owns the facility with an eligible project.
- The project must have received funding in the 2019-21 enacted Capital Budget.
- Applicants must be in good standing with all applicable federal, state, and local laws and requirements, including with the Department of Commerce.
- Applicants must be responsive to communications from Commerce. Failure to reply by specified deadlines may result in elimination.
- Applicants may submit unlimited qualifying applications.
- Only 1 application may be submitted per baseline project.

PROJECT REQUIREMENTS:

OVERALL PROJECT REQUIREMENTS:

- The project must be located at a Washington state owned facility.
- The project must repair or replace existing building systems including but not limited to:
 - HVAC
 - Lighting
 - Insulation
 - Windows
 - Other mechanical systems
- Applicants must apply for available utility incentives

BASELINE PROJECT (BASELINE):

The baseline project is the minor works or stand-alone project in the 2019-21 Enacted Capital Budget that will take place if no additional funding is received. Baseline projects must:

- Be funded by the capital budget, at least in part.
- Be included in the Capital Budget as a minor works or stand-alone project.
- Be fully funded without any funding needed from this grant.
- Meet applicable building, electrical, and energy code.

ALTERNATIVE PROJECT (ALTERNATIVE):

The alternative project is an alternative design, component, or enhanced feature direct relating to the baseline project. Alternative projects must:

- Increase the efficiency performance beyond the baseline project.
- Incur an additional cost beyond the baseline project.
- Be a change to the scope of work included in the baseline project, that results in improved Energy Efficiency
 - Allowable example: The baseline is to replace an HVAC unit. The alternative is to purchase a more efficient HVAC unit which will cost more and adding HVAC controls.

- Prohibited example: The baseline is to replace an HVAC unit. The alternative adds replacing the buildings lighting at the same time.

APPLICATION REQUIREMENTS:

- No more than 1 site can be listed on an application.
 - Applicants may submit an unlimited number of applications.
- Applications must be submitted through the process determined by Commerce.
- Applications must be received by the due date specified by Commerce.
- All application materials must be submitted in the format required by Commerce.
- Answers and attachments must not exceed the length specified in the NOFO or in the application instructions.
 - Content that exceeds the length limitations will not be considered.
 - Example: If an application question has a 50 word limit, and 60 words are submitted, only information up to the 50th word will be considered.
 - Example: If an attachment has a maximum length of 2 pages, only the first two pages of content (including images, charts, and any other non-text content) will be considered.
- The application form template cannot be altered – no formatting or questions may be changed by the applicant, including but not limited to: deleting the text of the question, reducing the font size.
- Answers provided on the application form must be submitted in 12 point, single space Arial font.
- All attachments must be submitted in 12 point, single space Arial font. Page Margins must not be narrower than ½ inch on all sides. Page counts assume single sided documents on standard, letter size pages.
- Phase 1 Applications must include:
 - All materials and information listed in the application instructions
 - A complete and accurate application
- Phase 2 Applications must include:
 - Note: Commerce will provide eligible Phase 2 applicants with a list of required application materials, including links to or copies of the required forms. Commerce reserves the right to provide different instructions and requirements for each applicant, depending on the scope of the project.*
 - All materials and information listed in the application instructions
 - A complete and accurate application
 - A completed and signed Certification of Organization Official
 - A complete and accurate Office of Financial Management Life Cycle Cost Tool
 - Sufficient information to verify that the baseline and alternative efficiency and environmental performance calculations are accurate.

2.6 PROGRAM REQUIREMENTS

The following requirements will apply to successful applicants who are awarded funds. In all cases, the most restrictive requirements apply.

SUCCESSFUL APPLICANTS:

- Must complete a Risk Assessment Survey provided by Commerce.
- Must maintain good standing with all applicable federal, state, local, and utility laws and requirements, including Commerce.
- Will maintain responsibility for the project for the duration of the contract.

- Is responsible for the compliance with the contract for the duration of the performance period.
- Must provide a certification of and maintain commercial liability and property insurance for the performance period of the contract.
- Must follow all state procurement requirements that apply.
- Bear the responsibility in ensuring understanding and compliance, with all utility, local, state, and federal requirements.
- Must comply with contract, audit, and monitoring requirements, including scheduled site visits.
- Utilize the online invoicing process for reimbursement.
- Are responsible for all costs incurred prior to the execution of a contract and not have the expectation for reimbursement of those costs.
- Must comply with and ensuring that all Contractors, Consultants, and Partners comply with:
 - All applicable federal, state, local, and utility laws and requirements, including the requirements of this contract.
 - The applicable requirements of this Program and any resulting contract.
- Must ensure that all Contractors, Consultants, and Partners:
 - Are responsible and qualified bidders.
 - Are eligible to bid on public works projects (not debarred).
 - Are in and maintain good standing with all applicable federal, state, local, and utility laws and requirements, including Commerce.
- The applicant bears the responsibility of ensuring all subcontractors and consultants understand and comply with all requirements.
- Must accurately and honestly represent the project within the application. Commerce reserves the right to revoke awards or terminate contracts inclusive of recuperating funding for projects that were misrepresented or fail to implement the project proposed during application.

PROJECT REQUIREMENTS:

- Project construction and operation must comply with applicable federal, state, local, and utility laws and requirements.
- Project construction and operation must comply with State Cultural and Historic Resource requirements and Tribal consultation as required by [Governor's Executive Order 05-05](#).
- Must have an anticipated lifespan of 13+ years.
- Must be completed within 24 months of execution of the grant agreement, exceptions may be negotiated on a case-by-case basis.
- All entities involved must comply with [Washington State Prevailing Wage](#) on the source of funding.
- Comply with [Washington State Environmental Policy Act \(SEPA\)](#).
- Align with the goals of Executive Order 18-01 (for state agencies named in the EO), improve energy efficiency of the project facility, and contribute to GHG reductions in accordance with RCW 70.235.

REPORTING REQUIREMENTS:

- Report on all pass-through funding using the provided reportable expense template under the [Governor's Diverse Spend Initiative](#).
- Recipients of funding must report to Commerce no less than quarterly regarding progress of the funded project, project outcomes upon completion of the project, budget

projections, and other information upon request by Commerce. Upon project completion, a final summary of the project is required.

FUNDING REQUIREMENTS:

- Funding awarded through this Program cannot supplant or displace any funding designated for the baseline project.
- If the total value of incentives and rebates exceeds the cost of the baseline project, Commerce will use the total incentives and rebates to calculate the gap in funding. This method ensures that Commerce does not overfund the project.

2.7 ACCEPTABLE SCOPE OF WORK

The primary purpose of these projects must be to increase the energy efficiency or environmental performance of the baseline project. The method of increase must include the purchase of a capital asset that operates for a minimum of 13 years. Reasonable costs that are necessary to purchase, install, or operate the asset or that are necessary to complete the activities required through this Grant may be included, subject to Commerce approval. The scope of work will be performance or milestone based. This program will not issue a time and materials contract. Further, entities receiving funding are required to meet the most restrictive of local, state, and federal requirements.

2.8 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

The applicant acknowledges that Commerce is subject to the Public Records Act and that communications, the application, and any future contract is a public record as defined in Chapter 42.56 RCW. Any specific information claimed by the applicant to be Proprietary Information must be clearly identified as such by the applicant. "Proprietary Information" means information owned by the applicant to which the applicant claims a protectable interest under law. Proprietary Information includes, but is not limited to, information protected by copyright, patent, trademark, or trade secret laws.

To the extent consistent with Chapter 42.56 RCW, Commerce will maintain the confidentiality of all such information marked Proprietary Information. If a public disclosure request is made to view the applicant's Proprietary Information, Commerce will notify the applicant of the request and of the date that such records will be released to the requester unless the applicant obtains a court order from a court of competent jurisdiction enjoining that disclosure. If the applicant fails to obtain the court order enjoining disclosure, Commerce will release the requested information on the date specified.

2.9 REVISIONS TO THE NOFO

In the event it becomes necessary to revise any part of this NOFO, an addendum will be posted on the [SPI website](#).

Commerce also reserves the right to cancel or to reissue the NOFO, completely or in part, prior to execution of a contract.

2.10 **DISCLAIMER**

Commerce will not be liable for any costs incurred by the Applicant in preparation of a proposal submitted in response to this NOFO, in conduct of a presentation, or any other activities related to responding to this NOFO.

This solicitation does not commit Commerce to award any funds, pay any costs incurred in preparing an application, or procure or contract for services or supplies. Only responses meeting all Mandatory Eligibility Criteria will be approved for further evaluation in the Phase Two Full Application. Commerce reserves the right to determine at its sole discretion whether the proposer's response to Mandatory Eligibility Criteria in the Phase One Pre Application review is sufficient to pass. Commerce reserves the right to modify award amount from that requested, negotiate with qualified applicants, cancel or reissue at any time without obligation or liability, or change the application guidelines for subsequent funding rounds. If there are changes to the proposed award notification schedule, applicants will be notified via email.

Grant and application guidelines, NOFO documents, as well as required documentation for applicant download, will be posted electronically using Commerce's [SPI website](#). Any amendments and addenda to the documents will be posted on the same site.

This solicitation will be distributed electronically to subscribers for Energy [email updates](#) and by posting on Commerce's [SPI website](#). Applicants are responsible for checking the website for updates, amendments, and addenda. Commerce accepts no liability and will provide no accommodation for applicants who submit an application based on out-of-date solicitation documents.

2.11 **NO OBLIGATION TO CONTRACT**

This NOFO does not obligate the state of Washington or Commerce to contract for services specified herein.

2.12 **COMMITMENT OF FUNDS**

The Director of Commerce, or the Director's Designee, is the only individual who may legally commit Commerce to the expenditures of funds for a contract resulting from this NOFO. No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

3 **APPLICATION EVALUATION**

3.1 **EVALUATION PROCEDURE**

Phase 1:

Step 1: Commerce and the Office of Financial Management will review the pre-applications for compliance with the process, completeness, and minimum qualifications. Applications that do not follow the process, are incomplete, or do not meet the minimum qualifications may be disqualified at any time. Applications that are disqualified will not be reviewed or evaluated further. Applications which are not disqualified will be invited to submit a full application. Commerce may request the Phase 1 application be submitted as multiple Phase 2 applications.

Phase 2:

Step 2: Commerce will review the full applications for compliance with the process, completeness, and minimum qualifications. Applications that do not follow the process, are incomplete, or do not meet the minimum qualifications may be disqualified at any time. Applications that are disqualified will not be reviewed or evaluated further.

Step 2: Commerce reserves the right to have the applications reviewed by technical experts for accuracy of assumptions and calculations. If technical review occurs:

- Calculations determined to be incorrect and benefitting the applicant will be overridden with the technical review calculations.
- Applications which fail to meet the requirements or provide sufficient data for technical review will be disqualified.

Step 3: If insufficient funding is available for all eligible projects, Commerce reserves the right to prioritize funding. Using the LCCT projects that deliver the greatest reduction in carbon emissions per funding request will be prioritized higher.

Step 4: The Office of Financial Management will review and approve the projects recommended for funding.

Step 4: Notification of grant awards, along with notification of unsuccessful proposals, will be emailed to the applicant point of contact.

Step 5: Successful applicants will enter into contract negotiations.

Commerce reserves the right to consider, in its sole discretion, fair and equitable geographical distribution, the applicant's access to other sources of funds necessary to complete the project, and the applicant's past performance on Commerce contracts when making final awards. Commerce reserves the right to offer modified grant amounts based on application demand levels, scoring, and funding analysis.

3.2 EVALUATION AND PRIORITIZATION

The goals of increasing efficiency and environmental performance will be calculated using the Life Cycle Cost Tool (LCCT) as follows:

Efficiency performance will be measured by the Net Present Savings calculation.

Environmental performance will be measured by % of CO₂ reduction vs. baseline calculation.

Alternative projects must have a verifiable positive Net Present Savings on the LCCT to qualify.

If insufficient funding is available for all eligible projects, Commerce reserves the right to prioritize funding projects with the greatest improvements in environmental performance: Using the LCCT, projects that deliver the greatest reduction in carbon emissions compared to the baseline project will be prioritized higher.

3.3 REJECTION OF APPLICATION

Commerce reserves the right at its sole discretion to reject any and all applications received without penalty and not to issue a contract as a result of this NOFO. Failure to follow the documented instructions is grounds for rejection.

3.4 DEBRIEFING OF UNSUCCESSFUL PROPOSERS

Upon request, a debriefing conference will be scheduled with an unsuccessful applicant. The request for a debriefing conference must be received by the Grant Manager within five (5) business days after the Notification of Unsuccessful Application letter is e-mailed to the

Consultant. The debriefing must be held within five (5) business days of the request, unless an extension is granted by Commerce in its sole discretion.

Discussion will be limited to a critique of the requesting applicant's proposal. Comparisons between proposals or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of 30 minutes.

3.5 PROTEST PROCEDURE

This procedure is available to applicants who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the applicant is allowed five (5) business days to file a protest of the acquisition with the Grant Management. Protests may be submitted by email, but should be followed by the original document.

Applicants protesting this procurement shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Applicant under this procurement.

All protests must be in writing and signed by the protesting party or an authorized Agent. The protest must state the grounds for the protest with specific facts and complete statements of the action(s) being protested. A description of the relief or corrective action being requested should also be included. All protests shall be addressed to the Grant Manager.

Only protests stipulating an issue of fact concerning the following subjects shall be considered:

- A matter of bias, discrimination or conflict of interest on the part of the evaluator(s)
- Errors in computing the score
- Non-compliance with procedures described in the procurement document or Commerce policy

Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) An evaluator's professional judgment on the quality of a proposal, or 2) Commerce's assessment of its own and/or other agencies' needs or requirements.

Upon receipt of a protest, a protest review will be held by the Commerce. The Commerce Director or an employee delegated by the Director who was not involved in the procurement evaluation or award process, will consider the record and all available facts and issue a decision within ten (10) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event a protest may affect the interest of another Consultant that submitted a proposal, such Consultant will be given an opportunity to submit its views and any relevant information on the protest to the Grant Manager.

The final determination of the protest shall:

- Find the protest lacking in merit and uphold Commerce's action.
- Find only technical or harmless errors in Commerce's decisions and determine Commerce to be in substantial compliance and reject the protest.

- Find merit in the protest and provide Commerce options which may include:
 - Correct the errors and re-evaluate all proposals
 - Reissue the solicitation document and begin a new process
 - Make other findings and determine other courses of action as appropriate

If Commerce determines that the protest is without merit, Commerce will enter into a contract with the apparent successful applicants. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

4 ATTACHMENTS

4.1 BUDGET PROVISIO:

Chapter 413, Laws of 2019 (Substitute House Bill 1102, 2019-21 Enacted Capital Budget)

NEW FUNDING: SECTION 1039

(3) \$5,357,000 is provided solely for the state efficiency and environmental performance improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

RE-APPROPRIATION FUNDING: SECTION 6007

(3) \$1,400,000 is provided solely for energy efficiency improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department of commerce shall submit to the office of financial management a list of all proposed awards for review and approval.