



ILLINOIS POWER AGENCY

**Illinois Power Agency
24-RFP-03 – Racial Disparity & Availability Study Consultant**

**Responses to Offeror Questions
November 6, 2024**

Background

The Illinois Power Agency Act requires that the Agency, in consultation with the Department of Commerce and Economic Opportunity (“DCEO”), Department of Labor, and any other relevant agencies, commission and publish a disparity and availability study that “measures the presence and impact of discrimination on minority businesses and workers in Illinois’ clean energy economy,” including activity outside of the Agency’s programs, utilizing consultants and subject matter experts (20 ILCS 3855/1-75(c-15)(2)(B)). The study will review the State’s clean energy economy regarding access, participation, and utilization of contractors, with a special emphasis on minority-owned business enterprises and minority workers, with the goal of analyzing whether race, ethnicity, or gender has been a barrier to equitable access for all business owners and workers.

Section 1-75(c-15)(2)(B) of the Illinois Power Agency Act expressly exempts the selection of a consultant to conduct this study from the bidding requirements contained in Section 20-10 of the Illinois Procurement Code (30 ILCS 500). Like other selection processes for consultants conducted by the Agency that are exempt from those requirements (e.g., Procurement Administrators, Procurement Planning Consultants, and Program Administrators), this process has been conducted in two parts consisting of an initial Request for Qualifications and subsequent Request for Proposals issued to qualified respondents to the Request for Qualifications. If selected through this RFP process, the selected Offeror(s) will be expected to enter into a binding contract with the Agency.

Scope of the Study

The Agency seeks a Racial Disparity Study Consultant (“Consultant”) who will design, conduct, and publish a racial disparity and availability study of the Illinois’ clean energy economy. Broadly, the racial disparity and availability study the Agency is commissioning should: (1) evaluate whether there exists a presence of discrimination in Illinois’ clean energy economy; (2) if so, evaluate the impact of such discrimination on minority businesses and workers; and (3) develop recommendations to the Illinois Power Agency, Department of Commerce and Economic Opportunity, Department of Labor, and other relevant agencies to effectively remedy any discrimination detected.

The Racial Disparity and Availability Study will also encompass a thorough examination the Agency’s renewable energy programs and procurements, particularly the Equity Accountability System. The Equity Accountability System, established under the Illinois Power Agency Act (20 ILCS 3855/1-75(c-10)), includes: (1) a minimum equity standard for all applicants to the Illinois Shines Program, the Self-direct Program, and competitive procurements of Indexed RECs from utility-scale projects; (2) the Equity Eligible Contactor category within the Illinois Shines program; and (3) optional bid adjustments for competitive procurement processes. For more information about the Equity Accountability System, refer to Chapter 10 of the [2024](#)

[Long-Term Renewable Resources Procurement Plan](#) or the [Equity Accountability System Assessment \(Part 1\)](#).

Additionally, the Racial Disparity and Availability Study will delve into the workforce and economic development programs overseen by the [Department of Commerce and Economic Opportunity](#), aiming to assess their effectiveness in providing equitable, statewide access to quality training, jobs, and economic opportunities across the clean energy economy. By scrutinizing these initiatives comprehensively, the study aims to shed light on any existing racial disparities or discriminatory practices within Illinois' clean energy economy, thereby informing targeted recommendations to promote equity and access.

The answers provided below provide insight to the IPA's procurement and purchasing data and process. However, a large part of the scope of the study will be for activities administered by the Agency's two Program Administrators, for the Illinois Shines program and Illinois Solar for All program, and the Agency's Procurement Administrator, for competitive procurements. The IPA can facilitate the collection of data from those entities. It is imperative for the selected Offeror to demonstrate an understanding of the scope and purpose of the study, to conduct a racial disparity and availability study of the State's clean energy economy more broadly. There are relevant state agencies, including the Department of Commerce and Economic Opportunity, the Department of Labor, and others, that will be providing the data critical to this study in effort to assess Illinois' clean energy economy. The full list of relevant state agencies who comprehensively inform Illinois clean energy economy will be discussed and finalized in planning sessions with the selected Offeror.

Data

1. **What type of data is currently available and in what format - electronic, hard copy?**
 - a.) **Contract data - to include bid and award logs**
 - b.) **Purchase Order data**
 - c.) **Accounts Payables and Pay Cards data**

Regarding REC contracts, we do not have Purchase Order or Accounts Payables or Pay Card data. The Agency does have electronic copies of contract data, including bid and award logs. The Agency does have annual reports submitted by vendors, participating in our Illinois Shines program, Illinois Solar for All program, and competitive procurements.

2. **Confirm availability of subcontractor data especially for construction or other capital contracts**

The Agency does not run construction or capital projects directly and cannot provide this data.

3. **Confirm availability of a complete vendor list**

The Agency has vendor list for approved vendors in our programs and winners of competitive procurements.

Procurement/ Purchasing

1. **Does the current procurement process capture MSWBE designations?**

For procurement activity conducted by the IPA, this process captures [Business Enterprise Program](#) designations. However, the bulk of the scope of the study (contracts for Renewable Energy Credits) will be

for activities administered by the Agency's two Program Administrators and the Agency's Procurement Administrator which do not capture the same BEP designations.

2. Does Illinois Power Agency have a procurement manual that's adhered to?

The IPA is generally subject to the provisions of the Illinois Procurement Code, except for the selection of consultants. For the administration of procurements and programs where the utilities are they buyers of Renewable Energy Credits (the form of incentive used in Illinois for the development of new renewable energy projects), there are program guidebooks and procurement rules.

See for example:

Illinois Shines: <https://illinoisshines.com/wp-content/uploads/2024/04/PY2024-25-Program-Guidebook-4-18-24-FINAL.pdf>

Illinois Solar for All: <https://www.illinoissfa.com/wp-content/uploads/2024/04/Illinois-Solar-for-All-Approved-Vendor-Manual-Version-7.0.pdf>

Competitive Procurements (for large scale renewable energy projects): <https://www.ipa-energyrfp.com/indexed-renewables/final-materials/>

All activities are also guided by the Agency's Long-Term Renewable Resources Procurement Plan, which is approved by the Illinois Commerce Commission. See:

<https://ipa.illinois.gov/content/dam/soi/en/web/ipa/documents/final-2024-long-term-renewable-resources-procurement-plan-19-apr-2024.pdf>

3. Does Illinois Power Agency procure centrally? Do departments/groups have buying authority independent of a central?

See previous response. The IPA administers two solar incentive programs, Illinois Shines, and Illinois Solar for All, and also conducts competitively bid procurements.

4. Are there any value or threshold for which procurements are authorized by the board/leadership?

Procurements are conducted in accordance with the [Long-Term Renewable Resources Procurement Plan](#). Contracts resulting from procurements and programs are subject to approval by the Illinois Commerce Commission.

5. Does Illinois Power Agency receive bids for all procurements? Are there any procurements that are not subject to bidding?

Competitive procurements are conducted through a bidding process. The Illinois Shines and Illinois Solar for All programs are conducted through project applications processes.

6. If Illinois Power Agency does bid procurements, does Illinois Power Agency maintain the bidding results? Electronically? Are the results public facing?

The IPA is in possession of bidding results. Some results of competitive procurements are publicly available, but details of bids (such as specific prices bid) are confidential. See for example:

<https://www.ipa-energyrfp.com/wp-content/uploads/2024/07/Public-Notice-of-July-2024-Wind-Solar-Hydropower-and-Brownfield-Indexed-REC-Procurement-Results-2024-7-24.pdf>

7. How many staff have recurring buying authority?

As a state agency we don't have reoccurring buying authority without prior approval of the Agency's CFO, COO, and Director. Furthermore, as discussed above, programs and procurements for Renewable Energy Credits are administered per the [Long-Term Renewable Resources Procurement Plan](#), with contracts subject to approval by the Illinois Commerce Commission.

8. Are all buyers performing work at the Illinois Power Agency's location?

The administration of Illinois Shines and Illinois Solar for All is through Program Administrators, Energy Solutions and Elevate, respectively, and competitive procurements are administered by the Agency's Procurement Administrator, NERA Economic Consulting.

9. Are there any statutory purchasing requirements that guide or impact Illinois Power Agency's buying activities?

The IPA adheres to the [Illinois Procurement Code 30 ILCS 500](#) for many purchases. The selection of Program Administrators, Procurement Administrators, Planning Consultants, Solar for All Evaluators, consultants to conduct Racial Disparity Studies, and the contracts for Renewable Energy Credits are exempt from that code.

10. Does the IPA maintain bid tabulations, vendor data, payments, awards, and subcontractors (for both MWBES and non-MWBES)? What is the format of this data?

Yes. This data is available in Excel format.

11. Is your procurement process centralized or decentralized? In other words, will we need to get payment, award, vendor, subcontractor, or bid tabulation data from one source or will we have to go to various sources to collect them?

For procurement activity conducted by the IPA, this process is centralized. However, the bulk of the scope of the study (contracts for Renewable Energy Credits) will be for activities administered by the Agency's two Program Administrators and the Agency's Procurement Administrator. The IPA can facilitate the collection of data from those entities.

Operations

1. Is there a page limit?

There are page limits as specified in the RFP. There is not a page limit to the study itself.

2. What is the budget for the Study?

The budget will be informed by the experience and expertise of the selected Offeror.

4. What is the IPA's fiscal year?

The Agency's Fiscal Year runs from July 1-June 30.

The Agency's Program Year runs from June 1- May 31.

5. What departments are included in the disparity study? Any airport, libraries or museums?

The IPA anticipates the collaboration with other relevant state agencies (Department of Commerce and Economic Opportunity, Department of Labor, etc.) to be included within the study of Illinois' clean energy economy. The complete list of departments included will be determined during the study planning with the selected Offeror. No airports, libraries, or museums are in scope.

6. If an airport is included is this study only of non-federally funded contracts? If not, please explain the extent of the study of federal funded contracts.

N/A

Finance and BEP Utilization**1. How does the IPA track service providers who are not paid directly by the utility?**

The Agency's Finance Department tracks direct Agency expenditures. This does not include the Renewable Energy Contracts featuring one of the Illinois utilities as the buyer.

2. Concerning the 30% subcontracting goal, 30% is an exceptionally high percent of subcontracting on a project like this (where the outcome has to be legally defended by our firm), would you be willing to consider a smaller goal?

The RFP contains a 30% BEP goal. As described in Section I.17 of the RFP, this goal can be met in one of three ways:

- If the Offeror is a BEP certified, the entire goal is met and no subcontracting with a BEP certified vendor is required; however, Offeror must submit a Utilization Plan indicating that the goal will be met by self-performance.
- An Offeror who elects to utilize BEP certified subcontractor(s) to meet the goal must provide executed Letter(s) of Intent for all such subcontractors in addition to the Utilization Plan.
- An Offeror who selects the Good Faith Efforts option for the Utilization Plan, must fully complete the "Demonstration of Good Faith Efforts to Achieve Goal and Request for Waiver" and the "Good Faith Efforts Contact Log" as part of their submittal.

The only option for meeting less than a 30% goal is the Good Faith Efforts option.

Please see the BEP Utilization Plan (<https://cpo-general.illinois.gov/content/dam/soi/en/web/cpo-general/general/documents/bep-utilization-plan-v21.1.pdf>) for details on how to utilize that option. This requires detailed documentation of the good faith efforts.

Please also see Attachment MM of the RFP for the applicable NIGP codes that must be utilized for a good faith effort. See also the following guidance document:

https://cei.illinois.gov/content/dam/soi/en/web/cei/documents/GOOD_FAITH_EFFORTS_GUIDANCE.pdf.

3. Would the IPA accept a minority serving nonprofit institution as a certified subcontractor?

There are specific considerations made to nonprofit institutions in the BEP certification process. Please check with the nonprofit and to determine whether or not they will qualify as a state-certified BEP vendor. Please see [BEP Certification](#) for more information on the certification process.

4. Is certification by BEP partners, like the City of Chicago acceptable to the IPA?

No, the IPA cannot accept certification from the City of Chicago, but getting approval from the CEI is a similar process. Please see [BEP Certification](#) for more information on the certified process.

RFP Questions

1. For section 5 of the proposal, please confirm that we can upload the attachments (AA to NN) as a separate document?

Attachments AA to NN can be separate documents

2. Please confirm that the IPA will accept disparity studies with an 18-month timeline. Our team believes that an 18-month timeline will allow us to provide the most comprehensive study. The Agency will accept disparity studies with an 18-month timeline.

3. Concerning the letters of intent, please clarify what information should be included in these letters. Should both the prime and subcontractors sign these letters or just one of the parties? If only one signature is needed, please clarify which signature that should be.

Please see the letter of intent template included in the BEP Plan template (<https://cpo-general.illinois.gov/content/dam/soi/en/web/cpo-general/general/documents/bep-utilization-plan-v21.1.pdf>). It includes signature lines for both the prime and the subcontractor.

4. Does the IPA have a sample letter of intent that they can provide to proposers?

Please use the letter of intent template included in the BEP Plan template (<https://cpo-general.illinois.gov/content/dam/soi/en/web/cpo-general/general/documents/bep-utilization-plan-v21.1.pdf>)

5. In Section 2.6, bullet number 5, the RFP asks proposers to "include links or samples of similar work..." How many examples should proposers include?

No set number is required. Offerors should include examples that can clearly demonstrate required competencies of the request.

6. In section 2.6 bullet number 2, the RFP asks proposers to "include suggestions for best practices, potential challenges and solutions to effectively meet the objectives of each task or deliverable." Concerning the potential challenges, can proposers summarize what these might be instead of having to discuss this for every deliverable?

The discussion of the general challenges is acceptable, but the need for best practice and solutions for each deliverable should be detailed.

7. Concerning the pricing proposal, there are 8 deliverables that are listed on page 22. Are proposers allowed to customize the task breakdown to mirror the deliverables we are proposing? Can we add additional tasks to this breakdown? For example, deliverable 3.4 Regular Reporting & Updates, is not an individual deliverable because these reports and meetings occur throughout the entire study.

The spreadsheet can be customized to include a task breakdown that mirrors the deliverables proposed. Additional tasks may be added to the breakdown based on the Offeror's expertise.

8. For methodological and clarity purposes, can proposers organize our methodology to include variations to the deliverables laid out in section "2.6. Offeror Proposed Solutions to Meet the Agency's Requirements." For example, deliverable "2.6.2 Data Collection and Analysis" and deliverable "2.6.3. Stakeholder Engagement and Feedback" overlap in their regard to qualitative data. For clarity, we would like to present the deliverables in a different format, but in a way that would still contain all the necessary information the IPA is looking for.

Presenting deliverables in a different format is acceptable.

9. Please confirm that deliverable "2.3.8. Ongoing Consulting Services", is to include services after the study is completed? If yes, for pricing purposes, can we provide hourly rates for this service as opposed to a flat fee? It is difficult (at this point) to estimate how many hours this deliverable would include.

Hourly rates are acceptable.

10. Please confirm what level of support/activities proposers would have to provide to satisfy deliverable "2.3.9. Ad-Hoc Support." Are we also allowed to provide this deliverable as an hourly rate?

Ad-Hoc support can be provided in an hourly rate.

11. When does the IPA anticipate awarding this contract? When is the anticipated start date?

Tentatively January 2025, with an anticipated start date 4-6 weeks after awarding of contract.

12. Regarding Attachment MM, Subcontractor Participation Plan, please confirm that in addition to the Utilization Plan Part II: Subcontracting Participation Agreement, proposers also need to submit letters of intent for each subcontractor.

Please follow the instructions contained in the BEP Utilization Plan. The Part II form is the letter of intent.

13. As part of Attachment M, Subcontractor Participation Plan, please confirm whether proposers need to submit a Good Faith Effort (GFE) form. In addition, if proposers meet the subcontracting requirement, are proposers still required to fill out a Good Faith Efforts Contact Log?

The Good Faith Effort Form (Part III) is only required if the propose is seeking to meet the BEP requirement through Good Faith Efforts. Be sure to include a complete Good Faith Efforts Contact Log, following the instructions contained on that log, and the consult the guidance

document: https://cei.illinois.gov/content/dam/soi/en/web/cei/documents/GOOD_FAITH_EFFORTS_GUIDANCE.pdf.