



SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY

REQUEST FOR PROPOSALS FOR

State Regulatory Consultant

ISSUANCE
DATE:

August 24, 2023

PROPOSAL
DEADLINE:

September 25, 2023

I. INTRODUCTION

The Southern California Public Power Authority (SCPPA), on behalf of its Member utilities, is hereby soliciting competitive proposals from qualified respondents (Respondents) to serve as **SCPPA's State Regulatory Consultant**, as described below in Section III.

Respondent would serve as an expert state regulatory consultant and may represent SCPPA before the California Air Resources Board (CARB), California Energy Commission (CEC), California Independent Systems Operator (CAISO), California Public Utilities Commission (CPUC), and other California state executive branch offices/agencies regarding policy matters important to SCPPA and its Members.

Responses to this RFP are due on or before **4:00 PM PDT, September 25, 2023**, as described below in Sections IV and VII.

II. BACKGROUND

SCPPA is a joint powers authority (JPA) and a public entity organized under the California Joint Exercise of Powers Act found in Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, and through the SCPPA Joint Powers Agreement, for the purposes of planning, financing, developing, acquiring, constructing, operating and maintaining projects for the generation or transmission of electric energy. SCPPA also facilitates joint service contracts, at the request of its Members, to aggregate like project efforts among its Members for the purposes of developing energy efficiency, demand response and resource procurement programs or projects to improve operating efficiencies and reduce costs.

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SCPPA Members consist of eleven cities and one irrigation district, which supply electric energy within Southern California. These include the municipal utilities of the cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside, and Vernon, and the Imperial Irrigation District. SCPPA is governed by its Board of Directors, which consists of representatives from each of its Members. The management of SCPPA is under the direction of an Executive Director who is appointed by the Board.

SCPPA engages in state regulatory affairs to proactively promote energy, environmental, and other policy interests, as well as to ensure achievable and effective implementation of state regulatory programs and proceedings important to SCPPA and its Members.

III. AREAS OF INTEREST

1. Respondent must have demonstrable expertise and experience working on issues (e.g., lobbying, analyzing, testifying, submitting comments, drafting regulatory language) before California state executive branch offices/agencies, especially those that govern energy-related policies.
2. Respondent must have a deep understanding of current energy and environmental trends and policies—preferably affecting publicly owned utilities (POUs)—before California state executive branch offices/agencies.
3. Respondent must have demonstrable experience in providing timely analysis and work product (e.g., comment letters, draft regulatory text/revisions) regarding relevant actions by California state executive branch offices/agencies, including rulemakings, funding/grants opportunities, and executive orders.
4. Respondent must have the ability to track state funding/grant programs and advocate for funding/grant policies that can support SCPPA's interests.
 - A. In addition to tracking state funding/grant programs and advocating for funding policies, services for grant writing are requested, though not required. The Evaluation Team may be comprised of a mixture of Members who currently have staff or consultants for these services and Members who are seeking to procure these services through this competitive solicitation. If Respondent does not provide grant writing services, Respondent would still be expected to track state funding/grant programs and advocate for funding/grant policies that can support SCPPA's interests.¹
5. Respondent must have the ability to adhere to work plans and a budget for services rendered to public agencies.

¹ If a proposal selected for award includes grant writing services, SCPPA may choose to procure those services through this competitive bid solicitation. This would involve a separate contract for grant writing services for use by SCPPA or directly by interested Members to serve their respective utility needs.

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6. Respondent must have a proactive approach to policy advocacy, have prompt availability and responsiveness to SCPPA as regulatory issues arise, and provide services on a continuing and uninterrupted basis.
7. Respondent must provide written content on state regulatory news for the SCPPA weekly newsletter to SCPPA Members.
8. Under SCPPA's direction, specific assignments may include lobbying, investigating, advising, reviewing, conducting research, providing meeting summaries, and/or working with SCPPA staff to help draft comment letters and regulatory language on issues in any one or more of the following policy areas:
 - A. California Energy Commission (CEC)
 - CEC rulemakings and public processes related to implementation of California's Renewables Portfolio Standard (RPS); the Integrated Energy Policy Report (IEPR); Integrated Resource Planning (IRP); Planning Reserve Margin (PRM); Power Source Disclosure (PSD) program; SB 100 implementation; reliability/summer readiness; Title 20 data collection regulations (including QFER); Title 24 Energy Efficiency Standards; Flexible Demand and other Appliance Standards; load response incentive programs; greenhouse gas emissions reduction initiatives; energy efficiency; energy storage; electric vehicles; and other matters affecting POUs.
 - B. California Air Resources Board (CARB)
 - CARB rulemakings related to implementation of California's Cap-and-Trade Program; GHG Mandatory Reporting Regulation (MRR); the Climate Change Scoping Plan; Advanced Clean Fleets; Advanced Clean Cars; RPS Penalties; Independent Emissions Market Advisory Committee (IEMAC); Environmental Justice Advisory Committee (EJAC); and other matters affecting POUs.
 - C. California Independent System Operator (CAISO)
 - CAISO stakeholder processes for energy storage; resource adequacy; reliability/summer readiness; the Energy Imbalance Market; extended day-ahead market; grid regionalization; transmission planning; and other matters affecting POUs.
 - D. California Public Utilities Commission (CPUC)
 - CPUC rulemakings related to implementation of California's RPS; rate reform; Net Energy Metering; energy storage; IRP; reliability/summer readiness; pertinent General Order matters for the utility sector; and other matters that may affect POUs.
 - E. Other matters at the discretion of SCPPA, including but not limited to:
 - The California Governor's executive policies and actions.
 - State funding opportunities that may be applicable to SCPPA and SCPPA Members.
 - Wildfire matters, including those before the Wildfire Safety Advisory Board.
 - South Coast Air Quality Management District rulemakings related to implementation of pertinent air quality regulations for the utility sector.
 - Coordinating meetings for SCPPA and SCPPA Members during special events, and ad hoc meetings with regulatory bodies as needed.

IV. TIMELINE / SCHEDULE*

SCPPA RFP FOR State Regulatory Consultant SELECTION PROCESS	
SCHEDULE OF REQUIREMENTS	TARGET DATE(S)
Issue RFP	August 24, 2023
Clarification Questions Due	September 5, 2023
Responses to Clarification Questions Due	September 11, 2023
Proposal Deadline	September 25, 2023
Review of Proposals	September 26 – October 26, 2023
Selection of Respondent(s)	November 2023
Notice of Intent to Award (following contract negotiation, but prior to any Board approval)	November 2023

*Timeline/Schedule is subject to change.

V. PROPOSAL SUBMISSION REQUIRED ELEMENTS

1. TRANSMITTAL LETTER CONTENT:

A. A brief statement of the Respondent's understanding of the work to be done and commitment to perform the work as scheduled, including:

- A statement that Respondent meets the minimum qualifications as specified in Section V.6.A of this RFP; and
- Statement of work specifications; and
- Reference to any proposed contractual terms and conditions required by the Respondent; and
- A summary of exceptions taken to the RFP requirements.

B. An officer authorized to bind must sign the proposal on behalf of the Respondent and must include the following declarations on the transmittal letter:

“This proposal is genuine, and not a sham or collusion, nor made in the interest of or on behalf of any person not herein named; the Respondent has not directly or

indirectly induced or solicited any other Respondent to put in a sham bid, or any other person, firm or corporation to refrain from submitting a proposal; and the Respondent has not in any manner sought by collusion to secure for themselves an advantage over any other Respondent.”

2. RESPONDENT INFORMATION:

Provide legal name of Company or Individual, physical street address, the name(s) and title(s) of the individual(s) authorized to represent the Respondent, including telephone number(s), mailing address(es) if different than the physical street address, and email address(es).

3. PROPOSAL:

Proposals must include a description of the proposed project or program, how it meets (or does not meet) each of the objectives of this RFP, and a detailed description addressing all of the Areas of Interest. Respondents may also include additional services, products, tasks, task elements and/or functions that may not be part of or included in the RFP, but are deemed by the Respondent to be pertinent and potentially valuable to SCPPA or its Members. SCPPA will have full discretionary authority to consider, accept and/or reject without cause such supplemental information that is not directly requested, included in, or made part of the RFP.

4. FEES:

A. Pricing in all Proposals should be made based on good faith estimates of the requirements defined in this RFP. **Respondents are encouraged to include a flat monthly billing rate as a pricing option based on the scope of work described.** Respondents may also include a pricing option that includes an hourly billing rate with a monthly cap. Respondent shall describe how the fees, rates or charges will be determined. Respondents shall also provide a breakdown of the applicable overheads and fringe benefit costs that are part of any labor rates and other direct costs associated with the services to be performed.

B. As noted in Section III.4.A of this RFP, grant writing services are requested, though not required. If Proposal includes grant writing services for grant funding, it must separately provide Respondent's fees for those services. Respondents are encouraged to provide two sets of pricing options. The first option should include the flat average cost to provide full grant writing services for an individual grant, with tiers based on grant type (e.g., small, medium, large grant application). The second option should include hourly fees for a la carte grant writing services (e.g., grants writing, research, editing, advocacy). Any service contracts subsequently entered into by SCPPA for grant writing services would be utilized by SCPPA or directly by interested

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Members to serve their respective utility needs. The service and work produced would be ordered and approved directly by SCPPA and/or the applicable Members. Billing for grant writing services would be administered through SCPPA.

5. PROJECT TEAM AND EXPERIENCE:

Respondent shall clearly identify project/program participants and management team, including:

- A. Describe the firm's experience as applicable to this RFP, the firm's organizational structure, management qualifications, and other contract related qualifications, including the number of years the firm has been in business.
- B. Specify key individuals and describe their qualifications, experience and duties related to this RFP, including the office location(s) where work will be performed, in addition to the physical street address referenced above.
- C. Provide a commitment statement for the retention and use of key individuals as proposed, their availability to initiate and sustain the project/program, as well as planned supplemental individuals if key personnel are not available to assure project/program delivery.
- D. State whether Respondent will use subcontractors to perform services pursuant to the contract. Should the use of subcontractors be offered, the Respondent shall provide the same assurances of competence for the subcontractor, plus the demonstrated ability to manage and supervise the subcontracted work. Subcontractors shall not be allowed to further subcontract with others for work. The provisions of any contract resulting from this RFP shall apply to all subcontractors in the same manner as to the Respondent.
- E. Respondent shall indicate any and all pending litigation that could affect the viability of Respondent's proposal, continuance of existing contracts, operation or financial stability.

6. MINIMUM QUALIFICATIONS AND REFERENCES:

- A. To meet the minimum qualification requirements of this RFP, Respondent must demonstrate at least a basic ability to perform the duties and responsibilities set forth in Section III (Areas of Interest). The Proposal should describe the Respondent's approach to work, and experience and services provided in each of the Areas of Interest.
- B. The Proposal shall describe whether Respondent has, within the last five (5) years, rendered any service to SCPPA or to any of SCPPA's Members, either as a contractor or subcontractor,

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either under the current Respondent's name or any other name or organization. If so, please provide details including status as prime or subcontractor, brief description of the contract, contract start and end date, the contract administrator name, and total actual contract expenditures.

- C. If the Respondent has not rendered any service within the last five (5) years to SCPPA or to any of SCPPA's Members, the Proposal shall provide references over that period with the details described above including the counterparty for which services were provided.

7. CONFLICTS OF INTEREST AND COLLUSION

- A. Respondent shall include a list of existing clients in the Proposal.
- B. Respondent must address in its Proposal possible conflicts of interest with SCPPA and SCPPA Members. Such conflicts may include, but are not limited to, representation of clients that are adverse to SCPPA or SCPPA Members or the existence of lawsuits between Respondent and SCPPA or SCPPA Members. Although the Respondent will not be automatically disqualified by every circumstance that may raise a conflict of interest, SCPPA reserves the right to consider the nature and extent of such work in evaluating the proposal.
- C. Respondent must not offer nor provide SCPPA's or its Members' respective elected or appointed officials, officers, employees, or representatives with gifts or promises of remuneration, no matter how small, while Respondent's proposal is under consideration.
- D. Respondent must not collude, directly or indirectly, with or among other respondents in regard to the amount, terms, or conditions of its proposals. Respondent must not share its proposal with any other entity other than SCPPA until SCPPA notifies all respondents that negotiations with the successful respondent are complete via SCPPA's Notice of Intent to Award.

8. EXCEPTIONS TO SCPPA AGREEMENT:

- A. The Respondent recommended for award of the State Regulatory Services under this solicitation will be subject to the terms and conditions of the SCPPA **Professional Services Agreement ("Agreement")**. A pro forma copy of the Agreement has been attached hereto for reference as "Attachment A-1." Respondent must provide a redline of the pro forma Agreement, and supporting commentary, identifying any exceptions to the terms and conditions identified therein. The redline is required to be included as an attachment to the proposal submitted in response to the solicitation and will be considered in the evaluation of the Proposal.

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- B. As mentioned in Section III.4.A, services for tracking and applying for grant funding are requested in this Request for Proposal, though not required. If Respondent includes grant writing services in its proposal, SCPPA may choose to enter into a separate contract with Respondent (SCPPA Master Professional Services Agreement (“Master Agreement”)) that SCPPA and SCPPA Members could use as needed for grant writing related purposes. A pro forma copy of the Master Agreement has been attached hereto for reference as “Attachment A-2.” If the Respondent offers grant writing services, Respondent must provide a redline of the pro forma Master Agreement, and supporting commentary, identifying any exceptions to the terms and conditions identified therein. The Master Agreement is similar in form to the Agreement, the key difference being that the Master Agreement contemplates services on behalf of SCPPA Members and includes a Task Order form pursuant to which such services will be ordered. If Respondent has any comments on the Master Agreement that differ from Respondent’s comments on the Agreement, those comments should also be included in the Respondent’s proposal. The redline is required to be included as an attachment to the proposal submitted in response to the solicitation and will be considered in the evaluation of the Proposal.

VI. CLARIFICATION QUESTIONS AND COMMUNICATIONS

There will not be an initial Respondent’s conference associated with this RFP. The deadline to submit clarification questions on this RFP is specified in Section IV of this RFP. All questions should be submitted electronically via email to RegulatoryConsultantRFP@scppa.org referencing **State Regulatory Consultant** in the subject line. Answers to questions that SCPPA, at its sole determination and discretion, deems to be substantive or that would place the inquisitor at a distinct and unfair advantage to other potential Respondents will be posted on SCPPA’s website alongside the solicitation at <http://scppa.org/page/RFPs-Other> as soon as a practicable after the date received, but no later than **September 11, 2023**. It is the responsibility of potential Respondents to review this website for any and all postings.

During the RFP period, no contact shall be made with the SCPPA Board of Directors, SCPPA staff, committees, working group representatives, or SCPPA Members regarding this RFP. Any communications with SCPPA or its Members shall be limited to clarifying questions in the manner specified in this RFP, or to perform duties under an existing contract with SCPPA or any SCPPA Member. Failure to abide by this requirement may result in disqualification of the Proposal.

VII. PROPOSAL SUBMISSION DELIVERY REQUIREMENTS

One (1) electronic copy of your proposal and any supporting documentation must be received by RegulatoryConsultantRFP@scppa.org by no later than **4:00 PM (PDT) – September 25, 2023**.

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Additionally, one (1) hard copy of your proposal, including a transmittal letter of authentic offer and any supporting documentation, may be, but is not required to be, submitted with the electronic copy of your submittal, by no later than the time and date referenced above, to:

Southern California Public Power Authority
State Regulatory Consultant
Attention: Mario De Bernardo
915 L Street, Suite 1410
Sacramento, California 95814

VIII. CONFIDENTIALITY; CALIFORNIA PUBLIC RECORDS ACT

All information received by SCPPA in response to this RFP is subject to the California Public Records Act and may be subject to the California Brown Act and all submissions may be subject to review in the event of an audit. Generally, such information may become subject to public disclosure upon completion of evaluations and release of a Notice of Intent to Award.

Respondent must identify all copyrighted material, trade secrets, or other proprietary information (“protectable documents”) that the Respondent included in its Proposal which Respondent believes should be exempt from disclosure under the California Public Records Act. By listing the documents, Proposer agrees to indemnify, defend, and hold harmless SCPPA, its Members, and their respective officers, agents, and employees from and against any action, claim, lawsuit, or proceeding, including costs and expenses, arising out of or connected with SCPPA’s refusal to disclose the protectable documents to any party making a request for those items.

SCPPA will treat any Respondent who fails to identify documents that the Respondent believes should be exempt from disclosure as having waived its right to an exemption from disclosure, as the Public Records Act provides.

IX. TERMS AND CONDITIONS

1. SCPPA reserves the right to cancel this RFP at any time, reject any and all proposals and to waive irregularities.
2. SCPPA shall determine at its sole discretion the value of any and/or all proposals including price and non-price attributes.
3. Proposals may be sub-divided or combined with other proposals, at SCPPA’s sole discretion.

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4. SCPPA shall perform an initial screening evaluation to identify and eliminate any proposals that are, for example, not responsive to the RFP, do not meet the minimum qualifications or minimum requirements set forth in the RFP, are not economically competitive with other proposals, or are submitted by Respondents that lack appropriate creditworthiness, sufficient financial resources, or qualifications to provide dependable and reliable services for this RFP.
5. SCPPA reserves the right to submit follow up questions or inquiries to request clarification of information submitted and to request additional information from any one or more of the Respondents.
6. SCPPA reserves the right, without qualification and in its sole discretion, to accept or reject any or all proposals for any reason without explanation to the Respondent, or to make any award to that Respondent, or those Respondents who, in the opinion of SCPPA, will provide the most value to SCPPA and its Members.
7. SCPPA may decline to enter into any potential engagement agreement or contract with any Respondent, terminate negotiations with any Respondent, or to abandon the request for proposal process in its entirety.
8. SCPPA reserves the right to make an award, or multiple awards, at its sole discretion, irrespective of price or technical ability, if SCPPA determines that to do so would result in the greatest value to SCPPA and its Members.
9. Those Respondents who submit proposals agree to do so without legal recourse against SCPPA, its Members, their directors, officers, employees and agents for rejection of their proposal(s) or for failure to execute or act on their proposal for any reason.
10. SCPPA shall not be liable to any Respondent or party in law or equity for any reason whatsoever for any acts or omissions arising out of or in connection with this RFP.
11. SCPPA shall not be liable for any costs incurred by any Respondents in preparing any information for submission in connection with this RFP process or any and all costs resulting from responding to this RFP. Any and all such costs whatsoever shall remain the sole responsibility of the Respondent.
12. SCPPA may require certain performance assurances from Respondents prior to entering into negotiations for work that may result from this RFP. Such assurances may potentially include a requirement that Respondents provide some form of performance security.

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13. Prior to contract award, the successful Respondent(s) shall, upon request, supply a detailed breakdown of the applicable overheads and fringe benefit costs that are part of the labor rates and other direct costs associated with the services to be performed.
14. SCPPA is not responsible or liable for individual Members' interactions with the Respondent which are not entirely conducted through SCPPA or at SCPPA's option or election to engage the Respondent as defined within the RFP.
15. Submission of a Proposal constitutes acknowledgement that the Respondent has read and agrees to be bound by the terms and specifications of this RFP and any addenda subsequently issued by SCPPA.
16. Information in this RFP is accurate to the best of SCPPA's and its Members' knowledge but is not guaranteed to be correct. Respondents are expected to complete all of their due diligence activities prior to entering into any final contract negotiations with SCPPA.
17. SCPPA reserves the right to reject any Proposal for any reason without cause. SCPPA reserves the right to enter into relationships with more than one Respondent, can choose not to proceed with any Respondent with respect to one or more categories of services, and can choose to suspend this RFP or to issue a new RFP that would supersede and replace this RFP.
18. Respondents understand and acknowledge that proposals submitted in response to this RFP will be valid for a period of twelve (12) months from the "Proposal Deadline" date indicated in the RFP Schedule. Respondents must clearly identify in their proposals if the proposal will be valid for a term less than the twelve (12) month term. After the twelve (12) month term, proposals from Respondent are no longer valid.

X. ADDITIONAL REQUIREMENTS FOR PROPOSAL

1. CONSIDERATION OF PROPOSALS:

Submitted proposals should be prepared simply and economically, without the inclusion of unnecessary promotional materials. Where hard copy proposals are submitted, such proposals should be submitted on recycled paper that has a minimum of thirty percent (30%) post-consumer recycled content and duplex copied (double-sided pages) where possible.

2. INSURANCE, LICENSING, OR OTHER CERTIFICATION:

If selected, the Respondent and any subcontractors performing work under the Agreement will be required to maintain sufficient insurance, licenses, or other required certifications for the type of work being performed. SCPPA or its Members may require specific insurance coverage to be established and maintained during the course of work and as a condition of award or continuation of contract.

3. NON-DISCRIMINATION/EQUAL EMPLOYMENT PRACTICES/AFFIRMATIVE ACTION PLAN:

If selected, the Respondent and each of its known subcontractors may be required to complete and file an acceptable Affirmative Action Plan, if and as required by a SCPPA Member. The Affirmative Action Plan may be set forth in the form required as a business practice by the Department of Water and Power of the City of Los Angeles which is SCPPA's largest Member.

4. LIVING WAGE ORDINANCE:

If selected, the Respondent may be required to comply with the applicable provisions of SCPPA Members' living wage ordinances or requirements. For example, the City of Los Angeles has adopted a Living Wage Ordinance and a Service Contract Workers Retention Ordinance. The Living Wage Ordinance provisions are found in Section 10.36 of the Los Angeles City Administrative Code; and the Service Contract Workers Retention Ordinance are found in Section 10.37 of the Los Angeles Administrative Code (SCWRO/LW0).

5. CHILD SUPPORT POLICY:

If selected, Respondent may be required to comply with Member child support requirements, including the City of Los Angeles Ordinance No. 172401, which requires all contractors and subcontractors performing work to comply with all reporting requirements and wage-earning assignments relative to court ordered child support.

6. SUPPLIER DIVERSITY:

Respondents shall take reasonable steps to ensure that all available business enterprises, including Small Business Enterprises (SBEs), Disadvantaged Business Enterprises (DBEs), Women-Owned Business Enterprises (WBEs), Minority-Owned Business Enterprises (MBEs), Disabled Veteran Business Enterprises (DVBES), and other Business Enterprises (OBEs), have an equal opportunity to compete for and participate in the work being requested by this RFP. Efforts to obtain participation of these business enterprises may reasonably be expected to produce a twenty-five percent (25%) participation goal for SBEs. For the purpose of this RFP, SCPPA's Supplier Diversity program is modeled after that of the Los Angeles Department of Water and Power. Further information concerning the Supplier Diversity Program may be obtained from the Supply Chain Services Division of the Los Angeles Department of Water and Power.

7. SCPPA-FURNISHED PROPERTY:

SCPPA's or a Member's utility drawings, specifications, and other media or information furnished for the Respondent's use shall not be furnished to others without written authorization from SCPPA or the applicable Member(s).

8. CONTRACTOR-FURNISHED PROPERTY:

Upon completion of all work under any agreement and developed as a result of this RFP, ownership and title to reports, documents, drawings, specifications, estimates, and any other document produced as a result of the agreement shall automatically be vested to SCPPA and no further agreement will be necessary for the transfer of ownership to SCPPA. SCPPA has the sole right to distribute, reproduce, publish, license, or grant permission to use all or a portion of the deliverable documentation, work product or presentations as it determines in its sole discretion.

XI. EVALUATION CRITERIA

Proposals will be evaluated according to the following principles:

1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
2. The Proposal will first be assessed as to whether it is complete and meets the minimum qualification requirements on a pass or fail basis.
3. The Proposals will then be evaluated on the basis of pre-defined criteria including the following:
 - A. Competitive Price
 - B. Qualifications (Experience, Knowledge, Ability to Perform Services)
 - C. Completeness
4. Depending on whether the SCPPA Board of Directors' ("Board") or Executive Director's approval is required under the SCPPA Procurement Code, the evaluation team will make a recommendation to the Board or Executive Director, and the Board or Executive Director will determine whether to adopt or reject the evaluation team's recommendation.