



**Imperial County Workforce Development Board  
Valley Works Lithium Valley Workforce and  
Economic Development  
Needs Assessment  
Request for Proposals**



**Proposers' Questions and ICWDB Answers**

***February 2, 2024 Q&A Publication***

Q.28 (Follow up from January 19, 2024 Q&A) In the event of a FOIA request, may a redacted NICRA be kept on file for such a response?

A.28 The County might be able to claim that Exemption 4: *Trade secrets or commercial or financial information that is confidential or privileged* of the 9 FOIA exemptions, applies and refuse to provide the “*trade secret*” information. However, if the County chose to do that, a person seeking that information could sue the County and might prevail, in which event the County would be required to provide the information and might have to pay legal fees and costs to complaining requestor.

Q.29 (Follow up from January 19, 2024 Q&A) Are submitted NICRAs exempt from FOIA disclosure requests?

A.29 The NICRA information might be exempt from disclosure. However, the only way to determine this would be if a FOIA request were received, the County were to refuse to provide the requested information, and the County were subsequently sued. Under the requirements of the California Public Records Act, the answer is similar to the preceding FIOA response, although the County would endure different litigation, under different statutes, with, potentially, different liability.

Q.32 When will the revised RFP be released, given the answer provided to Q. 19 in the January 12, 2024 Q&A Publication?

Q.32 The ICWDB will publish an RFP amendment on the ICWDB website on February 8, 2024.

Q.33 When providing work samples, are we allowed to redact them to remove elements that are deemed confidential information?

A.33 Please refer to section X.G of the RFP, which states:

*Proposers must provide hyperlinks to work samples (e.g., needs assessments, analyses, reports, recommendations) for 2 to 4 past projects that are reasonably similar to the objectives, outcomes, and deliverables associated with services sought through this RFP.*

There are no other requirements regarding work samples.

- Q.34 Can Imperial County please confirm the awarded consultant will be categorized as a “Contractor” under 2 CFR 200.33 and not categorized as a “Recipient” or “Subrecipient” of federal grants, and therefore the Contractor will not be subject to the terms outlined in Technical Appendix B and Technical Appendix C?
- A.34 ICWDB is currently researching this question to ensure an accurate response. We fully expect to answer this question in the final February 16, 2024 Q&A, if not sooner.
- Q.35 (Reference January 12th Q&A #10 and January 19th Q&A #30). Imperial County confirmed it intends to execute a fixed fee contract with pay points and amounts tied to negotiated deliverables. Can Imperial County please confirm it does not consider cost principles (including direct and indirect costs) and any audits relating thereto applicable to fixed fee contract, and upon award, negotiate terms that are applicable to fixed fee contract with a commercial Contractor?
- A.35 ICWDB is currently researching this question to ensure an accurate response. We fully expect to answer this question in the final February 16, 2024 Q&A, if not sooner.
- Q.36 Would Imperial County consider removing the requirement to submit Staff Salaries (Form D) and solely evaluate a Vendor's fully burdened hourly rate only? By removing the cost elements as part of this opportunity, Imperial County will be expanding the response pool to include Interested Commercial Vendors. These Interested Vendors exclusively offer “commercial services,” as defined in federal clause 48 CFR § 2.101 (Part (2)) and are therefore exempt from Cost Accounting Standards (CAS) in accordance with Section (b)(6) of 48 CFR § 9903.201-1 . Commercial Vendors exclusively use commercial or market prices, which are not based on the application of indirect rates to direct costs, such as salaries, or the summation of other cost elements. Rather, the commercial prices are established during ordinary trade between the vendor and its clients which are free to bargain and can be substantiated through competition or from independent sources.
- A.36 ICWDB is currently researching this question to ensure an accurate response. We fully expect to answer this question in the final February 16, 2024 Q&A, if not sooner.