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PUBLIC UTILITIES COMMISSION

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November 28, 2016

RFP #2016-008

**NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
REQUEST FOR PROPOSALS
FOR EXPERT PLANNING SERVICES IN CONNECTION WITH THE
DEVELOPMENT OF AN ENERGY EFFICIENCY RESOURCE STANDARD PLAN**

Prospective Bidders:

The New Hampshire Public Utilities Commission (PUC or Commission) requests proposals from qualified parties to provide independent planning and advisory services in connection with the development of an Energy Efficiency Resource Standard (EERS) Plan as detailed in Commission [Order 25,932](#).¹ The Commission anticipates that up to \$95,000 will be available for services procured through this RFP over a period of one year. Proposals are due December 19, 2016.

Pertinent Dates and Information:

1. Electronic Proposals must be received by the Commission prior to 4:30 p.m. EST on December 19, 2016. The electronic copy must be in PDF (portable document file) format.
2. Proposals must be submitted to:

Eunice Landry, Business Administrator
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429
RFP@puc.nh.gov

3. In addition to the electronic submission, prospective bidders must submit five (5) additional paper copies to the address above, which must be postmarked no later than December 20, 2016.
4. Bidders may submit written inquiries about this RFP by email to RFP@puc.nh.gov no later than 4:30 p.m. EST on December 7, 2016. Inquiries and responses will be posted on the

¹ See Order No. 25,932: <http://www.puc.nh.gov/Regulatory/Orders/2016orders/25932e.pdf>

PUC's website at www.puc.nh.gov/home/requestforproposal.htm. The subject line of the e-mail must state the following: RFP #2016-008, EERS PLANNING EXPERT.

I. BACKGROUND

Commission [Order 25,932](#)², dated August 2, 2016 approved a [Settlement Agreement](#)³ (“the Settlement”) in [Docket DE 15-137](#)⁴ which provides that New Hampshire electric and gas utilities will, no later than September 1, 2017, file for the Commission’s review and approval, a comprehensive 3-year plan for the implementation of an EERS on January 1, 2018 (“the EERS Plan”). The Settlement provides that the EERS Plan shall be developed in consultation and collaboration with 13 parties to the Settlement, an independent planning expert (“the Planning Expert”) - whose services are sought through this RFP, the Energy Efficiency and Sustainable Energy (“EESE”) Board⁵ and other stakeholders. The Settlement further provides that the Planning Expert shall be hired by the Commission to assist the non-utility stakeholders’ participation in the development of the EERS Plan and shall provide advice and assistance to the EESE Board and other stakeholders as requested and appropriate and shall be subject to the ultimate control of the Commission. As stated in the Settlement, the Commission has ultimate control over the Planning Expert. Thus, the PUC will hire the Planning Expert, sign contracts, and manage all payments.

II. SCOPE OF SERVICES

The Planning Expert will be directed by the PUC Staff in consultation with the EESE Board which will seek input from other non-utility stakeholders. The PUC Staff will set the priorities for the Planning Expert’s work and authorize approval of any reports, testimony or other work product produced by the Planning Expert. The Planning Expert will work with the PUC Staff, the EESE Board, the Utilities and other stakeholders while maintaining independence and exercising independent professional judgment to provide the following services:

- Play an essential role in the development of the New Hampshire’s 3-year EERS Plan. The Planning Expert will begin by developing a framework for and an understanding of the roles of the PUC Staff, the EESE Board, and other stakeholders in connection with the development, review and approval of the EERS Plan.
- Work with the PUC Staff, the EESE Board, the Utilities and other stakeholders to develop a specific process and work plan for the development, review and Commission approval of the EERS Plan (within the parameters established by the Settlement). The Planning Expert will

² See Order No. 25,932: (<http://www.puc.nh.gov/Regulatory/Orders/2016orders/25932e.pdf>)

³ See the Settlement Agreement: http://www.puc.nh.gov/Regulatory/Docketbk/2015/15-137/LETTERS-MEMOS-TARIFFS/15-137_2016-04-27_STAFF_PARTIES_SETTLEMENT_AGREEMENT.PDF

⁴ See Docket DE 15-137: <http://www.puc.nh.gov/Regulatory/Docketbk/2015/15-137.html>

⁵ The EESE Board was established pursuant to [RSA 125-O:5-a](#). The Board voted unanimously in September 2016 to accept the Commission’s invitation to serve as the EERS Stakeholder Advisory Council.

facilitate implementation of the various steps in this process by setting meeting dates, facilitating these meetings, establishing milestones and deadlines to enable the Commission to issue an order on the EERS Plan by December 31, 2017.

- Provide advice, technical expertise and quantitative analysis as requested by the EESE Board and the PUC Staff in areas such as energy efficiency program design, cost effectiveness, appropriate incentive levels, projected program participation rates, etc.
- Review the Evaluation, Monitoring & Valuation process as referenced in the Settlement and further developed in the EERS Plan.
- Provide parties to the EERS process with information about energy efficiency and EERS best practices and insights from outside New Hampshire.
- Support the EESE Board's participation in the PUC proceeding for review of the EERS Plan including technical sessions, discovery, hearings, and settlement negotiations.
- Attend and provide administrative and technical support for those sessions of the EESE Board and its EERS Committee that deal with EERS Plan matters (approximately 10 meetings in 2017).
- At year-end 2017, draft a report summarizing the state of the EERS Plan and related work performed.

III. CONFIDENTIALITY

Each Proposer agrees to maintain confidential all information to which it has access until such time as it is instructed otherwise by the Commission. A Proposal must remain confidential until the effective date of any contract resulting from this RFP. A Proposer's disclosure or distribution of Proposals other than as permitted by the Commission will be grounds for disqualification.

IV. WORKPAPERS

At the conclusion of the work, the Planning Expert will make available to the Commission summaries of significant work papers and source documents as requested.

V. COMPONENTS OF THE PROPOSAL

Proposals shall include the following information:

1. Letter of Transmittal: Include name of bidder, contact information for and signature of proposed consultant.
2. Proposed Scope of Work and Schedule:
 - a. Provide 1-2 pages describing the essential elements of the planning and advisory services expected to be provided.

- b. Describe planned goals and milestones for a one year engagement.
 - c. Provide a schedule for achieving milestones and indicate an estimated number of hours allocated to each major task/milestone.
 - d. Provide periodic reports on progress towards achieving goals and milestones.
3. Corporate/Company Information: Information concerning its corporate/company history; i.e., how many years in business, corporate officers or company principals, location of branch offices, professional and business association memberships, etc.
4. Relevant Qualifications and Experience: Detailed description of the Proposer's relevant experience with respect to the proposed scope of work.
5. Personnel Assigned: A list of all personnel who will be assigned to this project, including the project manager (if applicable) and detailed resumes and summaries of each individual reflecting their relevant experience and the nature of their specific responsibilities. During the course of the work, the Commission must approve in writing any substitutions or changes in personnel assigned to perform the work.
6. Detailed Program Budget: A detailed cost proposal that identifies the hourly rate for personnel and any associated expenses for one year, including the attendance at all EERS and EESE Board meetings (related to the EERS plan).
7. References: A list of up to three references for work performed which is similar in scope or content to the one being proposed, preferably within the past 5 years.
8. Statement of Disclosure: Identification and description of any existing or potential conflicts of interest, including those that arise as a result of relationships or affiliations with utility companies under the jurisdiction of the Commission, other industry participants, trade associations, or advocacy organizations or groups that may be anticipated to participate in the EERS proceeding.

VI. PROPOSAL SELECTION PROCESS AND CRITERIA

The proposal selection team will consist of two members of the PUC Staff and one designee from the EESE Board, who is a state employee. Cost is a consideration but may not be the determining factor in the decision. The contract will provide for a maximum of \$95,000 per year. In addition to cost, the selection team will consider the following criteria and assign a corresponding point score.

1. Specific experience, qualification, and technical skills directly related to EERS planning, design, and implementation; EERS economics and finance; utility regulation; and energy efficiency and energy policy. **(Maximum Point Score: 40)**
2. General experience, qualifications, quality of personnel in providing services to other utility commissions, utilities, and stakeholders, including stakeholder engagement, communication and presentations, and publications. **(Maximum Point Score: 20)**

3. Cost of consulting services and expenses, including the competitiveness of the proposed hourly rates and any proposed discounts or other benefits. (The Commission reserves the right to negotiate lower fees or a different fee structure than proposed, with any selected firm(s).) **(Maximum Point Score: 20)**
4. Ability to work effectively in New Hampshire, including accessibility and proximity to New Hampshire, familiarity and independence of persons assigned to project. **(Maximum Point: 10)**
5. Overall responsiveness to the requirements of the RFP, including completeness, clarity, and quality of proposal, including proposed allocation of time to critical tasks. **(Maximum Point Score: 10)**

VII. TERM of CONTRACT

The term of the contract will be for 12 months commencing January, 2017

VIII. GENERAL PROPOSAL CONDITIONS

1. Proposals must be typed and double-sided. Proposals that are incomplete or unsigned will not be considered. Electronic Proposals must be received by the Commission prior to 4:30 p.m. EST on December 19, 2016. The electronic copy must be in PDF (portable document file) format. In addition to the electronic submission, prospective bidders must submit five (5) additional paper copies which must be postmarked no later than December 20, 2016. Proposals must be addressed to Eunice Landry, Business Administrator, New Hampshire Public Utilities Commission, 21 S. Fruit Street, Suite 10 Concord, NH 03301-2429 and RFP@puc.nh.gov.
2. Proposers may submit written inquiries about this RFP by e-mail to RFP@puc.nh.gov no later than 4:30 p.m. EST on December 7, 2016. Inquiries and responses will be posted on the PUC's website at www.puc.nh.gov/home/requestforproposal.htm. Please note that answers to questions are carefully considered and may require several days before they are posted. It is strongly recommended that bidders review the RFP in its entirety as soon as possible to allow the PUC time to answer questions and to allow the bidder time to complete the proposal. The subject line of the e-mail must state the following: RFP #2016-008, EERS PLANNING EXPERT.
3. The Commission reserves the right to cancel or withdraw this RFP, to reject or accept any or all Proposals, to reject or accept all or any part of any Proposal, to determine what constitutes a conforming Proposal, to waive irregularities that it considers not material to the Proposal, to award the Proposal solely as it deems to be in the best interest of the State, to contract for any portion of the Proposals submitted and to contract with more than one Proposer if necessary. Notwithstanding any other provision of this RFP, this RFP does not commit the Commission to award a contract.
4. This RFP and all information relating to this RFP (including, but not limited to, fees, contracts, agreements and prices), are subject to the laws of the State of New Hampshire

regarding public information and regarding state procurement of goods and services.

5. The Commission reserves the right to amend this RFP at its discretion, prior to the Proposal submission deadline. In the event of an amendment or addendum to this RFP, the State, at its sole discretion, may extend the Proposal submission deadline, as it deems appropriate.
6. Proposals must be valid for ninety (90) days following the deadline for submission of Proposals.
7. By submitting a Proposal, a Proposer agrees that in no event shall the Commission be either responsible for or held liable for any costs incurred by a Proposer in the preparation of or in connection with the Proposal, or for work performed prior to the effective date of a resulting contract.
8. From the time this RFP is published until a contract is awarded, no bidder shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will select, evaluate, or award an RFP, or similar submission. Any bidder that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any bidder who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFP, or similar request for submission and every such bidder shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A bidder that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the department of administrative services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.
9. Pursuant to RSA 21-G:37, bidders that question the Commission's identification of the selected proposal may request that the agency review its selection process. Such request shall be made in writing and be received by the Commission within 5 business days after the rank or score is posted on the agency website. The request shall specify all points on which the Proposer believes the Commission erred in its process and shall contain such argument in support of its position as the bidder seeks to present. In response, the Commission shall review the process it followed for evaluating responses and, within 5 business days of receiving the request for review, issue a written response either affirming its initial selection of a proposer or canceling the RFP. In its request for review, a Proposer shall not submit, and an agency shall not accept nor consider, any substantive information that was not included by the Proposer in its original RFP response. No hearing shall be held in conjunction with a review. The outcome of the agency's review shall not be subject to appeal.

IX. CERTIFICATES

Proposers will be required to provide the following certificates prior to entering into a contract:

Secretary of State's Office Certificate of Good Standing ("CGS")	Individuals contracting in their own name do not need a CGS. Business organizations and trade names need a CGS, except for nonresident nonprofit corporations.
Certificate of Vote /Authority ("CVA")	Individuals contracting in their own name do not need a CVA. Business entities and trade names need a CVA.
Certificate of Insurance	Certificate of Insurance form attached with insurance coverage required under the contract. Modifications of insurance coverage required will be specified in the contract.
Workers' Compensation	Contractor must demonstrate compliance with or exception from RSA 281-A (and if applicable, RSA 228:4-b and RSA 21-I:80, and any other applicable laws or rules).

X. FORM OF CONTRACT

1. The terms and conditions set forth in Form P-37 (v. 1/09) General Provisions Agreement (available at: <http://www.puc.nh.gov/Home/requestforproposal.htm>) are part of the proposal and will apply to any contract awarded the Proposer. While the Commission will consider minor modifications of this form during negotiations, the Commission disfavors substantial material changes from this form agreement. To the extent that a Proposer believes that exceptions to the standard form contract will be necessary for the Proposer to enter into a Contract, the Proposer should note those issues during the Proposer question period. The Commission will review requested exceptions and accept or reject the same at its sole discretion. In no event is a Proposer to submit its own standard contract terms and conditions in response to this solicitation.
2. Any contract resulting from this RFP shall not be deemed effective until it is signed by the Commission.
3. Any contract awarded from this RFP will expire one year after the effective date. The Commission at any time, in its sole discretion, may terminate the contract, or postpone or delay all or any part of the contract, upon written notice.
4. When responding to this RFP, please include your ability to comply with Paragraph 14 of the Form P-37 General Provisions Agreement, Insurance, referenced in sub-paragraph X.1 hereinabove. Please note that the Commission will allow substitution of professional liability insurance for part or all of the per occurrence comprehensive general liability insurance

coverage. In addition, excess liability insurance in an equal amount may be substituted for up to \$1,000,000 of the per occurrence comprehensive general liability or professional liability insurance coverage. The State reserves the right to further waive or modify the insurance requirement in Paragraph 14 based on Proposals submitted.

XI. FINANCIAL INFORMATION AND PUBLIC POSTING REGARDING RFPs

1. Pursuant to the relevant statutes and regulations, all responses to this RFP shall be considered confidential until the award of a contract. At the time of receipt of Proposals, the State will post the number of responses received with no further information. No later than five (5) business days prior to the final approval of the proposed contract, the Commission will post the name, rank or score of each Proposer on the PUC website (<http://www.puc.nh.gov/Home/requestforproposal.htm>).
2. The content of each Proposal shall become public information upon the effective date of any resulting contract. Any information submitted as part of a response to this RFP may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>). Any Applicant providing information which is exempt from disclosure pursuant to RSA 91-A:5 shall submit a motion for confidential treatment with its proposal. The Commission shall review such motions and determine in writing whether the information shall be held confidential and exempt from disclosure pursuant to RSA 91-A:5. Material for which a motion for confidential treatment is filed shall be kept confidential by the Commission until a written determination is made. *See* N.H. Code of Admin. Rule Puc 201.04 and 203.08.
3. Notwithstanding any provision of this RFP to the contrary, contractor pricing will be subject to disclosure upon approval of the contract by the Commission. The State will endeavor to maintain the confidentiality of portions of the Proposal that are clearly and properly marked confidential. If a request is made to the State to view portions of a Proposal that the contractor has properly and clearly marked as confidential, the State will notify the contractor of the request and of the date upon which the State plans to release the records. A designation by the contractor of information it believes exempt from disclosure does not have the effect of making such information exempt. The State will determine the information it believes is properly exempted from disclosure. By submitting a Proposal, contractors agree that unless the contractor obtains a court order, at its sole expense, enjoining the release of the requested information, the State may release the requested information on the date specified in the State's notice without any liability to the contractors.