

**REQUEST FOR PROPOSAL**

**OPC-2013-14**

**For**

**Legal and Technical Services Regarding Potomac Electric Power  
Company's Application To Increase Existing Distribution Service  
Rates and Charges For The Provision of Electric Service in the  
District of Columbia**

**Sponsored by the**

**Office of the People's Counsel for the District of Columbia**

RFP Issue Date: April 8, 2013

Proposal Due Date: April 12, 2013

## **RFP No. OPC-2013-14**

### **SECTION 1 - SCOPE OF WORK**

#### **I. Introduction**

The Office of the People's Counsel for the District of Columbia ("OPC") or "Office") the statutory representative for District of Columbia ratepayers and consumers, pursuant to D.C. Official Code § 34-804, seeks legal and technical services from qualified firms and individuals skilled and experienced in the area of public utility regulation, particularly with knowledge of and experience in electric rate case issues, electric tariffs, and deregulation of the electric industry, to assist the Office to provide preliminary legal and technical analysis. This RFP is released pursuant to OPC's contract and procurement authority as delineated in D.C. Official Code §§ 34-804(c) and 34-912, as amended.

#### **II. Background**

On March 8, 2013, the Potomac Electric Power Company ("Pepco") filed with the Public Service Commission of the District of Columbia ("D.C. PSC") an application requesting a \$52.1 million increase to existing distribution service rates and charges for the provision of electric service in the District of Columbia.

##### **General Tasks**

The legal Offeror should provide a preliminary legal analysis of PEPCO's application and pre-filed testimony and assist OPC in preparing for pre-hearing conference.

The technical Offeror should provide preliminary technical and financial issues analysis of PEPCO's application and pre-filed testimony to assist OPC in preparing for a pre-hearing conference.

### **SECTION 2 – INDEPENDENT CAPACITY; NON-ASSIGNABILITY**

The successful offeror and any agents and employees thereof shall, in the performance of work under the proposal and this RFP, act in an independent capacity and not as officers or employees of the District of Columbia government. The successful offeror shall not assign nor transfer any interest under the contract resulting from this RFP without the prior written consent of OPC.

### **SECTION 3 – INDEMNIFICATION**

The successful offeror agrees to indemnify, defend, and hold harmless the Office of the People's Counsel and the District of Columbia government, its officers, employees and agents from any and all claims and/or losses accruing or resulting to persons, firms, or corporations who may be injured or damaged by the successful offeror in the performance of its duties and responsibilities under the proposal accepted by OPC and also from and against any liability, including costs and

expenses, for violation of proprietary rights, copyrights, or rights of privacy or confidentiality arising out of the publication, translation, reproduction, delivery, performance, use or disposition of any data furnished pursuant to this engagement or based on any libelous or otherwise unlawful matter contained in such data.

#### **SECTION 4 – ACCESS TO RECORDS**

The successful offeror agrees that OPC, through its authorized agents and employees, shall have the right to examine and audit such books, records, and other documents in the possession or control of the successful offeror as necessary to verify the fees, charges and expenses billed to the Office under this engagement.

#### **SECTION 5 – CONFIDENTIALITY OF PROPOSALS, WORK PAPERS AND MATERIALS**

The proposal filed in response to this RFP shall be considered a public document and will be available for public inspection upon received by OPC. The successful offeror agrees that the Office shall own and have unlimited right to all interim and final written testimony, exhibits, or reports, and that the successful offeror shall not assert any rights or establish any claim under existing copyright, patent, or data law as to such material or processes. The successful offeror further agrees that upon request it will submit to the Office original or legible copies of all work papers created by the successful offeror in support of its testimony, exhibits, or reports during the course of this engagement.

#### **SECTION 6 – TERMS AND CONDITIONS**

This RFP does not bind or otherwise commit OPC to enter into a contract or to pay any cost incurred in the preparation of a proposal in response to this request. OPC reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel or modify this RFP in whole or in part. OPC reserves the right to request additional written data, information, oral discussion, or presentations in support of any written proposal or portion thereof which is deemed necessary to clarify any aspect of a proposal.

#### **SECTION 7 – TERMS AND CONDITIONS**

It is understood and agreed that if, through any cause or for any reason, the successful offeror fails to fulfill in a timely and professional manner the obligations under the successful proposal, or violates any of the terms of this RFP or contract entered into pursuant to this RFP, the Office shall have the right to terminate the contract by giving written notice of termination. In the event of such termination, all finished or unfinished documents, data, studies, testimony, exhibits, or other material prepared or being prepared pursuant to this engagement shall, at the option of the Office, become OPC's property and the successful offeror shall be entitled to receive just and equitable compensation for any reasonably satisfactory work performed.

#### **SECTION 8 – RFP AVAILABILITY**

A copy of the RFP may be obtained by e-mail or written request to:

Naunihal Singh Gumer  
Director of Regulatory Finance  
Office of the People's Counsel for the District of Columbia  
1133 15<sup>th</sup> Street, N.W. Suite 500  
Washington, D.C. 20005  
[ngumer@opc-dc.gov](mailto:ngumer@opc-dc.gov)

### **SECTION 9 – TIMING/DEADLINE FOR SUBMISSION OF PROPOSALS**

The times stated in this document refer to Eastern Standard Time (EST). The closing date for proposals is **no later than 4:00 p.m. EST on Friday, April 12, 2013**. Any proposals received after this deadline will not be considered. **One (1) original copy must be submitted under seal to:**

Naunihal Singh Gumer  
Director, Regulatory Finance  
[ngumer@opc-dc.gov](mailto:ngumer@opc-dc.gov)  
Office of the People's Counsel for the District of Columbia  
1133 15<sup>th</sup> Street, N.W. Suite 500  
Washington, D.C. 20005

### **SECTION 10– ELIGIBLE OFFERORS**

To be eligible, the offeror must demonstrate technical capabilities, competence, and resources to perform the duties as delineated in the Scope of Work in Section 1 of this RFP.

### **SECTION 11 – PROPOSAL REQUIREMENTS**

Proposals submitted in response to this request must meet the following conditions to be considered for selection. Faxed proposals will not be accepted under any circumstances.

PROPOSALS MUST BE WRITTEN ENTIRELY ON 8½” x 11” PAPER. PROPOSALS MUST INCLUDE ALL NECESSARY APPENDICES AND ATTACHMENTS. PROPOSALS SHOULD BE STAPLED IN THE TOP LEFT CORNER OR BOUND IN A 3-RING BINDER.

PROPOSALS MUST BE SUBMITTED IN A MANNER THAT DOES NOT PRESENT ANY BENEFIT, KEEPSAKE, OR VALUE FOR MEMBERS OF THE REVIEW PANEL.

Proposals must begin with a cover page that clearly states the name of the offeror and the name and address of the company, as well as the telephone number, fax number, and e-mail address of the person who may be contacted directly regarding the proposal. Proposals must be signed by a principal, officer or partner authorized to bind the offeror contractually. All parts of the proposal after the cover page must be filed under seal. A proposal must be submitted in the format outlined herein with a Table of Contents. Pages of the proposal must be numbered with index tabs included for each section.

### **SECTION 12 – SOURCE SELECTION**

The Office will award the contract to the offeror that, in light of all factors, best meets the requirements of this RFP. Each proposal will be evaluated in accordance with the procedures set forth in this RFP.

### **SECTION 13 – ANTICIPATED SCHEDULE OF ACTIVITIES<sup>1</sup>**

Deadline for submission of proposals	<b>April 12, 2013</b>
Selection approved by OPC	<b>April 19, 2013</b>
Commencement of Activities Immediately After Securing Funds.	

---

<sup>1</sup> Dates are subject to change.