REQUEST FOR PROPOSAL

OPC-2019-09

For

Technical Services Regarding the Potomac Electric Power Company's Proposal to Adopt a Multi-Year Rate Plan and Performance Incentive Mechanisms

Public Service Commission of the District of Columbia

Formal Case No. (To Be Determined)

Sponsored by the

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

RFP Issue Date:	February 25, 2019
Proposal Due Date:	March 20, 2019

RFP No. OPC-2019-09

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, seeks technical services from firms and individuals with experience in alternative utility rate designs, particularly in performance based ratemaking, multi-year rate plans, and performance incentive mechanisms to assist OPC in its representation of District of Columbia ratepayers.

This request for proposals ("RFP") is released pursuant to OPC's contract and procurement authority as outlined in D.C. Code §§ 34-804(c), 34-912.

II. Background

OPC issues this RFP in anticipation of an application from the Potomac Electric Power Company ("Pepco" or "Company") to increase its base rates and to alter its rate design to a multi-year rate plan with performance incentive mechanisms. The Office expects that Pepco will file its application with the Public Service Commission of the District of Columbia ("Commission") in May 2019. In preparation for the filing, Pepco has been holding a series of stakeholder workshops and has announced its intention to present a preview of its plan at the next workshop that will likely be held sometime in March. OPC seeks technical services from firms and individuals that can perform the tasks outlined in Subsection III- Scope of Work during the period before Pepco files its application with the Commission. Offerors are also encouraged to respond to OPC's companion RFP, RFP No. 2019-07, which seeks technical support services with respect to the filed application.

III. Scope of Work

OPC seeks technical services from qualified firms and individuals with the experience and expertise to provide the following services:

- Provide OPC with expert analysis of consumer impacts of multi-year rate plans and performance incentives that have been adopted in other jurisdictions;
- Attend Pepco's stakeholder workshop(s) and all other necessary meeting, conferences, Commission meetings; and
- Provide OPC with technical and policy analysis of Pepco's proposed multi-year rate plan and performance incentives and formulate issues for potential litigation or negotiation.

The successful offeror is expected to use their professional judgment to project a reasonable work plan for this assignment, resulting in the completion of the tasks for a fixed price.

OPC recognizes that there are circumstances where, for unforeseeable reasons, the scope of work will necessarily expand beyond that reasonably contemplated in the original proposal and, therefore, the Office will consider written requests for additional compensation addressed to the Office at least fourteen (14) business days prior to commencing the work for which additional

compensation is sought to enable the Office to consider the request. No work may be commenced until the Office and the successful offeror have executed a contract amendment for the additional compensation.

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 may be available to the public pursuant to the District's freedom of information laws. 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 this RFP may be obtained by e-mail or written request to:

Naunihal "Nick" Singh Gumer
Director, Regulatory Finance
Office of the People's Counsel for the District of Columbia
1133 15th Street, N.W. Suite 500
Washington, D.C. 20005
ngumer@opc-dc.gov

SECTION 9 – PROPOSAL DEADLINE AND METHOD FOR SUBMISSION

The times stated in this document refer to Eastern Daylight Time (EDT). The Office must receive proposals by **4:00 p.m. EDT on March 11, 2019.** All proposals received after this deadline will not be considered. Interested firms and individuals must submit **one (1) hard copy of the proposal AND an electronic version (email attachment) in PDF format.**

Hard copies must be submitted in a sealed envelope marked: "Submission in Response to RFP No. OPC-2019-09, Technical Services Regarding the Potomac Electric Power Company's Proposal to Adopt a Multi-Year Rate Plan and Performance Incentive Mechanisms" and sent to:

Naunihal "Nick" Singh Gumer
Director, Regulatory Finance
Office of the People's Counsel for the District of Columbia
1133 15th Street, N.W., Suite 500
Washington, D.C. 20005

The electronic version must be emailed to:

ngumer@opc-dc.gov

Faxed proposals will not be accepted under any circumstances.

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

In addition to meeting the requirements of Section 9 and Attachment A, Section B, proposals submitted in response to this request must:

- **BE WRITTEN ENTIRELY ON 8½" x 11" PAPER;**
- **INCLUDE A TABLE OF CONTENTS WITH INDEX TABS FOR EACH SECTION;**
- **HAVE ALL PAGES NUMBERED;**
- **INCLUDE ALL NECESSARY APPENDICES AND ATTACHMENTS;**
- **BE STAPLED IN THE TOP LEFT CORNER OR BOUND IN A 3-RING BINDER; AND**
- **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. OPC is interested in a qualitative approach for submitted proposals. Thus, a brief, clear, and concise proposal is more desirable than an unnecessarily large proposal.

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 detailed in this RFP. OPC's selection of a successful offeror will be based on the special provisions

and requirements in Attachment A. Activities will commence immediately after contract negotiations and award.

SECTION 13 – LIST OF ATTACHMENTS

Attachment A	Special Provisions
Attachment B	Disclosure Statement

ATTACHMENT A

SECTION A: SPECIAL PROVISIONS

A.1 Preference for Local and Disadvantaged Business Enterprises or Businesses Operating in an Enterprise Zone

General: Pursuant to the provisions of D.C. Code § 2-218.43, OPC gives a preference to offerors that are certified by the District of Columbia Department of Small and Local Business Development ("DSLBD") as having resident business ownership, being in a Local Business Enterprise, being a Disadvantaged Business Enterprise, or as operating in an Enterprise Zone. A copy of the certification acknowledgment letter must be submitted with the offeror's submission.

In accordance with this law, the following preferences are awarded in evaluating an offeror's proposal:

- Three points shall be awarded if the offeror is certified as a small business enterprise;
- Five points shall be awarded if the offeror is certified as resident-owned business;
- Ten points shall be awarded if the offeror is certified as a longtime resident business;
- Two points shall be awarded if the offeror is certified as a local business enterprise;
- Two points shall be awarded if the offeror is certified as a local business enterprise with its principal office located in an enterprise zone;
- Two points shall be awarded if the offeror is certified as a disadvantaged business enterprise; and
- Two points shall be awarded if the offeror is certified veteran-owned business Enterprise.

A Certified Business Enterprise ("CBE") is to be entitled to any or all of the preferences provided herein, but in no case shall a certified business enterprise be entitled to a preference of more than 12 points or a reduction in price of more than 12 percent.

Information: For information regarding the application process, contact DSLBD at the following address or telephone number:

Department of Small and Local Business Development
One Judiciary Square Building
441 - 4th Street, NW, 9th Floor, Suite 970 N
Washington, DC 20001
(202) 727-3900 (Telephone Number)
(202) 724-3786 (Facsimile Number)

Any offeror with Local Business Enterprise or Disadvantaged Business Enterprise certification as its joint venture or constituent entity, shall be entitled to the applicable preference points provided for in D.C. Official Code § 2-218.43 in direct proportion to the percentage of the effort to be performed by the Local Business Enterprise or Disadvantaged Business Enterprise. A copy of the certification acknowledgment letter must be submitted with the offeror's proposal.

A.2 Time

Unless otherwise specified in this RFP, time, if stated in number of days, shall include Saturdays, Sundays and holidays.

A.3 Licensing, Accreditation, and Registration

The selected offeror must comply with all applicable District of Columbia and federal licensing, accreditation, and registration requirements and standards necessary for the performance of the contract.

A.4 Limitation of Authority

Only the Office or a person with prior written authority from the Office will have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of the contract. Furthermore, any alteration, amendment, modification, or waiver of any clause or condition of this RFP is not effective or binding unless made in writing and signed by OPC or its authorized representative.

A.5 Conformance with Laws

It will be the responsibility of the selected offeror to perform under the contract in conformance with all statutes, laws, codes, ordinances, regulations, rules, requirements, orders, and policies of governmental bodies, including, without limitation, the U.S. Government and the District of Columbia government; and it is the sole responsibility of the selected offeror to identify the statutes, laws, codes, ordinances, regulations, rules, requirements, orders and policies that apply and their effect.

SECTION B: PROPOSAL REQUIREMENTS

B.1. List of Required Documentation

Offerors will be required to submit the following information with their proposals:

a. An executive summary that provides an overview of the proposed work plan and Offeror's experience; and
b. A CBE Utilization Plan (if applicable).

B.2 Work Plan(s)

Offerors must briefly describe clearly and specifically their proposals for carrying out the responsibilities associated with the Scope of Work in Section 1 of this RFP. Additionally, offerors should be prepared to clearly and completely describe in detail their proposals as soon as possible after the contract award, including a timeline for all deliverables. The timeline must identify the key milestones, tasks, activities and events outlined in the Scope of Work.

B.3 Prior Experience and Qualifications

Offerors must describe their credentials, qualifications, and prior experience with respect to the Scope of Work outlined in Section 1 of this RFP.

B.4 Personnel

Offerors must identify the persons who will perform tasks outlined in the Scope of Work set forth in this RFP and provide a detailed resume for each individual that describes the qualifications applicable to the performance of the tasks for which the individual will be responsible. Please include an organizational chart showing reporting relationships of team personnel. OPC must be notified of any personnel changes if individuals assigned to work on this project(s) are relieved of their responsibilities or reassigned. Offerors shall designate one individual as the project manager and this individual shall be responsible for project management, reporting, coordination, and accountability for the entire project.

B.5 Budget

Offerors must justify all costs in terms of activities and objects of expenditure to ensure the costs are reasonable and necessary to the project as outlined in the Scope of Work in this RFP. Financial resources must be adequately and appropriately allocated among cost categories in a cost-effective and prudent business manner to accomplish the RFP objectives and activities. Services to be purchased from other agencies; subcontractors, including any amounts subcontracted to CBEs, consultants, and others must be specified.

Proposals must provide the total charges to be provided for the services rendered in the following format listing the hourly rate for every person.

NAME	BILLING RATE	HOURS	EXPENSES	TOTAL
Partner/Principal				
Project Manager (if any)				
All others (by name)				
All other fees or expenses				

Each proposal must contain the following statement:

> **The Office of the People's Counsel shall pay offeror as full compensation for all authorized work performed and accepted including all costs, fees and expenses, an amount not to exceed $ _____.**

The Office reserves the right to disallow expenses charged for this engagement if OPC determines such expenses are unreasonable. The successful offeror must make every effort to minimize the cost of hotels, meals and transportation.

B.6 Statement Regarding Potential Conflicts of Interest

Each offeror must identify any relationships between itself or its employees and the companies under the jurisdiction of the Public Service Commission of the District of Columbia, or any parent, subsidiary, or affiliate of such companies. The extent, nature, and time aspects must be identified. If there are or have been no such relationships, a statement to that effect shall be included in the proposal. Failure to provide the statement on potential conflicts of interest will automatically disqualify the offeror.

B.7 Employer Identification Information

Each offeror must provide the Office with its 9-digit Federal Employer Identification Number ("EIN") or Social Security Number ("SSN") if offeror is an individual.

B.8 Debarment and Suspension

By submitting a proposal to the Office, offerors understand, agree, and certify that:

a. Submitting a proposal with a false statement is a material breach of contract and shall void the submitted proposal and any resulting contract, and the offeror shall be removed from all future contracting opportunities with OPC. The Office may debar and suspend the offeror for: (i) engaging in contract fraud or a criminal offense incident to obtaining, attempting to obtain, or performing a public contract or subcontract (Payments due under the contract will be applied towards any debt, including but not limited to, delinquent taxes owed to the District of Columbia); (ii) violating Federal or state antitrust statutes arising out of submission of bids and proposals; (iii) engaging in acts involving embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, false statements, tax evasion, or any other offense indicating a lack of business integrity or business honesty; and, (iv) being convicted of any other offense that indicates a lack of business integrity or present responsibility as a offeror.

b. OPC, in its discretion, may debar or suspend any offeror as a result of: (i) willful failure to perform in accordance with the specifications within the time limit provided in a contract; (ii) a record of failure to perform or of unsatisfactory

performance of the terms of one or more contracts; or (iii) false assertion of status giving rise to special benefits under the laws of the District of Columbia.

SECTION C: ACKNOWLEDGMENT OF AMENDMENTS AND ADDENDA

C.1 Acknowledgment of Amendments and Addenda

Offerors must acknowledge receipt of any amendment or addendum to this RFP by: (i) signing and returning the amendment or addendum or (ii) letter or telegram, including mailgrams or by facsimile. The Office must receive the acknowledgment by the date and time specified for receipt of the submissions. An offeror's failure to acknowledge an amendment or addenda may result in rejection of the proposal.

SECTION D: GENERAL INFORMATION

D.1 Contact Person

For information regarding this RFP, please contact:

Naunihal "Nick" Singh Gumer
Director, Regulatory Finance
Office of the People's Counsel for the District of Columbia
1133 15th Street, N.W. Suite 500
Washington, D.C. 20005
ngumer@opc-dc.gov
Telephone: (202) 727-3071

D.2 Explanations to Prospective Offerors

Offerors should carefully examine this RFP and all amendments, addenda, or other revisions, and be thoroughly familiar with all requirements prior to proffering a submission. Should an offeror find discrepancies or ambiguities in, or omissions from, the RFP and amendments, addenda or revisions, or otherwise desire an explanation or interpretation of the RFP, any amendments, addenda, or revisions, the offeror must submit a request for interpretation or correction in writing. Any information given to an offeror concerning the solicitation shall be furnished promptly to all other offerors as an amendment or addendum to this RFP, if in the sole discretion of the Office, that information is necessary in proffering submissions, or if the lack thereof would be prejudicial to any other prospective offerors. Oral explanations or instructions given before the award of the contract shall not be binding.

D.3 Written or Oral Discussions

The Office is permitted to conduct oral discussions with offerors that tender submissions to expedite the proposal evaluation process.

D.4 Award Without Discussions

In order to meet the award schedule, OPC will make every effort to award the prospective contract without either written or oral discussions. Therefore, each offeror is
advised that it should submit a complete and thorough submission that is fully compliant with the instructions in this RFP.

D.5 Written or Oral Discussions

If the Office elects to hold discussions with offerors, then a competitive range will be established based on the Evaluation Criteria set forth in Attachment B of this RFP. Upon completion of discussions, the Office will issue to all offerors in the competitive range a request for Best and Final Offers. After receipt of Best and Final Offers, OPC will not reopen discussions unless it is clearly in the best interest of the Office to do so.

D.6 Retention of Submissions

OPC will retain all submissions; therefore, no submission will be returned to offerors.

D.7 Examination of Submissions

Offerors are expected to examine the requirements of all instructions (including all amendments, addenda, attachments, and exhibits) in this RFP. Failure to do so shall be at the sole risk of the offeror and may result in disqualification.

D.8 Late Submissions: Modifications

Any submission or Best and Final Offer received at OPC after the exact time specified for receipt shall not be considered. Any modification of a submission, including a modification resulting from the Office's request for Best and Final Offers, is subject to the same conditions set forth in Section C. The only acceptable evidence to establish the time of receipt at OPC is the time-date stamp of the Office on the submission cover page, or other documentary evidence of receipt maintained by OPC. Notwithstanding any other provisions of this RFP to the contrary, a late modification of an otherwise successful submission that makes the terms more favorable to the Office may be considered at any time it is received and may be accepted. Submissions shall be irrevocable and remain in full force and effect for a period not less than 120 days after receipt of submissions.

D.9 No Compensation for Preparation of Submissions

The Office will not bear or assume any financial obligation or liability regarding the preparation of any submissions in response to this RFP, or prepared in connection therewith, including, but not limited to, any submissions, statements, reports, data, information, materials or other documents or items.

D.10 Rejection of Submissions

The Office reserves the right, in its sole discretion:

1. To cancel this solicitation or reject all submissions.

2. To reject submissions that contain conditions and/or contingencies that, in OPC's sole judgment, makes the submission indefinite, incomplete, otherwise non-responsive, or otherwise unacceptable for award.

3. To waive minor irregularities in any submission provided such waiver does not result in an unfair advantage to any offeror.

4. To take any other action within the applicable procurement law or regulations.

5. To reject the submission of any offeror that has submitted a false or misleading statement, affidavit, or certification in connection with such submission or this RFP.

ATTACHMENT B

The following contractors will perform the work described in this RFP. None has worked for Pepco, or its subsidiaries and affiliates in the past three (3) years.