

June 12, 2015

**NEW HAMPSHIRE OFFICE OF THE CONSUMER ADVOCATE'S  
REQUEST FOR PROPOSALS FOR EXPERT SERVICES RELATED TO  
NATIONAL AND REGIONAL ELECTRIC and GAS MATTERS**

Dear Prospective Bidder:

The New Hampshire Office of the Consumer Advocate (OCA) requests proposals from qualified firms or individuals to provide expert services to the OCA related to its representation of residential consumers in national and regional electric utility and energy supply matters. Specifically, the OCA seeks through this Request for Proposals (RFP) to retain one or more experts in the regulation, governance, structure and operation of the New England electric power and transmission markets and transmission grid, the related energy supply markets and the operation and activities of the stakeholders in these markets, including New Hampshire electric utilities and their affiliate.

The following dates and information apply to this RFP:

1. Completed proposals must be received via email by the OCA by 4:30 p.m. on Tuesday, June 30, 2015. Please submit proposals to:

Susan W. Chamberlin  
Consumer Advocate  
New Hampshire Office of the Consumer Advocate  
21 South Fruit Street, Suite 18  
Concord, NH 03301  
[oca.litigation@oca.nh.gov](mailto:oca.litigation@oca.nh.gov)

2. Follow-up conferences/interviews will be scheduled as needed.
3. The OCA will evaluate the proposals as described herein.

**I. BACKGROUND**

Pursuant to NH RSA 363:28, the OCA represents the interests of residential customers of New Hampshire electric utilities. The OCA's advocacy occurs in many forums and requires the dedication of sufficient resources.

Primarily, the OCA fulfills its utility-industry advocacy within the context of proceedings at the New Hampshire Public Utilities Commission (PUC). The OCA also regularly participates in activities concerning the regional (i.e., New England) electric supply and transmission markets. These markets are regulated by the Federal Energy Regulatory Commission (FERC) and managed by ISO-New England (ISO-NE), and the regional transmission organization (RTO) serving Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. The work of the regional organization New England States Committee on Electricity (NESCOE), the not-for-profit organization representing the collective interests of the six New England States on regional electricity matters, is also relevant to the OCA's consumer advocacy. With a full-time staff of five, the OCA relies upon outside experts for guidance and supplemental representation at the regional and national level.

Through this RFP, the OCA seeks the assistance of one or more individuals or firms with expertise and experience related to FERC, ISO-NE and the New England wholesale electric market and transmission grid. The OCA votes as an "end user" member of ISO-NE's New England Power Pool (NEPOOL) Participants Committee, a principal stakeholder committee that regularly provides advice and input to ISO-NE. Services sought through this RFP include assistance with FERC proceedings related to those activities or that committee. In addition the OCA seeks assistance with other proceedings, rulemakings and activities at FERC, which are related to ISO-NE, the New England electric market, the New England transmission market and grid, and/or the stakeholders in these markets.

The OCA participates regularly in Market and NEPOOL Participant committee meetings. The OCA is seeking assistance, as needed, in NEPOOL Reliability Committee (RC) matters and other regionally-related activities convened by ISO-NE, NEPOOL, FERC and initiated by NESCOE. The OCA requires additional expertise to adequately analyze and make informed decisions about the impact of the frequent and voluminous proposals and reports circulated among New England electric stakeholders, which often require expedited responses as well as specific contextual and background knowledge to respond in a meaningful manner. In addition, from time to time the OCA requires expert assistance to quantitatively analyze the performance of the region's wholesale electric markets and to judge the appropriateness of the regional costs borne by New Hampshire residential customers.

Through this RFP, the OCA seeks assistance for a period of time beginning upon approval by the Governor and Executive Council and ending on June 30, 2017.

## **II. SCOPE OF SERVICES**

The contractor(s) shall deliver services at the direction of and in a manner prescribed by the OCA. Deliverables include but are not limited to the following:

- Review and analysis of proposals, reports or other filings considered by the FERC in proceedings related to ISO-NE, New England's wholesale electric market, and/or New England's transmission market and grid, with a focus on the impacts of such filings on New Hampshire residential electric customers;
- Timely and periodic reporting of events and developments occurring in the regional and federal energy forums, with an emphasis on those that impact New Hampshire residential electric customers; and
- Participation on behalf of the OCA in meetings and other events convened by the FERC, the ISO-NE, NEPOOL or one or more stakeholders in the New England electric markets.

A partial listing of the ISO-NE and NEPOOL activities that must be monitored and evaluated by the contracting party for the period of the contract is set forth below. This listing is not intended to be exhaustive and contractors may propose additional activities, keeping in mind the need to provide effective representation for the lowest possible cost.

- Regional Transmission Planning and Resource Adequacy. Decisions about costly transmission projects whose costs are borne by ratepayers are made at the regional level. The OCA requires assistance to meaningfully participate in these decisions and in NEPOOL Reliability Committee activities as needed.
- ISO-NE's Budget. ISO-NE's budget is reviewed annually by FERC. The OCA requires expert assistance to scrutinize the ISO-NE's budget with a goal of protecting New Hampshire consumers from unjust and unreasonable costs. In the past year, the OCA participated with a group of regional consumer advocates in a challenge of the ISO-NE's budget, which challenge resulted in commitments by ISO-NE to increase stakeholder participation in future budget processes. Now these commitments must be reviewed for compliance.
- Other ISO-NE, NEPOOL, NESCOE or FERC activities as needed.

Proposals should specify how the contractor and its services will adequately apprise the OCA of the information necessary to make informed decisions; how the contractor will work with the OCA so that, in light of our other duties and limited time, we will be able to participate efficiently and effectively in regional and national activities; and (if applicable) how the contractor can provide services to the OCA in conjunction with similarly-situated clients so as to achieve financial and other economies for the OCA without prejudice to the OCA and its constituents.

### **III. CONFIDENTIALITY**

The OCA is a state agency subject to RSA 91-A, New Hampshire's Right to Know law. Consequently, the OCA is required to protect from disclosure confidential information that it receives. The contractor selected as a result of this RFP is required to affirmatively agree to likewise protect from disclosure all confidential information to which it has access during the course of its work for the OCA. The contractor shall execute a nondisclosure agreement if required.

RSA 91-A, New Hampshire's Right-to-Know law, requires the disclosure of any proposal received by the OCA in response to this RFP. Therefore, if there is any confidential information in your proposal, it must be clearly identified and it must meet the requirements of RSA 91-A for non-disclosure.

#### **IV. WORK PAPERS**

The contractor selected as a result of this RFP is required to make available to the OCA all work papers and source documents as requested.

#### **V. COMPONENTS OF THE PROPOSAL**

The following is a list of the information that must be provided in a proposal. Bidders should respond to all areas listed below, in the order listed.

1. *Corporate/Company Information.* Contractor must provide the OCA with information concerning its corporate/company history; *i.e.*, how many years in business, corporate officers or company principals, location of main and any branch offices, professional and business association memberships, etc.
2. *Personnel Assigned.* Contractor must provide the OCA with a list of all personnel who may be assigned to this project, including the project manager (if applicable), and the contractor shall provide detailed resumes and summaries of each individual reflecting their relevant experience and the nature of their specific responsibilities. During the course of the contract, the OCA must approve in writing any substitutions or changes in personnel assigned to perform the work.
3. *Detailed Budget Proposal.* Contractor must provide the OCA with a detailed budget proposal, as an attachment to the proposal, which identifies the hourly rate for personnel and the rates for any associated expenses, an estimate of the time allocated for each task related to the project(s), any travel expenses, and a not-to-exceed budget amount.
4. *References.* Contractor must provide the OCA with a list of three references for work performed which is similar in scope or content to the services sought through this RFP, preferably work performed within the last 5 years.
5. *Relevant Writing Samples.* Contractor must provide writing samples. Electronic links to documents are preferred over hard copies.
6. *Statement of Disclosure.* Contractor must identify 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 PUC or their affiliates.

7. *Schedule Conflicts.* Contractor must identify any pre-existing professional and personal obligations during the second half of 2015, as well as 2016 and the first half of 2017, which may interfere with meeting the obligations in the contract.

## **VI. CRITERIA FOR SELECTION**

Cost is a primary consideration, as the OCA has a very limited annual budget for expert assistance, but cost may not be the determining factor in the selection of a winning proposal. In assessing the proposals received and selecting a consultant, the OCA will consider the following criteria:

- a. Knowledge and practical skills and experience that the individual or organization possesses, including that of the staff and any subcontractors assigned to the project.
- b. Experience and qualifications in providing similar services in New Hampshire as well as other states and to other state utility consumer advocates or regulatory agencies.
- c. Availability and accessibility of staff assigned to project, including physical proximity to New Hampshire and travel costs.
- d. Ability to perform and complete the work requested.
- e. Cost of consulting services and expenses, including the competitiveness of the proposed hourly rates and any proposed discounts or other cost-effective benefits. The OCA reserves the right to negotiate lower fees or a different fee structure than proposed with any selected firm(s).
- f. Overall responsiveness to the requirements of the RFP, including completeness, clarity and quality of the proposal.
- g. Interviews, if performed.

## **VII. GENERAL BID CONDITIONS**

Bids must be typed. One original hard copy and one electronic copy in PDF format must be received. Bids that are incomplete or unsigned will not be considered. The deadline for submitting bids electronically is 4:30 p.m. on Friday, June 30, 2015 (a hard copy must be postmarked by that date). Bids should be addressed to Susan W. Chamberlin, Consumer Advocate, Office of Consumer Advocate, 21 South Fruit Street, Suite 18, Concord, NH 03301 and sent via email to [ocalitigation@oca.nh.gov](mailto:ocalitigation@oca.nh.gov).

The OCA reserves the right to reject or accept any or all bids, to reject or accept all or any part of any bid, to determine what constitutes a conforming bid, to waive irregularities that it considers not material to the bid, to award the contract solely as it deems to be in the best interest of the State, to contract for any portion of the bids submitted, and to contract with more than one bidder if necessary.

All information relating to this bid (including but not limited to fees, contracts, agreements and prices) are subject to the laws of the State of New Hampshire regarding public information.

Any contract awarded from this RFP must be approved by the NH Governor and Executive Council. The approved contract will expire on June 30, 2017. For each project assignment, the Consultant may be required to conduct a project scoping meeting with the OCA. The purpose of the meeting is to review and refine the scope, task and project approach requirements, establish a project plan, with key deliverables and milestone dates, and to establish project management and communication protocols to ensure that the information needs of both the OCA and the Consultant are satisfied.

The OCA 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.

### VIII. CERTIFICATES

The chosen contractor will be required to provide the following certificates prior to entering into a contract (these materials are not required in responses to the RFP):

New Hampshire 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 under the contract will be specified in Exhibit C.
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).

### IX. FORM OF CONTRACT

The terms and conditions set forth in Attachment 1 [Form P-37 \(v. 1/09\)](#) General Provisions Agreement will apply to any contract awarded (but does not need to be completed as part of a proposal). Any contract resulting from this bid proposal shall not be deemed effective until it is signed by the Consumer Advocate and approved by the Governor and Executive Council.

Modifications to Form P-37: Proposals may substitute professional liability, errors and omissions, or similar insurance for some or all of the comprehensive general liability insurance

identified in Paragraph 14.1.1 of the Form P-37. Any request to modify standard terms in the P-37 must be identified in the bid response.