



OFFICE OF CONSUMER ADVOCATE  
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Concord, N.H. 03301-2429

Website:  
[www.oca.nh.gov](http://www.oca.nh.gov)

July 10, 2017

**RFP No. 2017-02**

**NEW HAMPSHIRE OFFICE OF THE CONSUMER ADVOCATE  
REQUEST FOR PROPOSALS  
FOR SERVICES RELATED TO RATEPAYER-FUNDED ENERGY EFFICIENCY  
PROGRAMS AND GRID MODERNIZATION**

Dear Prospective Bidder:

The New Hampshire Office of the Consumer Advocate (OCA) requests proposals from qualified firms or individuals to provide assistance to the OCA related to advancing the interests of residential utility customers in two related subject areas: (1) ratepayer-funded energy efficiency programs and (2) modernization of the electricity grid in light of technological and regulatory changes. The required assistance concerns, but will not necessarily be limited to, ongoing and future proceedings before the New Hampshire Public Utilities Commission (Commission).

1. Completed proposals must be received via e-mail by the OCA by 4:30 p.m. EDT on Monday, August 7, 2017 with a hard copy postmarked on or before that date. Please submit proposals to:

Jamie Breen  
New Hampshire Office of the Consumer Advocate  
21 South Fruit Street, Suite 18  
Concord, NH 03301  
[jamie.breen@oca.nh.gov](mailto:jamie.breen@oca.nh.gov)

2. Prospective consultants may submit written inquiries about this RFP by email to [jamie.breen@oca.nh.gov](mailto:jamie.breen@oca.nh.gov) by 4:30 p.m. EDT on Monday, July 24, 2017. Inquiries and written responses will be posted on the OCA's website at: [www.oca.nh.gov](http://www.oca.nh.gov). The subject line of the email must state the following: RFP #2017-02, ENERGY EFFICIENCY AND GRID MODERNIZATION.
3. Follow-up conferences and interviews will be scheduled as needed.
4. The OCA will evaluate the proposals as described herein.

## I. BACKGROUND

The Office of the Consumer Advocate is charged by NH RSA 363:28 with representing the interests of residential ratepayers of public utilities, primarily in proceedings at the Commission. The OCA is a signatory to a settlement agreement, approved by the Commission via Order No. 25,952 in [Docket No. DE 15-137](#) on August 2, 2016, that calls for the implementation by the state's electric and natural gas utilities of an Energy Efficiency Resource Standard (EERS) on January 1, 2018. Additionally, the OCA was a member of the Grid Modernization Working Group that submitted its final report to the Commission in [Docket No. IR 15-296](#). Both the EERS Settlement and the Working Group report call for implementation proceedings before the Commission during the final quarter of 2017. The EERS proceeding must conclude in sufficient time for Commission approval by the expected implementation date of January 1, 2018; grid modernization proceedings are likely to continue into 2018 and 2019 inasmuch as the Working Group Report contemplates that utilities will submit individual grid modernization plans for Commission approval, possibly as a replacement for the least-cost integrated resource plans utilities currently submit pursuant to NH RSA Chapter 378. In 2018 there may also be subsequent energy efficiency proceedings, both formally before the Commission and informally in connection with the Energy Efficiency and Sustainable Energy Board (of which the OCA is a member pursuant to NH RSA 125-O:5-a) relative to refining the implementation of the EERS.

Implementation of the Energy Efficiency Resource Standard and consideration of the recommendations of the Grid Modernization Working Group represent key junctures in the history of public utilities in New Hampshire. For the OCA, these are extraordinary opportunities to advance the interests of residential utility customers in light of evolving technology and regulatory paradigms. Because these are anything but routine events, the OCA is unable to fund the acquisition of necessary expert assistance via its regular litigation and consulting budget. Therefore, the OCA will seek to fund any contracts entered into as the result of this RFP via special assessment to the affected utilities pursuant to NH RSA 363:28, III. Therefore, any such contracts will require the approval of the Fiscal Committee of the New Hampshire General Court and the New Hampshire Governor and Executive Council.

## II. SCOPE OF SERVICES

The contractor(s) chosen will be expected to assist the OCA in the review and analysis of issues impacting residential customers, and the development of positions and strategies to represent residential customers' interests. To a significant extent, this will consist of the evaluation of proposals from utilities and other stakeholders, but it may also be useful and appropriate for the OCA to initiate its own proposals. The successful candidate(s) will have demonstrated expertise in: grid modernization; distribution system and distributed resource planning processes;<sup>1</sup> system and customer data collection, access, and security; cost-benefit analysis; performance-based rates and incentives; demand response; strategic electrification; and energy efficiency program design, implementation, financing, and EM&V (evaluation, monitoring and verification).

Deliverables may include, but not be limited to:

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<sup>1</sup> Candidates should be familiar with recent dockets and processes in [New York](#), [California](#), and [Massachusetts](#).

- Review and analysis of filings, focusing on the impacts of such filings and proposals on residential customers;
- Development of alternatives or revisions to utility proposals in the areas of rate design, energy efficiency program design, distribution system planning, grid modernization investments, performance incentives, cost allocation, and cost recovery;
- Assistance in the preparation of discovery requests related to the filings and the relief requested;
- Review and analysis of the companies' responses to discovery requests;
- Preparation of pre-filed written testimony on behalf of the OCA;
- Responses to discovery requests on testimony;
- Review and analysis of rebuttal testimony, if any;
- Assistance with possible settlement discussions;
- Assistance with hearing preparation including drafting questions for cross examination;
- Attendance at technical sessions, settlement conferences and/or hearings as needed to assist the OCA;
- Assistance with the preparation of legal pleadings, including motions to compel responses to discovery requests and post-hearing briefs;
- Participation in task forces, working groups and committees when these become appropriate forums for presenting and discussing policy options.

### **III. CONFIDENTIALITY**

The contractor agrees to maintain the confidentiality of all confidential and work product information to which it has access until such time as it is instructed otherwise by the OCA. The contractor agrees to execute a nondisclosure agreement if necessary.

### **IV. WORK PAPERS**

At the conclusion of the work, the contractor will make available to the OCA 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, including with a separate detailed section on a proposed budget.

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 might 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 OCA must approve in writing any substitutions or changes in personnel assigned to perform the work.

3. *Detailed Budget Proposal.* Provide the OCA with information about the Contractor's hourly rate, identifying the hourly rate(s) for all personnel and any associated expenses, including areas of expertise for all personnel, and any estimated travel expenses that the Contractor would incur when required to be in Concord, New Hampshire. The Contractor must identify any limitations on the number of hours per month that the Contractor is available.
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 past five years.
5. *Relevant Writing Samples.* Contractor must provide writing samples, which could include testimony on such topics as utility base rate case issues, utility acquisition cases, consumer protection issues or other writings on these issues. Contractor should identify and describe if Contractor provides similar services to other ratepayer advocates or similar agencies. Electronic links to documents are preferred over hard copies.
6. *Statement of Disclosure.* Contractor must identify any and all existing or potential conflicts of interest, including those that arise as a result of any relationships or affiliations with utility companies under the jurisdiction of the New Hampshire Public Utilities Commission, or their affiliates.
7. *Schedule Conflicts.* Contractor must identify any pre-existing professional and personal obligations during the rest of 2017 and the first half of 2018 which may require consideration in scheduling of existing or future Commission cases.

## VI. CRITERIA FOR SELECTION

Cost is a consideration but may not be the determining factor in the OCA's decision. In addition to cost, the OCA will consider the following criteria and assign a corresponding point score, where a maximum score for all criteria would be 100 points and any proposal with a total aggregate point score of less than 65 points will not be considered for an award:

1. Qualifications, technical expertise, knowledge, and practical experience that the organization possesses, including that of the staff and any subcontractors assigned to the project, providing services directly relevant grid modernization and energy efficiency. **Maximum Point Score: 30**
2. 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).) **Maximum Point Score: 25**
3. General experience and qualifications in providing similar services in New Hampshire as well as other states and to other ratepayer advocates or regulatory agencies, including similar current or prior

engagements and the positions publicly advocated in connection with such engagements. **Maximum Point Score: 25**

4. Availability and accessibility of staff assigned to project, including physical proximity to New Hampshire. **Maximum Point Score: 10**

5. Overall responsiveness to the requirements of the RFP, including completeness, clarity and quality of the proposal. **Maximum Point Score: 10**

## 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. EDT on Monday, August 7, 2017 (a hard copy must be postmarked on or before that date). Bids should be addressed to Jamie Breen, Office of the Consumer Advocate, 21 South Fruit Street, Suite 18, Concord, NH 03301 and sent via e-mail to [jamie.breen@oca.nh.gov](mailto:jamie.breen@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 applicable New Hampshire law regarding public information.

Any contract awarded from this RFP must be approved by the Fiscal Committee of the New Hampshire General Court and, thereafter, by the New Hampshire Governor and Executive Council. The approved contract will expire on June 30, 2019. For each Project Assignment, the Consultant may be required to conduct a project scoping meeting with the OCA. The purpose of the meeting would be 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.
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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. 5/15) 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.