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May 17, 2016

RFP #2016-005

**NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
REQUEST FOR PROPOSALS
FOR CONSULTING SERVICES**

Prospective Consultants:

The New Hampshire Public Utilities Commission (Commission) is seeking proposals from qualified firms or individuals to assist the Commission in the review, analysis, and evaluation of new net metering tariffs or other alternative rate designs to be developed for renewable energy systems on-site and/or distributed generation up to one megawatt (MW) in generating capacity.

Pertinent dates and information are as follows:

1. Proposals must be received by the Commission prior to 4:30 p.m. on June 6, 2016.
2. Proposals should 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. Prospective consultants may submit written inquiries about this Request for Proposals (RFP) by email to RFP@puc.nh.gov by 4:30 p.m. on May 25, 2016. Inquiries and written responses will be posted on the Commission's website at: www.puc.nh.gov/home/requestforproposal.htm. The subject line of the email must state the following: RFP #2016-005, CONSULTING SERVICES.
4. Follow-up conferences/interviews will be scheduled as needed.
5. An evaluation team consisting of Commission and/or other qualified personnel will be established to evaluate proposals submitted in response to this RFP (Proposals) submitted by prospective consultants (Proposers).

I. BACKGROUND

The Commission is an administrative agency with executive, legislative and quasi-judicial powers. The Commission's prime responsibility is as an arbiter between the public utilities and their ratepayers. Proceedings in this regard address such areas as public utility rates, financing, terms and conditions of utility service, quality of service, safety and reliability, eminent domain matters, public utility exemptions from local zoning ordinances, public utility franchises, utility crossings of public lands and waters, wholesale relationships between utilities, rulemakings, and consumer complaints. The Commission performs other roles and functions as specified in relevant state statutes.

The Commission is seeking a qualified consultant(s) who is able to provide technical consulting services solely at the request of the Commission through March 2017.

II. SCOPE OF SERVICES

The consultant(s) chosen will be expected to assist Commission Staff in the review, analysis, and evaluation of new net metering tariffs or other alternative rate designs to be developed for renewable energy systems on-site and/or distributed generation up to one MW in generating capacity, as required under recently-enacted legislation.¹ The consultant(s) chosen will have demonstrable qualifications to provide consulting services in some, all, or portions of the following areas:

- Cost-of-service analysis and marginal cost-based rate design;
- Analysis, evaluation, and development of net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators;
- Analysis and evaluation regarding whether and to what extent such tariffs should be limited in their availability within each electric distribution utilities' service territory or customer class or by technology;
- Review, analysis, and evaluation of utility marginal cost of service studies; and
- Development of alternative rate designs with consideration given to:
 - the costs and benefits of customer-generator facilities;
 - the avoidance of unjust and unreasonable cost-shifting;
 - the rate impacts on all customers;
 - alternative rate structures, including time-based tariffs;
 - whether there should be a limitation on the amount of generating capacity eligible for such tariffs;
 - the size of facilities eligible to receive alternative net metering tariffs;
 - timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism; and
 - electric distribution utilities' administrative processes required to implement such tariffs and related regulatory mechanisms.

In addition to providing analysis and recommendations on the above issues, the consultant(s) may

¹ See House Bill 1116 amending RSA 362-A:9, effective as of May 2, 2016, which may be viewed at http://www.gencourt.state.nh.us/bill_status/billText.aspx?id=293&txtFormat=pdf&v=current.

also be asked to provide the following:

- Analytical support in technical sessions, settlement conferences, and negotiations;
- Assistance to Staff in the preparation, review, and analysis of discovery requests and responses with respect to the cost of service studies, and initial tariff filings and potential alternatives and other submissions filed by parties and commenters in the proceeding;
- Preparation and delivery of reports and testimony prior to and during the litigated phases of the proceeding;
- Participation in Commission hearings during the litigated phases of the proceeding.

The consultant shall conduct a project scoping meeting with Commission Staff. The purpose of the meeting will be to review and refine the scope, task, and project approach requirements; establish a project plan, with key deliverables and milestone dates; and establish project management and communication protocols to ensure that the information needs of both Staff and the consultant are satisfied. In the process of preparing each deliverable, the consultants will work closely with Staff in order to facilitate effective knowledge transfer on each issue.

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 to the State will be grounds for disqualification.

IV. WORKPAPERS

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

V. COMPONENTS OF THE PROPOSAL

The following is a list of the information to be provided in the proposal. Proposers should respond to all areas listed below, in the order listed, and conclude with a separate section on cost.

1. 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., including current or prior engagements involving substantive areas similar to those described in this RFP, the parties it represented in such engagements, the scope of work it performed in such engagements, and the recommendations it made publicly or positions it advocated publicly in connection with such engagements.
2. Relevant Experience. Detailed description of the Proposer's relevant experience with respect to cost-of-service analysis and marginal cost-based rate design; analysis, evaluation, and development of net metering tariffs (which may include other regulatory mechanisms and tariffs for customer-generators); analysis and evaluation regarding whether and to what extent

such tariffs should be limited in their availability within each electric distribution utilities' service territory or customer class; performance of utility marginal cost of service studies and/or review, analysis, and evaluation of utility marginal cost of service studies; and development of alternative rate designs with consideration given to the relevant factors specified in RSA 362-A:9, XVI (see Section II above).

3. 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 of any substitutions or changes in personnel assigned to perform the work.
4. 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.
5. 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 Commission's alternative tariff regulatory proceeding.
6. Detailed Budget Proposal. A detailed cost proposal that identifies the hourly rate for personnel and any associated expenses.

VI. SELECTION CRITERIA

Cost is a consideration but may not be the determining factor in the Commission's decision. In addition to cost, the Commission 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 to net energy metering, renewable energy systems development and operation, and related rate design issues. **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 Commission 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 utility commissions 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 PROPOSAL CONDITIONS

1. Proposals must be typed and double-sided. An original and three (3) copies of the Proposal must be submitted, along with an electronic copy in Portable Document Format (PDF). Proposals that are incomplete or unsigned will not be considered. The deadline for submitting Proposals is 4:30p.m. on June 6, 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 via email at 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. on May 25, 2016. Inquiries and responses to them will be posted on the Commission's website as they are received.
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 one hundred and eighty (180) 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.

VIII. 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).

IX. 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.
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 on March 31, 2017. 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, Insurance, of the General Provisions Agreement. 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.

X. FINANCIAL INFORMATION AND PUBLIC POSTING REGARDING RFPs

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 submission of a contract resulting from this RFP to Governor and Council, the State will post the name, rank, and score of each Proposer.

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/>). Accordingly, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to a request for proposal, bid or information should be kept confidential as financial or proprietary information, you must specifically identify that information in a letter to the agency, and should mark/stamp the materials as such. Marking of the entire Proposal or entire sections of the Proposal (e.g., pricing) as confidential will neither be accepted nor honored. Notwithstanding any provision of this RFP to the contrary, contractor pricing will be subject to disclosure upon approval of the contract by the Governor and Council. 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.