



**REQUEST FOR PROPOSALS NO. PSC-19-14**

**Technical Consultant for Formal Case (FC) No. 1156, in the matter of the Application of Potomac Electric Power Company (Pepco) for Authority to Implement a Multi-Year Rate Plan for Electric Distribution in the District of Columbia.**

**Proposal Issue Date:** August 13, 2019

**Proposal Due Date:** September 16, 2019

**Submission Location:** Public Service Commission of the District of Columbia  
1325 G Street, N.W., 8th Floor  
Washington, D.C. 20005

**Contact:** Dr. Jesse Clay  
Deputy Executive Director for Administrative Matters  
Public Service Commission of the District of Columbia

1325 G Street, N.W., 8<sup>th</sup> Floor  
Washington, D.C. 20005  
Phone: 202-626-5128  
Email: jclay@psc.dc.gov

## **SECTION A EXECUTIVE SUMMARY**

### **A.1 Purpose**

The Public Service Commission of the District of Columbia (“Commission”) is an independent agency of the Government of the District of Columbia, which is responsible for regulating the electric, natural gas, and telecommunications industries in the District of Columbia.

The purpose of this Request for Proposal (“RFP”) is to solicit proposals for a Consultant to assist the Commission in the review, analysis, and evaluation of Formal Case (FC) No. 1156, in the matter of the Application of Potomac Electric Power Company (Pepco) for Authority to Implement a Multi-Year Rate Plan for Electric Distribution in the District of Columbia.

### **A.2 Contract Term**

It is anticipated that the contract term will be one year from date of contract award with two one-year options to extend. It is anticipated that the entire rate case will be completed in 18 months.

### **A.3 Type of Contract**

The contract resulting from this RFP will be labor hour with a cost reimbursement component.

### **A.4 Selection Criteria**

Proposals will be evaluated in accordance with Part D of this RFP. The following evaluation criteria will be used:

- Experience & Past Performance (25 points)
- Key Personnel (25 points)
- Work Plan & Technical Approach (30 points)
- Price (20 points)

### **A.5 Anticipated Procurement Schedule**

Publish RFP on Commission website	August 13, 2019
Deadline for RFP questions	August 23, 2019
Responses to questions posted on the Commission’s website	August 30, 2019
Deadline for submission of proposals	September 16, 2019
Establish Competitive Range	September 23, 2019
Best and Final Offers submitted	October 1, 2019
Contract Executed	October 18, 2019

### **A.6 List of Attachments**

Attachment A – Background Information on Specific Tasks  
Attachment B – Offer Letter/Bid Form

Attachment C - Disclosure Statement  
Attachment D - Tax Certification Affidavit  
Attachment E - Past Performance Evaluation Form  
Attachment F - SBE Subcontracting Plan

## **SECTION B SCOPE OF WORK**

### **B.1 Background**

The Public Service Commission of the District of Columbia (PSC) was originally established by Congress in 1913 and was reaffirmed by Congress as an independent agency of the District of Columbia Government in the District of Columbia Home Rule Charter in 1973. The PSC functions as an independent, quasi-judicial agency in the District of Columbia Government.

The mission of the PSC is to serve the public interest by ensuring that financially healthy electric, natural gas, and telecommunications companies provide safe, reliable, and quality services at reasonable rates for District of Columbia ratepayers.

On May 30, 2019, Pepco (Potomac Electric Power Company's ("Pepco" or "Company") submitted its application for approval to increase rates through the implementation of a multi-year rate plan "MRP" for its electric distribution service in the District of Columbia for the years 2020 through 2022. Pursuant to Order No. 18846, Pepco also included a traditional test year and cost of service filing in its application. The Commission issued Order No. 19956 on June 13, 2019 which scheduled a status conference on June 28, 2019.

By Order No. 20204, the Commission adopted a consolidated 18-month procedural schedule wherein the Commission will review and consider the Traditional ratemaking proposal alongside of the Company's MRP Application and appropriate Performance Incentive Mechanisms ("PIMs"). This procedural schedule was alternatively proposed by the Office of the People's Counsel ("OPC"), Apartment and Office Building Association of Metropolitan Washington ("AOBA"), and the District of Columbia Government ("DCG").

### **B.2 Scope of Work**

#### **B.2.1 General Tasks**

The Contractor shall perform the following general tasks, as necessary, to provide advisory services related to the specific tasks described in Section B.2.2:

1. Review of all relevant filings in this proceeding, including, but not limited to the application, proposals, comments, motions, testimony, data requests and data responses, and briefs;
2. Review of relevant laws and Commission decisions, and relevant activities and decisions in other jurisdictions;
3. Research, as necessary, technical issues as reflected in *each* Specific Task section below;

4. Perform modeling and analyses in determining alternative revenue requirements and rate designs as assigned;
5. Confer with the Commissioners, Commission staff, and technical and legal consultants, as necessary;
6. Prepare analytical advisory memoranda as assigned;
7. Conduct briefings as requested;
8. Attend hearings if requested by the Commission; and
9. Assist and advise the Commission's technical and legal staff and consultants in drafting orders in this proceeding.

## **B.2.2 Specific Tasks**

The Contractor shall take the lead to analyze, compare and contrast, and advise the Commission with respect to determining revenue requirement, depreciation, rate design and prudence, reasonableness and cost recovery on Traditional Ratemaking versus Performance Based Ratemaking (PBR) as described in below. This Scope of Work specifically excludes the distribution service marginal cost study.

### **B.2.2.1 Traditional Cost of Service**

The Contractor shall provide advantages and disadvantages of the Traditional Cost of Service regulation, when comparing with PBR regulation. The Contractor shall address the following areas:

#### **B.2.2.1.1 Revenue Requirement/Cost of Service Determination (Including Depreciation) issues including but not limited to:**

- a) Rate Base;
- b) Cost of Capital;
- c) Operating revenues;
- d) Operating expenses;
- e) Taxes
- f) Cash working capital and lead-lag study<sup>1</sup>;
- g) Other cost of service items<sup>2</sup>;
- h) Weather normalization adjustment; and
- i) All the depreciation related issues.

The Contractor shall advise the Commission regarding the development of an electric utility's overall revenue requirement. The Contractor shall also present a range of options by calculating alternative Pepco revenue requirements in a quick and efficient manner, based upon testimony and exhibits filed in the rate case, as well as upon directives from the Commission. It is desired that the Contractor have the experience to perform such work in a post-electric restructured environment and in evaluating and analyzing a utility's depreciation study.

#### **B.2.2.1.2 Rate Design Issues, including but not limited to:**

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1 Pepco includes a new 2017 lead-lag study in Pepco (D)-7.  
2 This task includes all the accounting treatment of the total of 38 Ratemaking Adjustments included in Pepco (D)-1, page 3 as well as other adjustments to be proposed by the parties.

- a) Jurisdictional Cost Allocation Study;
- b) Class Cost of Service Study;
- c) Appliance Saturation Study;
- d) Rate Design for various classes;
- e) BSA related issues;
- f) Distribution of Revenue Requirement among Rate Classes (excluding distribution service marginal cost study); and
- g) The use of the load research program/AMI data in rate design.

The Contractor shall advise the Commission regarding unbundled distribution rates, and rate design in a distribution rate case. The Contractor be prepared to develop alternative rate design scenarios and options for the Commissioners to consider.

**B.2.2.1.3 Reliability Enhancement/Construction Projects and Cost Recovery issues, including but not limited to:**

- a) Reliability Projects discussed in Pepco (D) and Pepco (I), RMA #1, #2. #3. #4 and #28;
- b) The Distribution Construction Program included in Pepco (I)-1.

The Contractor shall analyze Pepco’s Distribution Construction Program and Reliability Projects including costs associated with various RMAs.

**B.2.2.2 Performance Based Ratemaking: MRP and PIM**

The Contractor shall provide advantages and disadvantages of the PBR, when comparing with traditional cost of service regulation. The Contractor shall address the following areas:

**B.2.2.2.1 Revenue Requirement/Cost of Service Determination (Including Depreciation)**

The Contractor shall assess the reasonableness of Pepco’s proposed revenue requirement level, method and input in deriving such level for each year in the MRP, RY1, RY2 and RY3. Such assessment shall include, but not be limited, to the following items:

1. Rate Base;<sup>3</sup>
2. Cost of Capital;
3. Operating revenues;
4. Operating expenses;
5. Taxes;
6. Cash working capital and lead-lag study<sup>4</sup>;
7. Other cost of service items<sup>5</sup>;

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3 Pepco (C) at 5.  
 4 Pepco includes a new 2017 lead-lag study in Pepco (D)-7.  
 5 For 17 RMAs, see Pepco (C) at 17.

8. Weather normalization adjustment;
9. All the depreciation related issues; and
10. Earning sharing mechanism; smoothing adjustments, deferred accounting treatment, annual reconciliation process and re-opener provision.

#### **B.2.2.2.2 Rate Design (Pepco (F))**

1. Jurisdictional Cost Allocation Study;
2. Class Cost of Service Study;
3. Appliance Saturation Study;
4. Rate Design for various classes;
5. BSA related issues; and
6. Distribution of Revenue Requirement among Rate Classes (excluding distribution service marginal cost study);
7. The use of the load research program/AMI data in rate design.

#### **B.2.2.2.3 Reliability Projects Reliability Enhancement/Construction Projects and Cost Recovery**

1. Reliability Projects discussed in Pepco (D) and Pepco (I)<sup>6</sup>; and
2. The Distribution Construction Program included in Pepco (I)-1.

#### **B.2.2.2.4 Reasonableness of MRP, Proposed PIMs and associated penalty/reward level<sup>7</sup>**

The Contractor shall assess the reasonableness of target benchmarks associated with each PIM and the ROE adjustment. In addition, the offeror should determine through analysis whether Pepco's selection for a PIM is reasonable and whether there are additional PIMs the Commission should consider.

The Contractor shall also compare and contrast Pepco's MRP and PIM with other proposals adopted by other state Commissions. The offeror should also determine whether the MRP and PIM mechanism is better than the traditional cost of service framework and make a recommendation to the Commission as to which model, traditional cost of service (COS) or PBR, should be selected and provide the supporting data and/or analysis for the recommendation.

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<sup>6</sup> The Construction Report describes Pepco's distribution construction program including projects for the years 2018-2023. Also see Pepco (I)-2 and Pepco (I)-3.

<sup>7</sup> See Pepco (B), Pepco (I) and Pepco (J).

## SECTION C: ECONOMIC INCLUSION

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

**General:** Under the provisions of the Small, Local and Disadvantaged Business Enterprise Development and Assistance Amendment Act of 2005,<sup>8</sup> preference shall be given to Offerors that are certified by the Department of Small and Local Business Development (“DSLBD”) as having resident business ownership, being 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 and, if applicable, the Technical Proposal.) In accordance with these laws, the following preferences shall be 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; and
- Two points shall be awarded if the Offeror is certified as a disadvantaged business enterprise.

A Certified Business Enterprise (“CBE”) shall be entitled to any or all of the preferences provided in this section, but in no case shall a CBE be entitled to a preference of more than 12 points or a reduction in price of more than 12 percent.

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 the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act, Part D, Subpart 2, Sec. 2343 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.

### **C.2 SLDBE Participation**

The Department requires that significant participation by business enterprises certified by the Department of Small and Local Business Development as: (i) a local business enterprise; (ii) a small business enterprise; (iii) a disadvantaged business enterprise; (iv) having a owned resident business;

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<sup>8</sup> D.C. Code §2-218.01 *et. seq.* (2006 Repl. & Supp. 2008).

(v) being a longtime business resident; or (vi) having a local business enterprise with its principal office located in an enterprise zone.

**Accordingly, and in addition to the preference points conferred by Section C.1 to certified prime contractors, the Commission requires that business enterprises so certified must participate in at least 35% of work unless the prime contractor is certified as a small, local or disadvantaged business enterprise.**

**Offerors will be required to submit a SBE Subcontracting (Attachment F) with their proposals. The SBE Subcontracting Plan must demonstrate how this requirement will be met and, to the extent possible at this stage in the project, should identify the specific firms that will be used and their respective roles.**

**Failure to adhere to this requirement will result in rejection of an Offeror's proposal.**

### **C.3 Information**

For information regarding the application process or for assistance in identifying certified businesses to meet the requirements of Section C.2, contact the DSLBD Business Opportunities Manager or Certification Manager at the following address or telephone number:

Department of Small and Local Business Development  
Government of the District of Columbia  
One Judiciary Square  
441 - 4th Street, N.W., 9<sup>th</sup> Floor, Suite 970 N  
Washington, D.C. 20001  
(202) 727-3900 (Telephone Number)  
(202) 724-3786 (Facsimile Number)



## **SECTION D: EVALUATION AWARD CRITERIA**

### **D.1 Evaluation Process**

The Commission will award the contract to the Offeror whose proposal, in light of all factors, is most advantageous to the Commission. Each Offeror will be evaluated in accordance with the Evaluation Criteria listed below, the procedures set forth in this RFP and the Commission's procurement regulations.

### **D.2 Evaluation Committee**

Each proposal shall be evaluated by an Evaluation Committee in accordance with the Evaluation Criteria. The Evaluation Committee shall prepare a written report summarizing its findings and submit the same to the selection official(s). The selection official will consider the report prepared by the Evaluation Committee, in making an award decision.

### **D.3 Oral Presentation**

The Department reserves the right to interview Offerors in the competitive range if necessary. If the Department conducts such interviews, each Offeror within the competitive range shall make an oral presentation to the Commission's Evaluation Committee and participate in a question and answer session. The purpose of the oral presentation and the question and answer session is to permit the Evaluation Committee to fully understand and assess the qualifications of each Offeror and the Offeror's key personnel.

#### **D.3.1 Schedule**

The order of presentation will be selected randomly and the Offerors will be informed of their presentation date before the beginning of oral presentations. The Commission reserves the right to reschedule the date and time of any Offeror's presentation.

#### **D.3.2 Offeror Attendees**

The oral presentation will be made by the Offeror's personnel who will be assigned the key jobs for this project. Each Offeror will be limited to 4 persons. The job functions of the persons attending the presentation will be considered to be an indication of the Offeror's assessment of the key areas of responsibility that are deemed essential to the successful completion of the project.

#### **D.3.3 Topics**

The Offeror may present information about its capabilities and special qualifications, including the qualifications of key personnel. The Offeror may be asked to present its proposed Work Plan.

#### **D.4 Proposal Evaluation**

Each proposal will be scored on a scale of 1 to 100 points. In addition, Offerors will be eligible to receive up to 12 preference points as described in **Section C.1** of this RFP for participation by Local, Small or Disadvantaged Business Enterprises. Thus, the maximum number of points possible is 112.

##### **D.4.1 Experience & Past Performance (25 points)**

Offerors will be evaluated based on the demonstrated experience, qualifications, capabilities, and quality of past performance in completing projects of similar scope and complexity to that required by **Section B** of this RFP.

The Offeror shall describe experience/knowledge in electric PBR for other states. Specific experiences in selection and evaluation of MRP and PIMs are desirable. The offeror should also have experience in evaluating the complexities involved in the annual reconciliation process. In addition, such an offeror should also be familiar with cost of service or traditional ratemaking.

Offerors shall list all projects that the Offeror has completed in the last 5 years that are similar to this scope of work with descriptions that best illustrate the Offeror's relevant experience and capabilities. In addition, identify any personnel who were assigned to those projects, who are proposed to provide services required under this RFP. Offeror shall provide at a minimum the following verifiable information:

1. Project name and location
2. Name, address, contact person, and telephone number of reference contact
3. Description of the work performed by the Offeror
4. Time period
5. Identification of Offeror's personnel involved who are proposed as key personnel for this RFP
6. Offerors shall return a completed Past Performance Evaluation Form **Attachment D** for each project.

##### **D.4.2 Key Personnel (25 points)**

Offerors will be evaluated on the experience and qualifications of the key individuals assigned to this project. Offerors shall identify the persons who will perform the work described in this RFP and provide a detailed resume for each individual that describes the experience and qualifications applicable to the performance of the tasks for which they would be responsible.

Please include an organizational chart showing reporting relationships of team personnel. Offerors shall designate one individual as the Project Manager and this person shall be responsible for project management, reporting, coordination, and accountability for the entire

project. The Commission must be notified of changes to the personnel assigned to work on this project(s). **Offerors shall indicate whether key personnel work for the prime contractor or a subcontractor.**

#### **D.4.3 Technical Approach and Work Plan (30 points)**

The Offeror shall fully describe its technical approach and present a proposed work plan that demonstrates how this approach will be used to complete all work. Offerors will be evaluated based on, but not limited to: (a) the thoroughness, clarity and soundness of the proposed approach, (b) (c) a Work Plan that demonstrates Project Management expertise in (1), implementing this project and meeting the deadlines for the scheduled deliverables, and (2), tracking the progress of the project.

Offerors must separately provide a Key Personnel Resource Schedule which shows the level of effort by number of hours and position that the Offeror believes will be necessary to support its proposed work plan. This Key Personnel Resource Schedule will be evaluated to determine whether the Offeror fully understands the project and has allocated appropriate resources for this project.

**The Offeror shall clearly describe its compliance with Section C.2, including the role of SLBDE subcontractors in performing 35% of the work.**

#### **D.4.4 Price (20 points)**

Offerors are required to quote fixed hourly rates and estimated total prices as indicated on Attachment B.

#### **D.5 Basis of Award**

D.5.1 The Commission will award the contract to the responsible Offeror whose offer conforms to the solicitation and is most advantageous to the Commission, taking into consideration cost and other criteria set forth in this document and based upon the specified evaluation criteria.

D.5.2 In evaluating and selecting an Offeror, the Commission may award the contract to a higher-rated, higher-priced Offeror where the offer is consistent with the evaluation criteria set forth herein, and the Commission determines that any added benefits are worth the price premium. While the Commission shall strive to exercise maximum objectivity, the source selection process by its very nature is subjective and professional judgment is implicit and necessary.

#### **D.6 Written or Oral Discussions**

Section 2202.12 of the Commission's procurement regulations permits the Contracting Officer to conduct oral discussions with Offerors that tender submissions.

##### **D.6.1 Award Without Discussions**

The Commission may 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.6.2 Written or Oral Discussions**

If the Contracting Officer elects to hold discussions with Offerors, then a competitive range will be established based on the evaluation criteria set forth in this RFP. Upon completion of discussions, the Contracting Officer will issue to all Offerors in the competitive range a request for best and final offers. After receipt of best and final offers, the Contracting Officer will not reopen discussions unless it is clearly in the best interest of the Commission to do so.

**D.6 Retention of Submissions**

All submissions shall be retained by the Commission and therefore shall not be returned to the 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 disqualifications.

**D.8 Late Submissions: Modifications**

Any submission or best and final offer received at the office designated in this RFP after the exact time specified for receipt shall not be considered. Any modification of a submission, including a modification resulting from the Contracting Officer's request for best and final offers, is subject to the same condition.

The only acceptable evidence to establish the time of receipt at the Commission is the time-date stamp of the Commission on the submission cover page or other documentary evidence of receipt maintained by the Commission. 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 Commission 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 Commission shall 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 Commission reserves the right, in its sole discretion:

1. To cancel this solicitation or reject all submissions.

2. To reject submissions that fail to prove the Offeror's responsibility.
3. To reject submissions that contain conditions and/or contingencies that, in the Commission's sole judgment, make the submission indefinite, incomplete, otherwise non-responsive, or otherwise unacceptable for award.
4. To waive minor irregularities in any submission provided such waiver does not result in an unfair advantage to any Offeror.
5. To take any other action within the applicable procurement regulations or law.
6. 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.

## **SECTION E: PROPOSAL ORGANIZATION AND SUBMISSION**

This section outlines specific information necessary for the proper organization of the Offeror's proposal and manner in which the proposal should be proffered.

### **E.1 Submission Identification**

Submissions shall be proffered as one (1) original and three (3) copies, and each Offeror's submission shall be placed in a sealed envelope conspicuously marked: "**Technical Consultant for Formal Case (FC) No. 1156, in the matter of the Application of Potomac Electric Power Company (Pepco) for Authority to Implement a Multi-Year Rate Plan for Electric Distribution in the District of Columbia**".

### **E.2 Delivery or Mailing of Submissions**

Submissions shall be delivered or mailed to:

Jesse P. Clay, Jr.  
Deputy Executive Director for Administrative Matters  
Public Service Commission of the District of Columbia  
1325 G Street, N.W.  
8<sup>th</sup> Floor  
Washington, D.C. 20005

### **E.3 Date and Time for Receiving Submissions**

**Submissions shall be received no later than 4:00 p.m., EST, September 16, 2019.** Offerors assume the sole responsibility for timely delivery of their submission, regardless of the method of delivery.

### **E.4 Submission Size, Organization and Offeror Qualifications**

All submissions shall be submitted on 8-1/2" x 11" paper and typewritten. Telephonic, email, telegraphic, and facsimile submissions shall not be accepted. The Commission is interested in a qualitative approach to presentation material. Brief, clear, and concise material is more desirable than quantity. The submission shall be organized as follows:

#### **E.4.1 Table of Contents**

The pages of the proposal must be numbered with index tabs included for each section.

#### **E.4.2 Disclosure Form**

Each Offeror shall submit a Disclosure Statement substantially in the form of **Attachment C**.

#### **E.4.3 Executive Summary**

Each Offeror should provide a summary of no more than three pages of the information contained in the following sections.

#### **E.4.4 General Team Information**

Each Offeror should provide the following information for the principal firm and any subconsultants or joint venture partner firms:

- A. Name(s), address(es), and role(s) of each firm (including all sub-consultants)
- B. Firm profile(s), including:
  - i. Age
  - ii. Firm history
  - iii. Firm size(s)
  - iv. Areas of specialty/concentration
  - v. Current firm workload(s) projected over the next six months
  - vi. Provide a list of any contracts held by the Offeror where the contract was terminated (either for default or convenience). This list should also identify any contracts that resulted in litigation or arbitration between the Owner and the Offeror. If the Offeror has multiple offices, only contracts held by the office submitting this proposal need be listed.
- C. **Corporate Information**

Offerors, if incorporated, shall attach to the proposal, a current franchise tax Certificate of Good Standing, issued by the District of Columbia Comptroller's Office. Offerors shall provide to the Commission, Offeror's 9-digit Federal Employer's Identification Number (FEI#) or Social Security Number (SSN) if Offeror is an individual. If a domestic corporation, Offerors shall also provide to the Commission the corporation's charter number issued by the District of Columbia Department of Consumer and Regulatory Affairs. If a foreign corporation, Offerors shall also provide to the Commission a copy of a valid Certificate of Authority to do business in the District of Columbia, issued by the District of Columbia Department of Consumer and Regulatory Affairs.

#### **E.4.5 Experience and Past Performance**

The Offeror should submit information consistent with the requirements delineated in Section D.4.1.

#### **E.4.6 Key Personnel**

The Offeror should submit information consistent with the requirements delineated in Section D.4.2.

#### **E.4.7 Work Plan and Technical Approach**

The Offeror should submit information consistent with the requirements delineated in Section D.4.3.

#### **E.4.8 Price**

The Offeror shall submit **Attachment B**, Form of Offer Letter and Bid Form. In addition, the Offeror should submit cost information consistent with the requirements delineated in Section D.4.4.

**Price proposal information shall be separate from Technical Proposal information.**

#### **E.4.9 Tax Affidavit**

Each Offeror must submit a tax affidavit substantially in the form of **Attachment D**. In order to be eligible for this procurement, Offerors must be in full compliance with their tax obligations to the District of Columbia government.



## **SECTION F: GENERAL REQUIREMENTS**

### **F.1 Contact Person**

Any company or person wishing to obtain clarifying information about this RFP may submit inquiries *in writing* to:

Dr. Jesse P. Clay Jr.  
Deputy Executive Director for Administrative Matters  
Public Service Commission of the District of Columbia  
1325 G Street, N.W. 8<sup>th</sup> Floor  
Washington, D.C. 20005  
[jclay@psc.dc.gov](mailto:jclay@psc.dc.gov)

#### **F.1.1 Questions**

All inquiries must be made on or before **August 23, 2019**, to the attention of Dr. Jesse P. Clay at the above-stated Commission's office or email address. RFP No. PSC-19-14, must be identified as the subject. Answers to all written questions timely received will be issued by Addendum and posted on the Commission's Contracting and Procurement webpage, at [www.dcpsc.org](http://www.dcpsc.org) under RFP No. PSC-19-14.

### **F.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, it 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 Commission, 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.

### **F.3 Protests/Disputes**

Protests and disputes shall be governed by Sections 2206 and 2207 of the Commission's Procurement regulations (15 DCMR §§ 2206-7). As provided in Section 2206.1, protests alleging defects in this solicitation must be filed within ten (10) business days of the solicitation. If an alleged defect does not exist in this initial RFP but was incorporated into the RFP by an amendment or addendum, a protest based on that defect must be filed before the next closing time established for proffering submissions. In all other cases, a protester shall file the protest within ten (10) days after the protester knows or should have known, whichever is earlier, of the facts and circumstances upon which the protest is based. All protests must be made in writing to the Office of the Commission Secretary and must be filed in duplicate. Protests shall be served on the Commission by obtaining written and dated acknowledgment of receipt from the Office of the Commission Secretary. Protests received by the Commission after the indicated period shall not be considered.

To expedite handling of protests, the envelope shall be labeled "Protest." The written protest shall be signed by the protester or its representative and shall include at a minimum the following:

1. The name, address, and telephone number of the protester;
2. Appropriate identification of the procurement, i.e., the RFP number and, if a contract has been awarded, its number;
1. A concise statement of the grounds for the protest and a specific request for a ruling from the Chief Contracting Officer of the Commission; and
2. Supporting exhibits, evidence or documents to substantiate any claims, unless not available within the filing time, in which case the expected availability date should be indicated.

#### **F.4 Authority**

This Request for Proposals ("RFP") is released pursuant to the Commission's procurement regulations, 15 DCMR § 2200 *et. seq.* (2000), which is published on the Commission's website at [www.dcpssc.org](http://dcpsc.org) or click on <http://dcpsc.org/PSCDC/media/PDFFiles/Procurements/Chapter22.pdf> .

#### **F.5 Time**

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

#### **F.6 Licensing, Accreditation and Registration**

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

#### **F.7 Limitation of Authority**

Only the Commission or a person with prior written authority from the Commission shall 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 the Commission or its authorized representative.

#### **F.8 Conformance with Laws**

It shall be the responsibility of the selected Offeror to perform under the contract in conformance with the Commission's procurement regulations and 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 procurement regulations, statutes, laws, codes, ordinances, regulations, rules, requirements, orders and policies that apply and their effect.

**F.9 Statement Regarding Potential Conflicts of Interest**

Each Offeror shall identify any relationships between itself or its employees and the companies under the jurisdiction of the Commission, or any parent, subsidiary or affiliate, of such companies. The extent, nature and time aspects must be identified. If there 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.

**F.10 Financial Capability**

The selected awardee may be required by the Commission to describe their financial capability to complete the work required and to sustain operations for the term of the contract. Acceptable evidence of financial capability may include, if requested, an audited financial statement within the past 12 months from a certified public accountant.

## **SECTION G: INSURANCE REQUIREMENTS**

### **G.1 Required Insurance**

The Contractor will be required to maintain the following types of insurance throughout the life of the contract.

**G.1.1** Commercial general public liability insurance (“Liability Insurance”) against liability for bodily injury and death and property damage, such Liability Insurance to be in an amount not less than One Million Dollars (\$1,000,000) for liability for bodily injury, death and property damage arising from any one occurrence and One Million Dollars (\$1,000,000) from the aggregate of all occurrences within each policy year. The policy should include completed operations coverage and must be maintained for a period of at least three (3) years after substantial completion occurs.

**G.1.2** Workers’ compensation and Employers Liability coverage providing statutory benefits for all persons employed by the Offeror, or its contractors and subcontractors at or in connection with the Work.

**G.1.3** Automobile Liability, including Hired and Non-Owned Auto Liability in the amount of at least One Million Dollars (\$1,000,000) for each occurrence for bodily injury and property damage.

#### **G.1.4 Additional Insured**

Each insurance policy shall be issued in the name of the Contractor and shall name as additional insured parties the Public Service commission and the District of Columbia and shall not be cancelable or reduced without thirty (30) days prior written notice to the Commission.

### **G.2 Waiver of Subrogation**

All such insurance shall contain a waiver of subrogation against the Commission and the District of Columbia, and their respective agents.

### **G.3 Strength of Insurer**

All insurance shall be placed with insurers that are reasonably acceptable to the Commission and with an A.M. Best’s rating of not less than A- (Excellent) and a surplus size of not less than XV. All such insurers shall be licensed/approved to do business in the District of Columbia.