



REQUEST FOR PROPOSALS NO. PSC-21-25

**TECHNICAL CONSULTING SERVICES TO REVIEW AND ADVISE THE COMMISSION ON
MATTERS RELATED TO
FORMAL CASE 1017 FOR STANDARD OFFER SERVICE**

Proposal Issue Date: August 13, 2021

Proposal Due Date: September 16, 2021
No later than 4pm

Submit Electronically to: Kimberly M. Gray
kgray@psc.dc.gov

Contact: Kimberly M. Gray
Contract Specialist
Public Service Commission of the District of Columbia
1325 G Street, N.W., 8th Floor
Washington, DC 20005
Email: kgray@psc.dc.gov

SECTION A: EXECUTIVE SUMMARY

A.1 Purpose

The mission of the Public Service Commission of the District of Columbia (“Commission”) is to serve the public interest by ensuring that financially healthy utility companies provide safe, reliable and quality utility services at reasonable rates for District of Columbia customers, while fostering grid modernization, conservation of natural resources, preservation of environmental quality, and advancement of the District’s climate policy commitments.

The purpose of the Request for Proposal (“RFP”) is to solicit proposals for a Contractor to provide technical consulting services to review the Standard Offer Service (SOS) proceedings (F.C. No. 1017). SOS is the provision of electric supply service offered to customers by Pepco who do not otherwise receive electric supply service from a competitive electric supplier. This Request for Proposal is issued in the open market with a 35% subcontracting requirement as applicable in Section C.

A.2 Contract Term

It is anticipated that the contract term will be one year with the option to extend for two additional one-year periods at the Commission’s sole discretion.

A.3 Type of Contract

The contract resulting from this RFP will be labor hour with a not to exceed contract ceiling amount.

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 (45 points)
- Key Personnel (45 points)
- Price (10 points)

A.5 Anticipated Procurement Schedule

Publish RFP on Commission website	August 13, 2021
Deadline for RFP questions	August 25, 2021
Responses to questions posted on the Commission’s website	September 1, 2021
Deadline for submission of proposals	September 16, 2021
Establish Competitive Range	October 6, 2021
Best and Final Offers submitted	October 18, 2021
Contract Executed	October 31, 2021

A.6 List of Attachments

- Attachment A - Form of Offer Letter
- Attachment B - Disclosure Statement
- Attachment C - Past Performance Evaluation Form
- Attachment D – SBE Subcontracting Plan

SECTION B: SCOPE OF WORK

B.1 Background

SOS is the provision of electric supply service offered to customers by Pepco who do not otherwise receive electric supply service from a competitive electric supplier. Through Order No. 13241 issued on July 30, 2004 the Commission issued interim SOS rules governing the SOS bidding process. Pursuant to that Order, the Commission adopted a wholesale SOS model with Pepco, the District's electric distribution company, to serve as the SOS provider starting in 2005. The Retail Electric Competition and Consumer Protection Act of 1999 established a generation rate price cap which ended on February 7, 2005. Starting on February 8, 2005, the annual competitive bidding process was implemented to establish generation rates for SOS customers. The latest SOS rules were published in the D.C. Register on April 2, 2021. A copy of the rules can be located at <https://dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=15-41&ChapterId=2792>. Through final Order No. 19897 issued on April 12, 2019, the Commission established a pilot program to procure renewable energy through long-term purchase power agreements ("PPA") for electricity generated by solar or wind power facilities located within the PJM Interconnection region ("PJM") with a target quantity of five (5) percent of the SOS load. Order No. 20327 (April 9, 2020) further explained the details of this pilot program and Order No. 20636 (October 1, 2020) presented the timeline of the pilot program. Award of this PPA will impact future Wholesale Full Requirements Services Agreement ("WFRSA") and RFP submissions as well as the entire SOS procurement process.

B.2 Scope of Work

The Contractor shall complete the work delineated below.

B.2.1 Specific Tasks

B.2.1.1 Task One – Transmission Rates

The tariffed SOS rates include two components: (1) Generation Rates and (2) Transmission Rates. Each year Pepco files updated wholesale transmission rates with Federal Energy Regulatory Commission ("FERC") in April/May timeframe and in general, FERC will approve Pepco's wholesale transmission rates by June 1. Subsequently, Pepco will file updated retail transmission rates based on FERC approved wholesale transmission rates. Pepco's 2021 transmission rate filing was made on July 1, 2021. The Contractor shall review, advise, and draft data requests associated with wholesale and retail transmission rates for 2022. The Contractor shall also review and advise staff regarding the transmission rate compliance filing.

B.2.1.2 Task Two – Biennial Review

According to the SOS rules, every two years Pepco needs to submit a Biennial Review filing and the Commission will invite comments and issue an order on the Biennial Review. The latest Biennial Review filing was made under FC1017 in 2018. The Commission initiated

the 2018 Biennial Review by inviting comments on three issues. (See Order No. 19431 issued on August 9, 2018 and the final Order No. 19897 issued on April 12, 2019.) The proceeding also covers other process and technical/legal issues. The Contractor shall assist staff in preparing a technical memo on the Biennial Review by advising the Commission on all the technical issues included in the Biennial Review. In performing this function, the selected Contractor may need to coordinate with the Commission's technical and legal staff. The Commission plans to issue an order on the next Biennial Review sometime in 2021.

B.2.1.3 Task Three – Wholesale Full Requirements Services Agreement (“WFRSA”) and Request for Proposal (“RFP”)

Generally, in December and January of each year Pepco conducts a competitive bidding for wholesale electric power supplies to meet its SOS obligation for the District of Columbia SOS customers. Around August 1 each year, prior to Pepco's annual competitive bidding, the Commission reviews the SOS Working Group's (which includes Pepco, Wholesale suppliers, Office of the People's Counsel, and other parties) proposed bidding schedules, PEPCO's proposed RFP and reviews the WFRSA. Sometime in September, the Commission will issue the annual order on changes to the WFRSA and to PEPCO's RFP. The Contractor shall prepare and/or draft a technical memo prior to the Commission issuing the annual order. The Contractor shall ensure the technical memo addresses other process and technical/legal issues. The contractor shall also review and advise on Pepco's annual filing on WFRSA, RFP and other bidding documents associated with WFRSA bidding.

B.2.1.4 Task Four – Generation Rates

The competitive bidding for a percentage of the SOS load generally occurs in December and January of each year. After the bidding, the selected Contractor shall prepare a technical memo which advises the Commission on the reasonableness of the new generation rates filed by Pepco, the new administrative charge, and the reasonableness of the true-up and rate design. Subsequently, a Commission order will be issued, and a new tariff needs to be filed. The Contractor shall review and advise on the new generation rate compliance filing.

B.2.1.5 Task Five – Procurement Cost Adjustment (“PCA”)

Part of the SOS rates also involve PCA. Currently this is a monthly adjusted rate posted on Pepco's website. Work is being done on the reform of the PCA. The Contractor shall assist staff with drafting one or more technical memo on PCA reform. The Contractor shall review and advise on the level of PCA included in the SOS rates.

B.2.1.6 Task Six – Review and Advise on Policies rules and regulations

Review and advise on changes in policies, Commission SOS rules and regulations. The Contractor shall prepare and advise on the evaluation and implementation of other processes regarding SOS procurement such as the long-term renewable PPA pilot program for the 5% load for SOS customers. The Contractor shall attend SOS Working Group meetings on the long-term PPA, as requested.

B.3 Applicable Documents

Item #	Document Type	Title	Version/Date
1	Order Number 13241	SOS rules governing the SOS bidding process	July 30, 2004
2	Order Number 19431	Biennial Review	August 9, 2018
3	Final Order Number 19897	Biennial Review	April 12, 2019
4	Order Number 20327	Pilot Program	April 9, 2020
5	Order Number 20636	Timeline of Pilot Program	October 1, 2020

B.4 Definitions and Resources

B.4.1 Definitions

- B.4.1.1 PJM - the area within which the movement of wholesale electricity is coordinated by the PJM Interconnection, L.L.C. This area includes all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.
- B.4.1.2 Generation rates – the cost of electricity to meet the customer’s demand for electricity.
- B.4.1.3 Transmission rates – The cost of delivery under FERC jurisdiction. The approved FERC wholesale transmission rates will be used to calculate retail transmission rates for each rate class through an annual transmission rate filing in FC1017.
- B.4.1.4 Retail Transmission Rate- A component of the customer’s bill which represents the transmission charges during the billing period.
- B.4.1.5 Wholesale Transmission Rate- The FERC approved cost paid by market participants that purchase electricity from the wholesale market either for their own use or because they are a supplier to retail consumers.
- B.4.1.6 Procurement Cost Adjustments – This is a component of SOS rates. It represents true-up of generation and transmission costs. Currently, this PCA changes monthly and the PCA is applied to three categorical classes: residential, small commercial and large commercial classes.

- B.4.1.7 SOS- is the provision of electric supply service offered to customers by Pepco who do not otherwise receive electric supply service from a competitive electric supplier.
- B.4.1.8 Biennial Review- Review of SOS process every two years.
- B.4.1.9 Wholesale Full Requirements Services Agreement (WFRSA)- The agreement Pepco enters to purchases fully bundled services from wholesale providers.
- B.4.1.10 PEPCO's Request for Proposal- Annual RFP to purchase wholesale electric power supplies.
- B.4.1.11 Power Purchase Agreement- The PPA is an agreement signed by Pepco and the renewable facility owner for long term procurement of renewable energy at a pre-determined fixed price.
- B.4.1.12 Tariff- a pricing structure or rate structure which is approved by the Commission and then it will be followed by utility and customers.

B.4.2 Resources

- B.4.2.1 The current version of the Commission's SOS rules, Chapter 41 of the Commission's rules, can be found at <https://dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=15-41&ChapterId=2792>
- B.4.2.2 For a detailed description of the chronology of events in Formal Case No. 1017, go to the site below and review the section "Standard Offer Service (SOS) after price caps ended on February 7, 2005". https://dcpsc.org/PSCDC/media/Images/Electric-Restructuring-FC-945-Update-February18-2021_1.pdf
- B.4.2.3 The latest 1017 Generation rate filing (2/26/2021) can be found on the Commission's website at <https://edocket.dcpssc.org/apis/api/Filing/download?attachId=112536&guidFileName=1fefc5ea-fec5-493d-9561-bf1fa4284dd2.pdf>

B.5 Deliverables

Item No.	Description	Frequency	Due Date (Calendar days)
B.2.1.1 Task One-Transmission Rates	Technical memo/analysis. Original and Compliance filing	At the request of the Contract Administrator	Annually
B.2.1.2 Task Two-Biennial Review	Technical memo/analysis	At the request of the Contract Administrator	Biennial
B.2.1.3 Task Three-WFRSA and RFP	Technical memo/analysis Final Report with Final Benchmarking	At the request of the Contract Administrator	Annually August/September
B.2.1.4 Task Four-Generation Rates	Technical memo/analysis	At the request of the Contract Administrator	Annually February/March
B.2.1.5 Task Five-Procurement Cost Adjustment	Technical memo/analysis	At the request of the Contract Administrator	TBD
B.2.1.6 Task Six-Review and Advise on Policies rules and regulations	Review and advise on policy changes, evaluation, and implementation of other process regarding SOS such as long-term renewable PPA pilot program and attend SOS Working Group meetings	At the request of the Contract Administrator	TBD

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 2005,¹ 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.

C.2 DSLDBE Participation

The Commission 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 an owned resident business; (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

¹ D.C. Code §2-218.01 *et. seq.* (2006 Repl. & Supp. 2008).

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 D) 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, contact the DSLBD 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., 9th Floor, Suite 970 N
Washington, D.C. 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 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.

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 Department'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.3.2 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.3.3 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.3.4 Topics

The Offeror may present information about its capabilities and special qualifications, including the qualifications of key personnel

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 (45 points)

Offerors will be evaluated based on the demonstrated experience, qualifications, capabilities, and past performance. Offerors shall provide at a minimum the following verifiable information:

- D.4.1.1** Descriptions of work the Offeror has completed in the last 5 years that is similar in scope and complexity to that required by Section B of this RFP.
- D.4.1.2** Identification of the Key Personnel, if any, who performed the work described in response to D.4.1.1 who are proposed as key personnel for this RFP.
- D.4.1.3** Offerors shall return a minimum of three (3) completed Past Performance Evaluation Form Attachment C, preferably for the work described in response to D.4.1.1.

D.4.2 Key Personnel (45 points)

- D.4.2.1** Offerors will be evaluated on the experience and qualifications of key individuals assigned to work under the proposed Contract.

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

- D.4.2.2** Please include an organizational chart showing reporting relationships of key personnel. Offerors shall designate a primary point of contact and this person shall be responsible for project management, reporting, coordination, and accountability for all work. The Commission must be notified of changes to the Commission's point of contact.

D.4.3 Price (10 points)

Offerors are required to quote hourly rates for all proposed personnel. Although staff members may change, the hourly rates associated with the labor categories the Offeror's proposes on Attachment A shall remain fixed throughout the term of the contract.

For evaluation purposes, price points will be assigned based on the total estimated price for the base year of the project. Price will initially be evaluated using an objective rating scale with the lowest estimated price receiving the maximum point score and others receiving a proportionately lower score. In addition, the Commission may evaluate each Offeror's price against its technical proposal to determine which combination of price and technical merit is most advantageous to the Commission.

D.5 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.5.1 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.5.2 Competitive Range

If the Contracting Officer elects to hold discussions with Offerors, then discussions will be held with all Offerors in the competitive range, which 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 emailed with the subject header: "**Technical Consulting Services to Review and Advise the Commission on matters related to Formal Case 1017 for Standard Offer Service**"

Submissions shall be emailed to:

Kimberly Gray
Contract Specialist
kgray@psc.dc.gov

E.3 Date and Time for Receiving Submissions

Submissions shall be received no later than 4:00 p.m., EST, September 16, 2021. 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 electronically. 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

Offeror's must include a Table of Contents with page numbers for each section.

E.4.2 Disclosure Form

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

E.4.3 Executive Summary

Each Offeror should provide a summary of no more than three pages.

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:
 - 1. Firm size
 - 2. Organizational Structure
 - 3. Areas of practice
 - 4. Office location(s)
 - 5. DC Certified Business Enterprise (provide certification, if applicable)
 - 6. Please include a copy of the Equal Opportunity/Affirmative Action Policy, if available.
- 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 Price

The Offeror shall submit **Attachment A**, Form of Offer Letter.

DO NOT INCLUDE PRICING INFORMATION IN YOUR TECHNICAL PROPOSAL

THE FORM OF OFFEROR LETTER (ATTACHMENT A) SHALL BE SEPARATED FROM THE TECHNICAL PROPOSAL INFORMATION.

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:

Kimberly M. Gray
Contract Specialist
kgray@psc.dc.gov

F.1.1 Questions

All inquiries must be made on or before **August 25, 2021** to the attention of Kimberly M. Gray at the email address above. RFP No. PSC-21-25, 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.dcpssc.org under RFP No. PSC-21-25.

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 or click on <http://dcpssc.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 Department 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.