



**Solicitation Information
March 8, 2016
Solicitation**

RFP # 7550390

**TITLE: CONSULTANT SERVICES TO ADVISE ON AN APPLICATION FOR THE SITING OF A
MAJOR ENERGY FACILITY**

Submission Deadline: Wednesday March 23, 2016 at 11:00 AM (Local Time)

Questions concerning this solicitation may also be e-mailed, in Word format to the Division of Purchases at thomas.bovis@purchasing.ri.gov no later than 3/14/2016 at 4 PM Please reference the RFP # on all correspondence. Questions received, if any, will be answered and posted on the Internet as an addendum to this solicitation. It is the responsibility of all interested parties to download this information.

SURETY REQUIRED: No

BOND REQUIRED: No

**Thomas Bovis
Interdepartmental Project Manager**

Vendors must register on-line at the State Purchasing Website at www.purchasing.ri.gov

NOTE TO VENDORS:

Offers received without the entire completed RIVIP Generated Bidder Certification Form attached may result in disqualification.

THIS PAGE IS NOT A BIDDER CERTIFICATION FORM

INSTRUCTIONS AND NOTIFICATIONS TO OFFERORS

INTRODUCTION

The Department of Administration Division of Purchases on behalf of Rhode Island Office of Energy Resources (OER) is seeking qualified consultant services to advise the agency on an application to construct and operate a proposed nominal 1,000 megawatt (MW) combined cycle electric generation facility, to be located in Burrillville, Rhode Island. This application is now subject to consideration of and approval by the Rhode Island Energy Facility Siting Board (EFSB). The application has been docketed under #SB-2015-06 (1). The proposed project – the Clear River Energy Center – would operate as a two-unit one-on-one (1x1) combined cycle generation station primarily fired by natural gas, with ultra-low sulfur diesel as a backup fuel.

OER is the State's lead energy policy agency. It works closely with private and public stakeholders to increase the reliability and security of our energy supply, reduce energy costs and mitigate price volatility, and improve environmental quality. The agency is led by a Governor-appointed Commissioner of Energy Resources. For more information, please visit www.energy.ri.gov.

OER is looking for a qualified consultant to advise and represent the agency in support of statutory and regulatory responsibilities associated with Docket #SB-2015-06. Specifically, OER seeks consultants with expertise on the potential environmental impacts associated with this project including, but not limited to, consistency with state policies to assess, integrate, and coordinate climate change efforts to reduce emissions, strengthen the resilience of communities, and prepare for effects of climate change pursuant to the Resilient Rhode Island Act (RIGL §42-6.2) and potential impacts on Rhode Island's participation in the Regional Greenhouse Gas Initiative (RGGI). Also, the consultant will also advise OER on the consistency of the proposed project with the Rhode Island State Energy Plan.

- a) This is a Request for Proposal (RFP), not an Invitation for Bid: responses will be evaluated on the basis of the relative merits of the proposal, in addition to price; there will be no public opening and reading of responses received by the Office of Purchases pursuant to this Request, other than to name those offerors who have submitted proposals.
- b) Respondents to this solicitation are hereby advised that the respondent selected for award of a contract pursuant to this solicitation, and its affiliated or subsidiary companies (whether partially or wholly owned), shall be ineligible to bid upon any future consulting or construction solicitations which may arise from or relate to the services described in this solicitation. In addition, any sub-consultants or subcontractors engaged by the respondent selected for award of a contract who performs any services arising from this solicitation shall be ineligible to bid upon any future consulting or construction solicitations which may arise from or relate to the services described in this solicitation.

NOTIFICATIONS TO OFFERORS:

- a) Potential Respondents are advised to review all sections of this RFP carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.
- b) In order to submit a proposal, Respondents must properly register with the State of Rhode Island. For information of registering, please see the Division's website at www.purchasing.ri.gov and under the heading "Vendor Registration Information".
 1. All public docket materials, including the project application, can be found at: www.ripuc.org/efsb/2015_SB_6.html.
- c) All proposals shall include the Respondent's FEIN or Tax Identification number as evidenced by a W9, downloadable from the Division's website at www.purchasing.ri.gov.
- d) Alternative approaches and/or methodologies to accomplish the desired or intended results of this procurement are solicited. However, proposals which depart from or materially alter the terms, requirements, or scope of work defined by this RFP will be rejected as being non-responsive.
- e) All costs associated with developing or submitting a proposal in response to this RFP, or to provide oral or written clarification of its content shall be borne by the offeror. The State assumes no responsibility for these costs.
- f) Proposals submitted in response to this solicitation shall be considered to be irrevocable for a period of not less than ninety (90) days following the opening date, and may not be withdrawn, except with the express written permission of the State Purchasing Agent.
- g) All pricing submitted by Respondents in response to this solicitation shall be considered to be firm and fixed unless otherwise indicated herein.
- h) Proposals misdirected to other than the Division of Purchases, or which are otherwise not submitted to the Division of Purchases prior to the time of opening for any cause shall be determined to be late and shall not be accepted, opened, or considered. The official time clock is located in the reception area of the Division of Purchases, 2nd floor, One Capitol Hill, Providence, RI.
- i) In accordance with R. I. Gen. Laws § 7-1.2-1401 no foreign corporation has the right to transact business in Rhode Island until it has procured a certificate of authority so to do from the Secretary of State (401/222-3040) www.sos.ri.gov. However, this is a requirement only for successful bidder (s).
- j) Respondents are advised that all documents and materials submitted to the Division of Purchases for consideration in response to this solicitation shall be considered to be public records, as defined in Title 38 Chapter 2 of the Rhode Island General Laws.

- k) Respondents should be aware of all applicable MBE requirements, as set forth in R. I. Gen. Law § 37-14.1-1, *et seq.* The State's goal is for a minimum ten per cent (10%) participation by MBE's in all State procurements. For further information, contact the State MBE Administrator at, Visit the website <http://www.mbe.ri.gov/>
- l) Interested parties are instructed to peruse the Division of Purchases web site on a regular basis, as additional information relating to this solicitation may be released in the form of an addendum to this RFP.
- m) Equal Employment Opportunity-R. I. Gen. Laws § 28-5.1 Declaration of Policy. – (a) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities, and in the classified, unclassified, and non-classified services of state employment. This policy applies in all areas where the state dollar is spent, in employment, public service, grants and financial assistance, and in state licensing and regulation. For further information, contact the Rhode Island Equal Employment Opportunity Office, at 222-3090 or via e-mail raymond1@gw.doa.state.ri.us
- n) Subcontractors are permitted for this project, provided that the identity of the proposed subcontractor(s) and scope of the subcontractor's services are clearly stated in the Respondent's proposal.
- o) The Division of Purchases reserves the right to accept or reject any or all proposals submitted in response to this solicitation, to waive minor irregularities, or to negotiate with any Respondents, as necessary, to serve the best interests of the State.

QUALIFICATIONS

OER seeks a qualified consultant advisor with significant and demonstrated expertise in matters related to the siting of major energy facilities (particularly electric generation facilities) and their impacts on environmental-related policies and mandates. The consultant must demonstrate an in-depth knowledge and understanding of the interplay between climate change mitigation/greenhouse gas emissions reduction strategies and the dynamics of the state's/region's energy system.

Bidders must demonstrate a thorough understanding of the following:

- OER's agency mission and relevant State energy, economic, and environmental policy goals;
- the State's greenhouse gas emissions reduction goals, including those in the Resilient Rhode Island Act of 2014;
- the Regional Greenhouse Gas Initiative (RGGI);
- Rhode Island's and New England's emissions profile and its interplay with the region's wholesale electric markets; and
- familiarity with Rhode Island's recently adopted State Energy Plan.¹
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¹ Available at: www.energy.ri.gov/energyplan/.

In their response to this RFP, qualified applicants will be expected to demonstrate:

- familiarity with and engagement in siting processes for major energy facilities in Rhode Island, other New England states, and/or in other relevant jurisdictions;
- significant capacity to provide quantitative and other technical analyses related to the potential emissions impacts of the proposed project, from a statewide and regional perspective;
- deep understanding of potential environmental ramifications within the context of New England's regional energy markets and planning processes;
- an ability and willingness to collaborate with other relevant State agencies and/or intervening parties, at the direction of OER; and
- experience with developing, presenting, and defending expert witness testimony and/or analysis before the Rhode Island EFSB and/or other relevant state/federal regulatory bodies engaged in the siting of major energy facilities.

The consultant may be asked to assist OER in conducting analyses and developing supporting testimony in SB-2015-06 as well as any related regulatory proceedings conducted by the Rhode Island Public Utilities Commission (PUC) [pursuant to RIGL §42-98-9(d)] or other State agencies as part of the proposed facility's permitting requirements.

SCOPE OF WORK

As determined by OER, the consultant advisor must demonstrate the ability to provide a range of policy, regulatory, and analytical support services consistent with OER's agency mission and statutory responsibilities, which may include, but is not limited to:

- Providing expert technical analysis on the potential environmental impacts of the proposed energy facility, including a thorough review of the initial application and all subsequent testimony, discovery, and other materials related to the project;
- Drafting expert witness testimony and discovery responses on behalf of OER;
- Presenting and defending such testimony before the EFSB, PUC, and/or other State agencies;
- Supporting the development and drafting of OER advisory opinions and other correspondence;
- Supporting any collaborative efforts between OER and other relevant State agencies or parties to this matter; and
- Providing other analysis and work products as directed by OER.

BUDGET ESTIMATE

Respondents must provide an estimated total project budget and detail any individual line-item charges associated with their proposal, such as any retainer fees and/or hourly rates associated with individuals or work products detailed in the scope of work above.

INSTRUCTIONS

Respondents must provide a detailed written narrative demonstrating their professional experience and qualifications, as well as their understanding of the issues identified above. Respondents should carefully review the evaluation criteria listed below.

Respondents must list all project team staff expected to contribute to meeting the scope of work above. For each project team member, please provide a curriculum vitae and a brief narrative detailing their relevant educational and professional experiences. For each member, please make specific reference to any consultant and/or expert witness services that has been provided relative to energy facility siting or related public utility regulatory matters, and on whose behalf (i.e. state agency, utility) those services were rendered. Please describe each individual's anticipated responsibility in helping to meet the proposed scope of work.

Respondents must disclose any actual or perceived conflicts of interest and/or past or current business relationships with the project sponsor (Invenergy Thermal Development LLC) or its officers, or any other known intervening party to Docket #SB-2015-06.

All proposals are limited to ten (10) pages, single-spaced (not including CVs).

EVALUATION CRITERIA

The following evaluation criteria will determine OER's selection of a consultant advisor:

Scoring Criteria	Points
1) Respondent's qualifications and prior work experience demonstrate a proven ability to conduct the tasks and activities identified.	40
2) Respondent has demonstrated a thorough understanding of and capability to successfully implement the Scope of Work.	30
3) Respondent's budget estimate is reasonable, cost-justified, and in accordance with RFP requirements.	20
4) Minority Business Enterprise (MBE) Utilization (See below section for scoring details)	10
Total	100

MBE SCORING

All proposals will be evaluated for technical viability first before MBE utilization is considered. A proposal must achieve a score of at least forty (40) points out of the possible seventy (70) points available under scoring criteria one (1) and (2) above in order to be deemed technically viable.

Of the technically viable respondents, the respondent that subcontracts the highest percentage of its total proposed cost to MBEs will receive the maximum ten (10) MBE points. All other respondents will receive MBE points using the following formula:

$$\text{Percentage of Respondent's total proposed cost subcontracted to MBEs} / \text{The percentage of total proposed cost subcontracted to MBEs of the respondent with the highest percentage} * 10$$

As way of illustration: if Firm A subcontracts 12% to MBEs and Firm B subcontracts 4% to MBEs, Firm A will receive 10 MBE points and Firm B will receive 3.33 MBE points.

Respondents who are certified MBEs will receive the full 10 MBE points provided the firm does not subcontract out more than 40% of the total cost to firms who are not certified as MBEs. Respondents who are not certified as MBEs and who will not be subcontracting out any work will receive 0 MBE points.

Firms that are certified as MBEs are listed on the Rhode Island MBE website at: www.mbe.ri.gov/results.php. If you will be subcontracting to an MBE firm who is not on the list, you will not receive MBE points unless expressly approved by the MBE Office. To apply for MBE certification, please contact the Rhode Island MBE Office.

PROPOSAL DEADLINE AND SUBMITTAL

INTERESTED RESPONDENTS MUST SUBMIT THEIR COMPLETE PROPOSAL AND ALL ATTACHMENTS VIA ELECTRONIC MAIL BY 4:00 PM EASTERN ON MARCH 4, 2016.

OTHER REQUIREMENTS AND GUIDELINES

1. TIME AVAILABILITY

CONSULTANT MUST HAVE ADEQUATE TIME AVAILABLE TO COMPLETE TASKS ON SCHEDULE, IN ACCORDANCE WITH RELEVANT DEADLINES SET FORTH BY THE EFSB, PUC, AND/OR AS DETERMINED IN CONSULTATION WITH OER.

2. OER'S USE OF PROPOSALS AND WORK PRODUCT

DURING THE PROCESS OF EVALUATING PROPOSALS, OER RESERVES THE RIGHT TO REQUEST ADDITIONAL INFORMATION OR CLARIFICATION FROM ANY CONSULTANT SUBMITTING A PROPOSAL, AND TO PERMIT CORRECTIONS OF ERRORS OR OMISSIONS WITHOUT NOTICE TO OTHER BIDDERS. OER SHALL BE HELD HARMLESS IF IT OR THE CONSULTANT RETAINED FOR THIS OR ANY SUBSEQUENT ENGAGEMENT EMPLOYS AT ANY TIME, ANY TECHNIQUE, METHODOLOGY, OR PROCEDURE SUGGESTED IN ANY PROPOSAL, REGARDLESS OF WHETHER SUCH PROPOSAL IS FROM THE CONSULTANT SELECTED TO PERFORM THE ENGAGEMENT.

3. NOTIFICATION OF AWARD

IN SUBMITTING A PROPOSAL, CONSULTANTS AGREE TO NOT MAKE ANY PRESS ANNOUNCEMENT OR RELEASE A NEWS ANNOUNCEMENT CONCERNING THE SELECTION FOR THE ENGAGEMENT WITHOUT PRIOR WRITTEN APPROVAL OF OER.

4. OTHER OER RIGHTS

OER RETAINS THE RIGHT TO REJECT ANY AND/OR ALL PROPOSALS SUBMITTED. OER MAY TERMINATE THE SELECTED CONSULTANT'S ENGAGEMENT AT ANY TIME WITH OR WITHOUT CAUSE. THE SELECTED CONSULTANT, BY ACCEPTANCE OF THE ENGAGEMENT, WAIVES ANY RIGHTS TO CLAIM DAMAGES AS A RESULT OF SUCH TERMINATION. OER WILL BE THE FINAL ARBITER OF ALL DISPUTES ARISING FROM THIS ENGAGEMENT.

5. OER PARTICIPATION

OER WILL HAVE THE RIGHT TO MONITOR AND REVIEW THE CONSULTANT'S WORK PRODUCT AS APPROPRIATE AND NECESSARY TO ACHIEVE THE DESIRED AND AGREED-UPON PRODUCT FROM THE CONSULTANT.

6. *REPORTING PROCEDURES*

THE SELECTED CONSULTANT AND OER WILL MEET AND/OR COMMUNICATE AS NECESSARY, AS DETERMINED BY OER, OR UPON REQUEST OF THE CONSULTANT, TO DISCUSS THE PROGRESS OF THE ENGAGEMENT.

7. *WORK PRODUCTS*

THE CONSULTANT WORK PRODUCTS MAY BE CONSIDERED PUBLIC DOCUMENTS AND MAY BE MADE AVAILABLE FOR PUBLIC INSPECTION AND DISTRIBUTION AS REQUIRED. OER EXPECTS THAT DRAFT COMPONENTS OF FINAL WORK PRODUCTS WILL BE SUBMITTED TO OER FOR REVIEW AND APPROVAL IN ACCORDANCE WITH TIME SCHEDULES OER DEVELOPS IN CONSULTATION WITH THE CONSULTANT.

8. *WORK PAPERS*

AT THE CONCLUSION OF THE ENGAGEMENT, THE SELECTED FIRM SHALL MAKE COPIES, INCLUDING ELECTRONIC COPIES, OF SIGNIFICANT WORK PAPERS AND SOURCE DOCUMENTS, AND MAKE THOSE AVAILABLE TO OER, IF SO REQUESTED.

9. *PAYMENT*

THE SELECTED CONSULTANT WILL SUBMIT MONTHLY INVOICES TO OER, INCLUDING ALL SUPPORTING DOCUMENTS NECESSARY TO VERIFY CONSULTANT'S EXPENSES. FOR PROFESSIONAL SERVICE FEES BILLED ON AN HOURLY FEE BASIS, INVOICES MUST IDENTIFY THE INDIVIDUALS FOR WHOM SERVICES ARE BEING BILLED, THE NUMBER OF HOURS, AND PORTIONS THEREOF, BEING BILLED, DETAIL OF THE ACTIVITIES WORKED ON, THE HOURLY BILLING RATES, AND THE TOTAL FEES. FOR PROFESSIONAL SERVICE FEES BILLED ON A FLAT FEE BASIS, OER AND CONSULTANT WILL NEGOTIATE A MEANS TO TRACK CONSULTANT ACTIVITIES ON OER BEHALF. OER WILL BE THE FINAL ARBITER OF ALL DISPUTES REGARDING COST AND PAYMENT.

10. *LEGAL COMPLIANCE*

ALL PROPOSALS SHALL CERTIFY THAT THE PERFORMANCE OF THE ENGAGEMENT WILL BE IN COMPLIANCE WITH ALL FEDERAL AND STATE LAWS AND REGULATIONS, APPLICABLE IN THE STATE(S) IN WHICH ALL OR ANY PORTION OF THE SERVICES WILL BE PERFORMED, INCLUDING ALL LABOR LAWS AND ALL ANTI- DISCRIMINATION REGULATIONS.

11. *INSURANCE REQUIREMENTS*

VENDORS SHALL PROCURE AT THEIR EXPENSE AND MAINTAIN ALL INSURANCE REQUIRED IN FORM AND TERMS ACCEPTABLE TO STATE FOR THE DURATION OF THE CONTRACT OR AS OTHERWISE SPECIFIED. VENDOR SHALL PROVIDE STATE WITH REPLACEMENT CERTIFICATE(S) AND ENDORSEMENTS UPON EXPIRATION, RENEWAL, EXPIRATION OR CANCELLATION OF THE POLICIES DURING THE TERM OF THE CONTRACT, UNLESS A LONGER PERIOD IS SPECIFIED. ALL CERTIFICATES AND ENDORSEMENTS SHALL REFERENCE THE SOLICITATION. THE PURCHASING AGENT RESERVES THE RIGHT TO CONSIDER AND ACCEPT ALTERNATIVE FORMS AND PLANS OF INSURANCE OR TO REQUIRE ADDITIONAL OR MORE EXTENSIVE COVERAGE FOR ANY INDIVIDUAL REQUIREMENT.

DISCLAIMERS

The issuance of this RFP does not represent any agency position on the project proposed in EFSB Docket #SB-2015-06.

The issuance of this RFP does not guarantee that an award will be made by OER.