



**DEPARTMENT OF GENERAL SERVICES
OFFICE OF STATE PROCUREMENT
ACTION AGENDA
June 17, 2020**



OSP 16

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**7-S. SERVICES CONTRACT
*Public Service Commission***

Contract ID: Staff Support Clean Energy Job Act 2019; PSC 08.01.19
ADPICS No.: C90B0600007

Contract Description: The Commission is seeking one expert consultant in the category of Regulations Development to assist the Public Service Commission in preparing drafted regulations to align COMAR with recent requirements per the Clean Energy Job Act of 2019.

Awards: Hodgson Russ LLP; Buffalo, New York

Contract Term: 07/01/2020*- 07/31/2022 (*or earlier upon BPW approval)

Amount: \$ 355,000 (Single Proposal Rec'd)

Procurement Method: Competitive Sealed Proposals

MBE/VSBE Participation: 15% / N/A
MBE Waiver: Full waiver requested and approved. (See Agency Remarks)

Performance Security: N/A **Incumbents:** N/A

Requesting Agency Remarks: A notice of availability of a Request for Proposals was posted on the Public Service Commission (PSC) website and eMaryland Marketplace Advantage (eMMA) on January 9, 2020; electronically notifying 246 prospective vendors. Of the vendors in eMMA, 42 were Minority Business Enterprises and 58 were Veteran-Owned Small Business Enterprises. PSC is aware these services are unique, specifically regarding Offshore Wind, which significantly narrows the firms who are expertly qualified to provide the required services. PSC contacted non-competing vendors who had been directly solicited and were informed the procurement was not within the scope of services provided or a lack of interest at the time of solicitation.

A single proposal was received and evaluated for the firm’s ability to provide research, regulation writing, and application criteria support to the Commission Staff in complying with the Clean Energy Job Act of 2019, Senate Bill 516.

Hodgson Russ LLP has proposed to draft regulatory language to amend COMAR to effectuate the Clean Energy Job Act 2019. The firm has proposed recommending such amendments to COMAR that will maximize the value of the Offshore Wind program to the State, as well as find innovative ways to make other positive changes, by utilizing their experience, and consulting with industry stakeholders.



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7-S. SERVICES CONTRACT (cont'd)

Agency Remarks (cont'd):

Such changes could include updates to the mechanism of payments that fund the escrow account, as well as payments out of that account. Hodgson Russ LLP recognized fundamental changes in Pennsylvania, New Jersey, Maryland (PJM's) markets, and addressed possible issues connected with the Minimum Offer Price Rule-ex, and Federal Energy Regulatory Commission's December 2019 Order. The firm also proposed to deal with these realities in a way to protect Maryland and ratepayers' interest and is focused on unanticipated delays in Offshore Wind project commencement. Lastly, examining how to best implement the Community Benefits Agreement requirement was also included in the proposal.

PSC's Commission is required to review and approve award of the RFP prior to BPW presentation. The Commission approved award to Hodgson Russ LLP, which was determined to be responsive and responsible for providing the requested consulting services and comply with the Clean Energy Job Act of 2019. The last contract for such services was awarded seven years ago and in a comparison of the contracts, the State will gain a savings of \$283,895. Because of these factors, PSC has determined awarding this contract to Hodgson Russ LLP to be in the State's best interest.

A 15% MBE Participation goal was established for this contract based upon the required expertise in updating regulations, specifically related to offshore wind power/energy matters. The recommended awardee proposed an MDOT-Certified MBE prior to the RFP closing/due date, however, the proposed MDOT-Certified MBE submitted a withdrawal of MBE participation notice to PSC and the recommended awardee upon request from the recommended awardee to execute the MBE Attachment 3-A1. On May 19, 2020, PSC approved the full waiver request. No VSBE Participation goal was established for this contract based upon the same reason.

Although receiving a single proposal often warrants a re-solicitation, PSC is a self-funded agency. If not expended prior to the Fiscal Year 2020 closing, the funds are returned to the Public Utility Regulation Fund. Sufficient funds for this procurement are not allocated in Fiscal Year 2021; therefore, to comply with the Clean Energy job Act of 2019, PSC seeks to award this contract to Hodgson Russ LLP.

Fund Source: 100% Special (Offshore Wind Operations)

Approp. Code: C90.001.03

Resident Businesses: No ***MD Tax Clearances:*** 20-1433-0001

BOARD OF PUBLIC WORKS ACTION

THIS ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION