

Clarifications and Reminders

1. All contact prior to award should be with the Procurement Officer. Any questions submitted will be answered and distributed to all companies who are known to have received the RFP, posted on eMM and the PSC's website.
2. Closing date and time for proposals is **June 28, 2017 @ 11:00AM** Local Time. Any proposals received after that time will not be considered.
3. The Commission intends to make one (1) award as a result of this RFP.
4. The contract that results from this RFP is a combination of a Fixed Price contract and a Time and Material contract. The Contractor will be paid for the actual hours worked by each team member listed on the financial proposal form, but only up to the firm Not-to-Exceed Labor Amount. The Contractor will be reimbursed for the actual cost of expenses, but only up to the Not-to-Exceed Expense Amount quoted in part B of the Financial Proposal Form. Detailed receipts are needed for all expenses – the receipt that shows what was purchased not just the amount paid.
5. In order to be awarded a contract by the State of Maryland, a vendor must be registered with eMarylandMarketplace (“eMM”). It is free to register and vendors are encouraged to register before submitting a proposal.
6. In order to be awarded a contract with the State of Maryland, a business entity (the Prime) must also be registered with the State Department of Assessments and Taxation (“SDAT”). If you are the ‘Proposed’ awardee, you must provide the Commission with your SDAT’s Department ID within five (5) business days of notification. If you are not currently registered with SDAT and plan on waiting to see if you are the proposed awardee you may need to expedite the process, which is an additional fee. See RFP Section 4.21 for contact information.
7. In addition to the required one (1) unbound original (marked as the original), four (4) bound copies and electronic version (CD or USB flash drive), the Offeror should also submit an electronic version with all confidential information removed for Public Information Act (“PIA”) requests. An explanation for each claim of confidentiality shall be included in TAB A-1, see Section 5.4.2.2.
8. Substitution of any personnel listed in the original proposal including sub-contractors, must be approved by the Contract Manager.
9. Any exceptions to this RFP or the Contract shall be clearly identified in the Executive Summary of the Technical Proposal.

Clarifications and Reminders continued

10. Refer to Section 5 – Proposal Format – Your proposal needs to follow the format listed with the **TAB** information followed. The proposal set-up allows the review and evaluation process to move smoothly. Electronic versions of your Technical Proposal should be in word or searchable PDF format. Technical and Financial Proposals must be submitted in separated packages including the electronic versions. The protected excel spreadsheet, Attachment B-2 - Financial Proposal Form that was distributed with the RFP should be used.

11. Each proposal submitted must have two (2) separate envelopes/packages; one (1) for the Technical Proposal and one (1) for the Financial Proposal. They can be received in the same outer envelope/package; each envelope/package must be clearly marked as Technical or Financial with the Offeror's information. No reference to financial information can be contained in the Technical proposal. If this format is not adhered to, the proposal will be deemed not reasonably susceptible for award and be sent back to the Offeror.

Upon receipt, the Procurement Officer logs in all Proposals, each outer envelope/package will be opened with the Financial Proposals separated and stored in a locked room; the Technical Proposals are opened and TAB O is reviewed for all required documents. The Technical Proposals will be distributed to the Review Committee. After review, oral presentation may be held. Offerors must confirm in writing any substantive oral clarification of or change in their Proposals made in the course of discussions. Any such written clarifications or changes then become part of the Offeror's Proposal and are binding if the Contract is awarded.

12. Attachments that must be completed and submitted in the Technical Proposal under **TAB O**:
Attachment C - Proposal Affidavit
Attachment D-1 - Minority Business Enterprise ("MBE") Form [review all MBE forms]
Attachment F - Maryland Living Wage Requirements for Service Contracts and Affidavit of Agreement
Attachment H – Conflict of Interest Affidavit and Disclosure

If any required attachment is missing or not completed correctly, the proposal will be deemed not reasonably susceptible for award and be sent back to the Offeror.

13. A 10% MBE Subcontracting Goal has been set for this procurement. An MBE must be certified through MDOT (Maryland Department of Transportation). MDOT has a searchable data base of all certified MBEs. One way to get to the data base is to use GOMA's (Governor's Office of Minority Affairs) website: goma@maryland.gov. Go to the bottom right of the home page and click on **MBE DIRECTORY**, it will take you to the data base.

Note: If an MBE comes in as at the Prime level, they will have an MBE subcontracting goal of 5%. The MBE Prime can self-fulfill 50% of the 10% goal.

An MBE as a Prime would have a 5% MBE subcontracting goal PLUS their self-fulfilling 5% equaling the 10% goal. **Review all MBE forms.**

14. Two (2) definitions should be added to Appendix 1:
Domestic Corporation – an entity that is incorporated in Maryland
Foreign Corporation – an entity that is not incorporated in Maryland

15. Contact Manager and Contract Monitor ("CM") are interchangeable terms.

Clarifications and Reminders continued

16. Commission means the Commissioners and their Advisors.
17. Commission Staff means the Technical Staff of the Public Service Commission
18. The subject line of all emails should begin with PSC #04.17.17.

Statement on Working with Utilities

Many questions have been received concerning relationships with a Maryland electric utility or an energy company (e.g. electric retail supplier) and how it can affect the possibility of being awarded the contract for this RFP. This statement covers all questions received.

- Past relationships with an electric utility or energy company will not bar an Offeror from being awarded a contract for this RFP. **The relationship(s) needs to be disclosed in the proposal.**
- Any current relationship with a Maryland electric utility, parent company with an electric utility in Maryland or any energy company that supplies electricity or otherwise does business relating to Maryland's electric distribution systems **will ban** an Offeror (the entire firm) from being awarded a contract for this RFP.
- The Awardee of the PEPCO solicitation **will be banned** from being awarded a contract for this RFP. The contract is with PEPCO, a Maryland electric utility.
- As long as the PSC contract for this RFP is in effect, the consultant (the entire firm) cannot enter into a contract with a Maryland electric utility.
- No restriction will be placed on working with a gas utility or energy company that supplies gas or otherwise does business relating to Maryland's gas distribution systems.

Questions and Answers

Q1. On page 9, Section 2.3.1.1.4, the RFP states "Contractor shall, with the guidance of the Contract Manager, draft the technical portions of documents needed to implement Rate Design Pilot Programs 1 & 2." Can you clarify exactly what is meant by "technical portions"? What are the specific aspects that will need to be addressed?

A1. All portions of how the pilot program will operate, excluding only items such as an administrative or routine portion of a document that may be a boiler plate but not necessary related to how the program would operate. This could include: oral or written updates to the Commission, any kind of non-utility portions of documents such as work group documents, straw proposals, implementation documents and/or marketing materials. We would expect the utility to submit a final tariff but the work group could submit model tariff provisions, model material or website information.

Q2. Can you list the specific work product deliverables that are expected as part of this project?

A2. Refer to the above answer and to the language of the RFP for the scope of deliverables.

Questions and Answers continued

- Q3. Would the consultant act only as a moderator and facilitator of a stakeholder process?
A3. Acting as a moderator and a facilitator is only one aspect of the project, reference A2 for deliverables. The Consultant will be interacting with the Contract Manager (“CM”) on a regular basis on how the process is moving along.
- Q4. Will the consultant do primary research on pilot design, rate design and impact evaluation?
A4. Pilot Programs 1 & 2 is about implementing the pilot which could include research on impact evaluations and anything else that would be needed in implementing the pilot. Pilot Program 3 is helping to design the pilot so it would include research on pilot design, rate design and impact evaluation.
- Q5. If not, who will be doing them?
A5. As stated in the above answer, the Consultant will be performing those functions along with the work groups, stake holders, Commission Staff, CM and other participants.
- Q6. What will be the roll of the utilities in the pilot programs?
A6. The utilities are key stake-holder participants; they are also the pilot implementers and will likely have tariffs that will implement the pilot programs.
- Q7. What will be the role of the PSC in the project?
A7. The Commission reviews, approves, provides overall guidance and directions for pilot programs 1, 2 & 3 and makes the final decisions. The CM guides the work provided by the consultant, advises the Commission, and the Commission Staff provides an advisory role as well.
- Q8. Is the \$500,000 made available for the PC44 activities intended to cover all 6 of the initiatives listed on page 5 of the January 2017 PC44 Notice [“PC44 Notice”] (rate design, electric vehicles, competitive markets & customer choice, etc.)?
A8. The procurement mentioned in the PC44 Notice is a different procurement; it is completely separate from PSC #04.17.17. The procurement mentioned in the PC44 Notice is a PEPCO Holding’s procurement. The PSC #04.17.17 is not part of the \$500,000.
- Q9. The RFP indicates that the Project Lead is expected to attend all meetings in person or via remote conference. For those meetings which the Commission has indicated must be attended in person (up to 14), is it acceptable for the Project lead to attend some of them by phone, with a second key staff member attending in person?
A9. No, a key staff member cannot be substituted for the Project Lead; the ***Project Lead is expected to attend all meetings at which the Contractor is expected to attend in person.*** The actual number of in person meetings could be less than the stated 14. However, in order for an Offeror to be able to submit a bid, an actual number of trips had to be listed. Since this is a Not-To-Exceed contract, the Contractor will be paid expenses on the actual number of trips made; fewer than 14 in person meetings will mean less money paid out of the expense portion of the financial bid.
- Q10. Are the pilot-related activities described in this RFP are expected to be completed by June 2018 (page 6 of the PC44 notice)? The RFP refers to the contract lasting “no more than two years.”

Questions and Answers continued

A10. The target date is June of 2018. The RFP refers to the contract as lasting “no more than two years” is to expand the time line of the contract to cover any changes in deadlines.

Q11. To what extent will the Consultant be expected to coordinate the activities in the RFP with the outcomes of other initiatives described in the PC44 notice (i.e., electric vehicles, competitive markets & customer choice, interconnection process, energy storage, distribution system planning)?

A11. The Contract Manager – Jon Kucskar, is the lead coordinator of the PC 44 process so ultimately it is the CM’s responsibility to coordinate the activity of the different groups. The Consultant needs to be aware of the other proceedings and help the outcomes be mesh and be coordinated. Coordinating among the work groups is not the responsibility of the Consultant. Helping the outcomes be coordinated is something the Consultant needs to be aware of.

Q12. Does the MBE goal provide an opportunity for an MBE to become certified by Maryland? Will the PSC accept any certification from other states or the US Government?

A12. An MBE must be certified through the Maryland Department of Transportation (“MDOT”) for any State agency to accept them as a sub-contractor; no other certification can be accepted. Any MBE who is interested in being certified in the State of Maryland should contact MDOT directly. The MBE sub-contractor shall be MDOT certified prior to the submission of the proposal.

Q13. Will the awardee be given access to informational material (from the current PC44 workgroup process) leading up to this implementation?

A13. Yes.

Q14. What is the time line for obtaining this material?

A14. The material will be available at the time of award. For any work that has been completed, there is a public email list, anyone who is interested can be added and will be forwarded the current information. You can go PSC’s website: www.psc.state.md.us, mid-way down the left side of the home page in the Case Search & Maillog Search box, type in PC44 and click on Public Conference and click on “go”. That will bring up the information on PC44. To be added to the public email list, send your information to Jon Kucskar jon.kucskar@maryland.gov as the work group leader not as the CM for this solicitation.

Q15. What is the budget for the project?

A15. There is no set budget; the PSC is depending on the offerors to price their proposal based on the work needed and how they plan to execute the work. After the Technical Proposals are evaluated and the Financial Proposal are open, a best and final offer (pricing) could be asked for, basically asking you to look at your numbers again and come back with a lower price without changing your Technical Proposals.

Q16. Who will do the experimental design and redesign for Pilot Programs 1 and 2?

A16. The rate design work group is currently undergoing that design process. This solicitation is for after the Commission approves a design.

Q17. Is there a list of states for the reciprocal preference?

Questions and Answers continued

A17. <https://comptroller.texas.gov/purchasing/bidder-preference/> is the link I use to look up reciprocal preference. I did look up the states for the attendees to this conference (MD, DC, DE and ME); none had preference for in state bidders.

Q18. Can you elaborate on the responsibilities the Consultant would be responsible for throughout the process?

A18. Refer to RFP and all Qs & As. Each proposal will be reviewed for the best way to achieve the desired goal.

Q19. Can you elaborate on the distinction between Pilot Programs 1 & 2 in comparison to 3 with respect to the responsibility of reviewing PHI's study and incorporating those results into the design of Pilot Program 3?

A19. The PC44 Notice talked about having the study in place to design Pilot Program 3. The study that comes out will be a major factor in informing and forming the work group consideration to design Program 3. Pilot Programs 1 & 2 will be designed before the Contractor begins work on implementing such pilot programs. For Pilots 1 & 2, the consultant will be getting guidance from the CM on what the pilots are going to do and implementing them.

Q20. Who are the Stake Holders?

A20. Anyone who is on the email list is a Stake Holder. The participants at the meetings have included: all the utilities, Office of Peoples Counsel, Maryland Energy Administration, Maryland Fuel Fund, Commission Staff and other groups and interested parties.

Q21. The RFP does not have a Minimum Qualifications ("MQ") section. Section 5.4.2.8, a through e sounds like a minimum qualifications. What is the distinction?

A21. The new template for RFPs has removed the MQ section. The Technical Section you referred to was originally the Minimum Qualifications. The distinction is that if a through e had been in the MQ section there would have been "years" of experience attached to each function. Moving it to the Technical Section removes the "at least X number of years of experience". By doing this, an Agency can look at the work an Offeror has completed successfully and not the number of years working in a given field.

Q22. Who will be reviewing the Proposals?

A22. The Review Committee ("RC") will be made up of at least 3 high level Commission employees who have the technical knowledge to understand all aspects of PC44. The RC will review each proposal on their own, make notes, bullet points to discuss and rate the proposals. Upon completion of the initial review, a meeting will be scheduled for the entire RC to attend along with the Procurement Officer ("PO") to discuss the review results. This process could happen several times and as a result an initial ranking will be made and the decision if oral presentations will be requested.

After the proposal review is completed, including any oral presentations, the RC is given the financials. Best and Final Offers will be requested if needed. At this point a recommendation is made and notices will be sent out to all Offerors. The notice will list all Offerors with the financial information and debriefings will be offered.

Q23. Will participation in the working group bar an Offeror from being awarded the contract?

A23. No.

Questions and Answers continued

Q24. How many awards will be made for this solicitation?

A24. Only one award will be made for this solicitation.

Q25. To what extent would the Consultant be able to evaluate and provide comment on the experimental and rate design of Pilots 1 and 2?

A25. As much as any workgroup stakeholder is currently able to do, which is to attend and speak at meetings and also provide written and oral comments and feedback to the workgroup leaders and/or the entire workgroup.

Q26. Does the scope of work for Pilots 1 and 2 include physical implementation of the pilots, or only advising the Commission on implementation, participation in working group and stakeholder meetings, and preparation of technical materials to guide implementation?

A26. I'm not sure I understand what "physical" implementation means. Ultimately, because utilities operate the distribution systems, some portion of pilot implementation will fall to them. The tasks listed ("advising the Commission on implementation, participation in working group and stakeholder meetings, and preparation of technical materials to guide implementation") will all be responsibilities of the contractor.

Q27. Does the scope of work include evaluation of the results of any or all pilots?

A27. It could include some degree of evaluating pilots. It does not require the contractor to act as a lead "EM&V" consultant.

Q28. Please describe if and to what extent any of the following deliverables are expected of the consultant.

Q28a. Develop rate designs for pilot programs 1 and 2?

A28a. No.

Q28b. Develop rate designs for pilot program 3?

A28b. Yes.

Q28c. Develop pilot designs/protocols (e.g., opt-in vs. opt-out, mandatory controls)?

A28c. See 28a and 28b.

Q28d. Develop protections for low-income customers, if needed?

A28d. The workgroup should consider how rate design pilot programs impact low-income customers.

Q28e. Develop metrics for assessing the results of the pilots?

A28e. Developing evaluation metrics is one part of the responsibilities.

Q28f. Produce any reports after the Commission approves the pilot protocols?

A28f. Refer to the Scope of Work in the RFP

Q28g. Analyze the results for pilots 1, 2 and/or 3? If a required element, in what format will data be provided?

A28g. It could include some degree of evaluating pilots. It does not require the contractor to act as a lead "EM&V" consultant.

Questions and Answers continued

Q29. Please Provide the following, if available/determined:

Q29a. What is the availability of PJM cost curves and in what format?

A.29a. The workgroup has not yet seen or requested PJM cost curves.

Q29b. What is the expected number of participants in each pilot or is to be determined by the consultant and/or others?

Q29c. What number of utilities is expected to conduct/participate in each pilot?

Q29d. What is the expected length of each pilot?

Q29e. What budgets are available for customer education plan for each pilot, statewide and by utility or are to be determined by the consultant and/or others?

Q29f. Are there any predetermined benefit quantification adopted by the Commission (e.g., avoided costs)?

A29b. – 29f. It has not yet been decided.

Q30. Is it anticipated that the weekly meetings with the contract manager and/or stakeholders will be performed together or as separate topic oriented meetings.

A30. It varies. Meetings/phone calls with the CM could be one-on-one or with other stakeholders. Typically, meetings with stakeholders would include the CM and address specific topics.

Q31. What is the typical duration of a working group meeting?

A31. Phone conference meetings can run from 2 – 4 hours. In-person meetings can run from 3 – 4 hours. Both depend on the agenda.

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