

**New York Department of State, Consumer Protection Division,  
Utility Intervention Unit  
REQUEST FOR QUOTATION (RFQ) # 15-UIU-05**

**GENERAL INFORMATION**

The New York Department of State (DOS), Consumer Protection Division, Utility Intervention Unit (UIU), through this competitive Request for Quotation (RFQ), is seeking a utility law Consultant, experienced in electric public utility regulatory ratemaking, to assist the UIU in analyzing and advising on the three-year Rate Plan jointly filed by the Public Service Enterprise Group Long Island, LLC (PSEG LI) and Long Island Power Authority (the Authority) with the New York Department of Public Service (DPS) on January 30, 2015 (Case Number 15-00262). The UIU's foremost objective in this case is ensuring the protection of New York residential and small commercial consumers' interests. Successful bidders will need to review the PSEG LI/Authority files in preparation for submitting a Proposal Package. Strategy proposed as part of the Proposal Package's Work Plan will also be considered as part of the award process.

Submissions responsive to this RFQ must include a completed Proposal Package with all required content as described below. The failure of the Consultant to provide any portion(s) may result in rejection of the Consultant's submission from consideration for this RFQ.

**SCOPE OF WORK**

The Consultant will agree to review the PSEG LI/Authority panels, witness testimony, and/or exhibits and will submit to the UIU his/her own independent analysis and review of the appropriateness of the claims in the filings. Aspects of the filings in which the UIU is especially interested include rate drivers, customer services, rate design/cost of service allocation, and storm hardening and resiliency, particularly with respect to the perspective of residential and small commercial customers. Based on this analysis, the Consultant will, as necessary, prepare discovery information requests, written initial testimony, and rebuttal testimony. The Consultant will also participate in hearings and settlement negotiations on behalf of the UIU.

Milestones that the Consultant will attend include: (1) Staff and Intervenor Testimony scheduled for April 30, 2015; (2) Rebuttal Testimony scheduled for May 13, 2015; and (3) Evidentiary Hearing scheduled for May 27, 2015; and may include additional proceedings as

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they become scheduled. The Consultant should be prepared to devote sufficient resources necessary to meet any procedural schedule, timelines, or deadlines directed by the UIU Director or the DPS Administrative Law Judges.

**PROPOSAL PACKAGE**

The Proposal Package must include, as described below: (A) Overview and Consultant Background, (B) Work Plan, and (C) Quotation Sheets.

A. Overview and Consultant Background

The combined length of items #1, #2, and #3 may be no more than ten (10) pages; the length of item #4 may be no more than eight (8) pages.

1. A description of the Consultant's background and expertise in electric public utility rate cases. This should demonstrate a general understanding of the PSEG LI/Authority case with an emphasis on specific cost drivers that carry the highest potential impact on rates, particularly rate increases to residential consumers and small (non-residential) commercial customers.
2. An overview of the work to be performed by the Consultant on the PSEG LI/Authority case, and the identification of any DPS proceedings that could potentially conflict with the Consultant's ability to work with the UIU on the PSEG LI/Authority case.
3. The Consultant and the individual(s) who would be assigned to work on the PSEG LI/Authority case, including their name(s), position(s), function(s), and role(s). Include resumes listing total years of experience with electric public utility case work.
4. A three (3) year listing of the Consultant's electric utility rate case work. In this list, please demonstrate whether and how the Consultant met each client's needs and expectations in each rate case. This list must also highlight and explain any instances where the client's needs and/or expectations, and the Consultant's work on the client's behalf, may have been in tension with the

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UIU's primary objective of protecting residential and small commercial consumers. Please also include the names and phone numbers of three (3) references from this list of past clients who the UIU Director can contact for feedback regarding the Consultant's performance and final work products. Please provide this list as a separate attachment, no longer than eight (8) pages, to the Overview and Consultant Background.

**B. Work Plan**

The Work Plan may be no more than five (5) pages in length. The Work Plan will describe the work products to be produced for each task including: (1) initial and rebuttal testimony, including discovery as necessary; (2) settlement negotiations; and (3) evidentiary hearings. The Work Plan should provide a description, with a reasonable level of detail, of how the Consultant will advise and assist the UIU with handling the PSEG LI/Authority case, and should also consider other parties' interests and demonstrate a strategy to counter the possible positions concerning revenue distribution, rate design, and related issues that are not consistent with the public interests and/or are contrary to the UIU goals. The Work Plan should identify the PSEG LI/Authority panels, expert witness testimony, and/or exhibits deemed necessary to develop the Consultant's work products and provide clearly delineated assumptions associated with the PSEG LI/Authority case in relation to the UIU's scope of work.

**C. Quotation Sheets**

Each task requires a Quotation Sheet and will describe the Consultant's estimated (1) number of work hours multiplied by the Consultant's contract rate; (2) optional Per Diem rates, though they are not anticipated by the UIU; and (3) total cost for that task. The Work Plan will cover the contract period beginning with the execution of the contract, anticipated to be April 1, 2015, and continuing through October 31, 2015; and will include the individuals to be assigned, the hourly rate and

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total cost of each individual, and a Total Cost per the Quotation Sheet per task. Hours listed are estimates for bidding purposes only, and the actual distribution of work hours among individuals is subject to discussions between the UIU and the Consultant; however, the Total Cost per the Quotation Sheet is final. In the event of the need for an on-site expert or rebuttal testimony (though such need is not anticipated), the costs of transportation (including air or ground, as necessary), lodging (including meals), and any Per Diem rates should be shown separately on the Quotation Sheet. The State of New York's Per Diem rates can be found at <http://osc.state.ny.us/agencies/travel/travel.htm>. Quotation Sheets can be found attached to this RFQ.

**PREFERRED CONSULTANT QUALIFICATIONS**

The Consultant should be an attorney licensed to practice law in New York State, and should have a minimum of ten (10) years of combined experience in handling and/or testifying on electric public utility rate case matters, including DPS and Federal Energy Regulatory Commission (FERC) proceedings. The Consultant should be able to coordinate and incorporate recommendations from multiple witnesses testifying on behalf of consumer groups, small commercial (non-residential) consumers, and others as needed to build advocacy consensus around the PSEG LI/Authority case. The Consultant should also have an office in or near the PSEG LI/Authority's service territory, as meetings in New York City and Long Island may be necessary.

**STANDARDS OF PERFORMANCE OF CONTRACTED SERVICES**

The Consultant will be expected to produce work products that are a direct result of its coordination and collaboration with the UIU staff. The Consultant's work products as specified in the Work Plan are to be completed in a timely and expeditious manner. As stated under the scope of work and reiterated again here, the Consultant should be prepared to devote resources sufficient to meet any procedural schedules, timelines, or deadlines as directed by either the UIU Director, the DPS Administrative Law Judge, or DPS Staff with

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respect to the PSEG LI/Authority case. The UIU Director will monitor the progress and results of the Consultant's work products through direct communications with the Consultant.

Monitoring by the UIU Director will include the following performance standards:

1. Project management effectiveness, including planning and timeliness of work products.
2. Thoroughness of issue identification, development, and recommendations, including the accuracy of analyses and associated supporting evidence.
3. Thoroughness and persuasiveness of written and oral communications to the UIU Director and Staff.

**QUANTITATIVE FACTOR FOR NYS CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES**

Pursuant to State Finance Law section 163(1)(j), a quantitative factor for certified Minority or Women-owned Business Enterprises (MWBEs), as defined in subdivision one section three hundred ten of the NYS Executive Law, will be included in the total evaluation scale. A percentage of the total evaluation scale will be awarded to a responsive Consultant who is listed as an MWBE firm in the directory of New York State Certified MWBEs ("Directory") or who enters into a partnership with a certified MWBE firm found in the Directory in response to this RFQ. The Directory of New York State Certified MWBEs can be found at:

<https://ny.newnycontracts.com/frontend/diversityusers.asp>.

**PUBLIC DISCLOSURE**

The Consultant may not make media releases (written or oral) or other public disclosures related to this RFQ or the work to be performed without receiving prior written consent from the UIU Director.

**TERMINATION**

The UIU Director reserves the right to terminate the contract with the Consultant for any or no cause upon fifteen (15) calendar days' written notice. In the event of termination

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other than as a result of default by the Consultant, the UIU shall make payment for the services rendered prior to the effective date of termination, provided the UIU Director has received proper and accurate invoices for those services rendered.

**TYPE OF CONTRACT**

Payment to the Consultant under a contract executed as a result of this RFQ will be based upon the hours actually worked by each individual based on authorized itemized expenses. Payments will be made for each individual at the quoted, contracted rate for that individual. Total payments to the Consultant shall be limited to the Total Cost per the Quotation Sheet.

**INCURRING COSTS**

Any Consultant shall bear all costs it incurs prior to the receipt of a fully executed contract, including costs associated with preparing the Firm's response to this RFQ.

**RESERVATION OF RIGHTS**

The Department of State reserves all rights described in the attached Appendix, "Reservation of Rights," with respect to this RFQ and responsive submissions.

**ISSUING PARTY AND CONTRACT EXECUTION**

The UIU is the issuing party for this RFQ. The UIU Director will make the final selection of the Consultant based on the highest scoring bid. The Total Cost per the Quotation Sheet of each Proposal Package will receive significant weight, but will not be the sole determining factor in the selection process. Factors for selection include qualifications of staff (15 points), costs (10 points), demonstrated approach in the Work Plan (10 points), positions in past testimony (5 points), quality of Proposal Package (5 points), and MWBE certification or teaming (5 points). At this time, the UIU anticipates to make a final selection of a Consultant no later than March 20, 2015. Within five (5) days of selection, the UIU and the Consultant will execute a contract setting forth each party's responsibilities. This

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contract will incorporate this RFQ, the Consultant's Proposal Package, and referenced attachment(s). The Consultant must be prepared to start work immediately upon contract execution.

If you are made an award, you will be required to provide a current Workers Compensation Form and Disability Certification Form, or Exemption from Worker's Compensation and Disability Form. **The Department of State must be listed as certification holder in box 2 on the forms.** The only acceptable forms, which are to be obtained by contacting your insurance carrier, are:

- Workers Compensation Form - C-105.2 or SI-12 or U-26.3
- Disability Form - DB-120.1 or DB-155
- Exemption from Workers Compensation & Disability - CE-200

Please note that **ACORD** Forms are **NOT** acceptable proof of insurance coverages.

**RESPONSE DATE AND CONTACT INFORMATION**

Submissions are due no later than March 18, 2015 at 4:00 p.m. Submissions received after this time will not be considered. Please submit three (3) physical copies of the Proposal Package and all associated required documents to the address below:

**RFQ: 15-UIU-05**  
**Erin Hogan**  
**NYS Department of State**  
**Utility Intervention Unit**  
**1 Commerce Plaza**  
**99 Washington Avenue, Suite 640**  
**Albany, NY 12231**

Please direct any questions regarding this RFQ to Erin Hogan, UIU Director at [erin.hogan@dos.ny.gov](mailto:erin.hogan@dos.ny.gov), and include "RFQ: 15-UIU-05" in the subject line.

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Utility Intervention Unity RFQ # 15-UIU-05 Task 1 - Initial and Rebuttal Testimony Quotation Sheet						
<u>Function</u>	<u>Total Hours</u>	<u>Hourly Rate</u>	<u>A</u> <u>Hours x</u> <u>Rate (\$)</u>	<u>B</u> <u>Optional: NYS</u> <u>Per Diem</u> <u>Transportation</u> <u>Rate (\$)<sup>1</sup></u>	<u>C</u> <u>Optional:</u> <u>NYS Per</u> <u>Diem On-</u> <u>Site Rate</u> <u>(\$)</u>	<u>Total</u> <u>Cost</u> <u>(A+B+C)</u> <u>(\$)</u>
<b>Consultant</b>						
<b>Analyst</b>						
<b>Support</b>						
<b>Task Total</b>						

<sup>1</sup> <http://osc.state.ny.us/agencies/travel/travel.htm>.

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Utility Intervention Unity RFQ # 15-UIU-05 Task 2 – Settlement Negotiations Quotation Sheet						
<u>Function</u>	<u>Total Hours</u>	<u>Hourly Rate</u>	<u>A</u> <u>Hours x</u> <u>Rate (\$)</u>	<u>B</u> <u>Optional: NYS</u> <u>Per Diem</u> <u>Transportation</u> <u>Rate (\$)²</u>	<u>C</u> <u>Optional:</u> <u>NYS Per</u> <u>Diem On-</u> <u>Site Rate</u> <u>(\$)</u>	<u>Total</u> <u>Cost</u> <u>(A+B+C)</u> <u>(\$)</u>
<b>Consultant</b>						
<b>Analyst</b>						
<b>Support</b>						
<b>Task Total</b>						

<sup>2</sup> <http://osc.state.ny.us/agencies/travel/travel.htm>.

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Utility Intervention Unit RFQ # 15-UIU-05 Task 3 – Evidentiary Hearing Testimony Quotation Sheet						
<u>Function</u>	<u>Total Hours</u>	<u>Hourly Rate</u>	<u>A</u> <u>Hours x</u> <u>Rate (\$)</u>	<u>B</u> <u>Optional: NYS</u> <u>Per Diem</u> <u>Transportation</u> <u>Rate (\$)<sup>3</sup></u>	<u>C</u> <u>Optional:</u> <u>NYS Per</u> <u>Diem On-</u> <u>Site Rate</u> <u>(\$)</u>	<u>Total</u> <u>Cost</u> <u>(A+B+C)</u> <u>(\$)</u>
<b>Consultant</b>						
<b>Analyst</b>						
<b>Support</b>						
<b>Task Total</b>						

<sup>3</sup> <http://osc.state.ny.us/agencies/travel/travel.htm>.

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**Vendor Information**

**Name:**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

**Phone Number:**

\_\_\_\_\_

**Email Address:**

\_\_\_\_\_

**Vendor Contact (if different from Vendor Information)**

**Name:**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Cell:**

\_\_\_\_\_

**Email Address:**

\_\_\_\_\_

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**Appendix  
Reservation of Rights**

In addition to all rights described in the elsewhere in the Request for Quotations, the Department of State reserves, without limitation, the rights to:

1. Reject any or all proposals received in response to the RFQ;
2. Withdraw the RFQ at any time, at the agency's sole discretion;
3. Make an award under the RFQ in whole or in part;
4. Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFQ;
5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFQ;
7. Prior to the bid opening, amend the RFQ specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFQ amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
11. Waive any requirements that are not material;
12. Negotiate with the successful bidder within the scope of the RFQ in the best interests of the state;
13. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the state;
14. Utilize any and all ideas submitted in the proposals received;
15. Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 60 days from the bid opening;

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16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a bidder's proposal and/or to determine a bidder's compliance with the requirements of the solicitation;
17. Waive or modify minor irregularities (such as typographical errors) in applications received;
18. Not fund an application that fails to submit a clear and concise work plan or budget;
19. Adjust or correct cost figures with the concurrence of the applicant if errors exist and can be documented to the satisfaction of the Department of State and the State Comptroller;
20. Award more than one contract resulting from this RFQ;
21. In its sole discretion, determine the total number of awards to be granted pursuant to this RFQ; and
22. In the event that a Work Plan submitted following award during contract negotiations is substantially different from the application submitted through the procurement process, DOS reserves the right to require modifications to the Work Plan to bring it into conformance with the application. If no such modifications are made and approved within a reasonable time period, DOS may rescind the award and make funding available to the next highest scoring application.