

RFP: EERMC-2024-02

Questions Received by 2/16/2024

Questions and Responses:

1. *Can proposed pricing be marked/kept confidential?*

Bidders may mark their proposed pricing as confidential if they determine that it is “[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.” Proposed pricing submissions will still be subject to the Rhode Island Access to Public Records Act (R.I. Gen. Laws § 38-2), but the Council may take any information marked by the offeror as confidential into consideration when conducting an analysis of materials to be released upon a public records request.

2. *What are the insurance requirements (§ 1.17)?*

Insurance requirements may be reviewed and discussed once a qualified vendor is identified and chosen to negotiate terms for a tentative award with the Council.

3. *does this clause (§ 1.18) cover damages, where EERMC incurs financial damages while represented by the selected party, regardless of negligence?*

Yes, it covers financial damages, but only if those damages are attributable to the performance or nonperformance of the awarded offeror or its subcontractors in its capacity as an attorney-at-law for the EERMC. Any offeror should consult with its professional liability insurance carrier for more information.

4. *The RFP references a 12-month contract (§ 5.3), and later references a period beginning May 1, 2024 with a possible extension in February, 2025 (§ 4(III);§ 5.5). For purposes of allocating the anticipated 100 hours, could you clarify the term of service for this RFP?*

The term of service is anticipated to be May 1, 2024 – April 30, 2025. Discussions and negotiations about opportunities for extending the contracted services would be expected to occur in February 2025.

5. *In order to properly estimate the number of meetings council should attend in 2024, could an estimated percentage of total meetings attended by council in 2023, or other previous years, be released?*

In 2023, legal counsel attended 6 public Council meetings.

6. *Is it possible to share a) the number of active PUC proceedings and b) their docket numbers?*

Examples of recent and ongoing relevant PUC dockets for the Council include dockets 23-21-EE, 23-35-EE, 23-46-EE, 23-47-EE, and 24-06-EE. Please note that this is not intended as a comprehensive list, but to provide a sample of PUC docket proceedings with Council engagement.

7. *is the legal testimony referenced here council’s own testimony, and/or preparation for miscellaneous witness testimony in support of proceedings? If it is council’s testimony, is it entered as a registered lobbyist, or in another capacity?*

The legal testimony would be the testimony of the Energy Efficiency and Resource Management Council and their delegated witnesses in support of the proceedings. The Council intervenes in regulatory dockets per its statutory authority in R.I. Gen. Laws § 42-140.1-5.

8. *The form provides for “estimated hours” and also a “total price.” How do these relate? If the total hours spent differs from the estimated hours, is the total price updated to reflect the lower, or higher, number of hours?*

The “Estimated Hours” column is the space for vendors to provide the expected amount of time each team member may spend on this contract. Total hours should be the sum of all team members’ estimated hours. During contract negotiations, the chosen vendor will be held to the hourly rates provided in their cost proposal.