**STATE OF MAINE**

**Executive Department**

*Office of the Public Advocate*



**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

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| --- | --- | --- |
| **RFP Coordinator** | **NAME:** | Kristina Winther |
| **TITLE:** | Senior Counsel |
| **EMAIL:** | kristina.r.winther@maine.gov |
| *All communication regarding the RFP must be made through the RFP Coordinator.* |

|  |  |
| --- | --- |
| **Submitted Questions Due Date** | May 14, 2025, no later than 11:59 p.m., local time |
| *All questions must be received by the RFP Coordinator by the date and time listed above.*  |

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| --- | --- | --- |
| **Proposal Submission Deadline** | **DATE:** | May 28, 2025, no later than 11:59 p.m., local time. |
| **TO:** | Proposals@maine.gov |
| *Proposals must be received electronically by the Office of State Procurement Services by the date and time listed above.* |

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PUBLIC NOTICE

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**State of Maine**

**Office of the Public Advocate**

**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

The State of Maine is seeking proposals for a consultant to assist the Office of the Public Advocate (Office) to provide consulting services to assist with regulatory proceedings related to natural gas.

A copy of the RFP and all related documents can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the Office of State Procurement Services, via e-mail, at: Proposals@maine.gov. Proposal submissions must be received no later than 11:59 p.m., local time, on May 28, 2025. Proposals will be opened the following business day.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFP, have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **COG** | Cost of Gas |
| **FERC** | Federal Energy Regulatory Commission |
| **LDC** | Natural Gas Local Distribution Company |
| **Office** | Maine Office of the Public Advocate |
| **PUC** | Maine Public Utilities Commission |
| **RFP** | Request for Proposal |
| **State** | State of Maine |

**State of Maine**

**Executive Department**

*Office of the Public Advocate*

**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Maine Office of the Public Advocate (Office) is seeking proposals to provide consulting services to assist with regulatory proceedings related to natural gas. This document provides instructions for submitting proposals, the procedure and criteria by which the awarded Bidder(s) will be selected, and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder(s).

The primary types of Maine Public Utilities Commission (PUC) cases where the Office seeks consulting support are:

* 1. PUC approval of periodic “cost of gas adjustment” cases where the four Maine natural gas local distribution companies (LDCs) pass on their supply costs to those customers for whom they provide supply;
	2. Revenue requirement and cost of service issues that arise in gas LDC rate cases, and
	3. PUC approval of the LDCs entering into long term firm transportation contracts. These services will include, but not be limited to, providing advice, and assisting in litigation in proceedings on the cost customers pay for gas and other services delivered by Maine natural gas utilities, revisions to gas utility tariffs, transportation capacity on interstate and international pipelines, and gas supply planning, as defined in this Request for Proposals (RFP) document.

The Public Advocate, by [statute,](https://legislature.maine.gov/statutes/35-A/title35-Asec1702.html) represents the interests of Maine utility ratepayers, with special emphasis on the interests of low-income customers, in proceedings before the Maine Public Utilities Commission (PUC). There are four natural gas utilities operating in Maine with customer counts ranging in size from more than 30,000 to as few as 6,000. Given the current low penetration rate of natural gas into the state, all four (4) of these utilities are involved in efforts to expand their service areas. Consolidation is occurring withing the gas LDC industry in Maine, with Northern Utilities, Inc. d/b/a Unitil having recently acquired Bangor Natural Gas Company and also having announced its proposed acquisition of Maine Natural Gas Corporation.

Because the staff of the Office is composed primarily of attorneys, we rely on a consultant to provide expert advice and testimony on gas markets and prices, sources of supply, revenue requirements, cost of service, transportations costs, gas price hedging strategies, the operations of both interstate pipelines and local distribution systems and industry best practices. This advice and testimony are critical to allowing the Office to effectively represent ratepayer interests in proceedings before the PUC and Federal Energy Regulatory Commission (FERC) concerning both questions of gas transportation, gas pricing and gas policy.

1. **General Provisions**
	1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
	2. Issuance of the RFP does not commit the Office to issue an award or to pay expenses incurred by a Bidder(s) in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
	3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Office. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of the RFP.
	4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, the Office will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Office also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
	5. The proposal must be signed by a person authorized to legally bind the Bidder and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
	6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Office.
	7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.). State contracts and information related to contracts, including bid submissions, are generally public records per FOAA.
	8. In the event that a Bidder(s) believes any information that it submits in response to this RFP is confidential, it must mark that information accordingly and include citation to legal authority in support of the Bidder’s claim of confidentiality. In the event that the Office receives a FOAA request that includes submissions marked as confidential, the Office shall evaluate the information and any legal authority from the Bidder to determine whether the information is an exception to FOAA’s definition of public record. If the Office determines to release information that a Bidder(s) has/have marked confidential, it shall provide advance notice to the Bidder(s) to allow for them to seek legal relief.
	9. The Office, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
	10. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidders’ responsibility to determine the applicability and requirements of any such laws and to abide b
2. **Contract Term**

The Office is seeking cost-efficient proposals to provide services, as defined in this RFP, for the anticipated contract period defined in the table below. The dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with the RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Renewal: Following the initial term of the contract, the Office may opt to renew the contract for two renewal periods, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

The terms of the anticipated contract, resulting from the RFP, are defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | July 15, 2025 | June 30, 2027 |
| Renewal Period #1 | July 1, 2027 | June 30,2029 |
| Renewal Period #2 | July 1, 2029 | June 30, 2030 |

1. **Number of Awards**

The Office anticipates making two (2) awards. One for each General Service Area. The Office will accept bids providing services related to one or both General Service Areas described in Section II(A) below. The Office reserves the right to issue contract(s) for services related to each General Service Area to separate bidders, or all to the same bidder.

**PART II SCOPE OF SERVICES TO BE PROVIDED**

1. **ISSUES/TASKS.**

The awarded Bidder(s) will be expected to provide the following services to be performed at the discretion of and with input from the Public Advocate. The awarded Bidder(s) will be responsible for analyzing all pertinent data and presenting overall recommendations on one or both of the following Service Area:

1. **GENERAL SERVICE AREA 1:** Gas Local Distribution Company (LDC) Rate Cases before the PUC. Gas LDC rate cases are infrequent but involve a prolonged litigation schedule of up to twelve (12) months or longer. The services will include, but not be limited to:
	* 1. Revenue requirements and cost of service for gas LDCs.
		2. General gas utility operations and customer classes.
		3. Other issues that may arise related to natural gas policy.
	1. **GENERAL SERVICE AREA 2:** Cost of Gas (COG) proceedings and proceedings related to approval of gas transportation agreements before the PUC, as well as proceedings before the PUC and FERC concerning both questions of gas transportation, gas pricing and gas policy. The services will include, but not be limited to:
		1. Gas trading and hedging activity.
		2. Gas utility applications for cost of gas rates.
		3. Annual review of the prudence of utility gas procurement activities.
		4. Integrated resource planning for gas supply and transportation.
		5. Gas supply and transmission options available to Maine utilities and customers.
		6. Gas utility tariff terms and conditions for both firm sales and transportation customers.
		7. Gas marketer operations.
		8. Gas pipeline transportation contracting, in both the U.S. and Canada.
		9. Federal/national gas pipeline regulation in both the U.S. and Canada.
		10. Other issues that may arise related to natural gas policy.

In a typical year, this will include five (5) cost of gas approval/review proceedings, one (1) to three (3) petitions for approval of obtaining interstate pipeline capacity, approximately three (3) petitions for changes to tariff language, one (1) or more policy/planning issue proceedings, one (1) or more affiliate transaction proceedings, and possible involvement in a FERC proceeding for interstate pipeline rates.

Examples of typical cost of gas proceedings can be found in PUC Dockets 2023-00043, 2022-00256; and 2021-00186. Examples of pipeline capacity cases can be found in Dockets 2023-00254 and 2019-00338. An example of an affiliate transaction can be found in Docket 2023-00195. These dockets may be accessed through the PUC’s online case management system at <https://www.maine.gov/mpuc/online-services>.

1. **SPECIFIC DESCRIPTION OF RESPONSIBLITIES.**

The awarded Bidder(s) will perform the following tasks as directed by and with the input from the Office of the Public Advocate with respect to any General Service Area(s) for which they have been selected to provide consulting services.

Most proceedings will not require a full litigation schedule. Issues are often resolved through negotiated settlement or the submission of comments. The Awarded Bidder(s) should, however, be prepared to perform the services in connection with any proceeding in which the Office participates.

* 1. Thoroughly review and evaluate gas utility petitions and applications.
	2. Assist the Office in conducting discovery of gas utilities and other parties sufficiently to make a complete analysis of utility proposals and their effects on customers. This assistance will include, without limitation, aiding in the preparation of such written requests for information as may be necessary for a thorough analysis of the case.
	3. Assist the Office in evaluating the responses to discovery and other information provided by gas utilities for the purpose of determining whether the case can be processed based on the issues identified up to that point or whether the Office should raise additional issues.
	4. Assist the Office in preparing proposed cross-examination of the expert witnesses of gas utilities and other parties and in conducting such an examination, whether at a technical conference or at a hearing before PUC. From time to time, this may include travel to Hallowell, Maine. (The offices of the Public Advocate and the PUC are both in Hallowell, Maine.)
	5. Prepare, present direct testimony, and submit to cross-examination on the issues identified in each PUC proceeding, as well as any other issues identified as necessary to raise. This may include travel to Hallowell, Maine.
	6. Assist the Office in responding to such discovery as PUC Staff, the relevant gas utility, or other parties may undertake of the Office and its consultants.
	7. Analyze rebuttal testimony filed by gas utilities and other parties and prepare proposed cross-examination thereof, together with any needed discovery. Assist in the cross-examination of gas utility rebuttal. This may include travel to and from Hallowell, Maine.
	8. Review the direct testimony of other parties and the rebuttal testimony of the gas utility and prepare and present surrebuttal evidence on the issues identified above. This may require travel to Hallowell, Maine.
	9. While performing these Tasks, assist the Office in evaluating and responding to positions taken and evidence presented by any intervenors that may participate in the case.
	10. Assist the Office in the preparation and presentation of comments, briefs, oral arguments, and exceptions before the PUC and its Hearing Examiners.
	11. Assist the Office in the appeal of any decisions from the PUC.
	12. To the extent that PUC practice permits, assist the Office in presenting to the PUC gas policy recommendations and positions the Office is advancing.
	13. When necessary, perform services 1-12 above in proceedings before FERC.
	14. Monitor state, regional, and national gas markets and issues and keep the Office informed of events and trends that may affect Maine gas customers and advise on the position that Public Advocate should take in response.
1. **MANNER OF PERFORMANCE OF THE WORK**

In performing Tasks in PART II B. 1 through 14 above, the Awarded Bidder(s) will be expected at all times to:

* 1. Communicate with the Office on a regular basis, via email and telephone, regarding the progress of the work and the results of that work.
	2. For the Office’s review, prepare drafts of all written materials to be employed in discovery, comment, litigation, or policy development, sufficiently in advance of the time that they must be submitted to the PUC to allow the Office to review the work, pose additional questions, or discuss issues or problems in greater detail.
	3. Assist the Office in proposing reasonable schedules and deadlines to the PUC for each stage of a proceeding, complete all work in accordance with such timetables or deadlines for the processing of the case as the PUC may impose.

**PART III KEY RFP EVENTS**

1. **Questions**
	1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
		1. Bidders and other interested parties should use **Appendix F** (Submitted Questions Form) for submission of questions. If used, the form is to be submitted as a WORD document.
		2. Questions must be submitted, by e-mail, and received by the RFP Coordinator identified on the cover page of the RFP as soon as possible but no later than the date and time specified on the RFP cover page.
		3. The RFP Number and Title must be included in the subject line of the e-mail containing the submitted questions. The Office assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
	2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Office of State Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Office of State Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Proposal Submission**
	1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP.
		1. Any e-mails containing original proposal submissions or any additional or revised proposal files, received after the 11:59 p.m. deadline, will be rejected without exception.
	2. **Delivery Instructions:** E-mail proposal submissions must be submitted to the Office of State Procurement Services at Proposals@maine.gov.
		1. Only proposal submissions received by e-mail will be considered. The Office assumes no liability for assuring accurate/complete e-mail transmission and receipt.
			1. Proposal submission e-mails that are successfully received by the proposals@maine.gov inbox will receive an automatic reply stating as such.
		2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
		3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Bidders should work with their Information Technology team to ensure that the proposal submission will not be encrypted due to any security settings.
		4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
	3. **Submission Format:**
		1. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202504057 Proposal Submission – [Bidder’s Name]”**
		2. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:
* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Responsible Bidder Certification)

* **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

* **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

* **File 4 [Bidder’s Name] – Cost Proposals:**

*PDF format preferred*

**Appendix D & E** (Cost Proposal Forms) and all required information and attachments stated in PART IV, Section IV.

**PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Office seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

Bidders’ proposals must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Office, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Bidders must include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information** (File #1)

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page shows the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Responsible Bidder Certification**

Bidders must complete **Appendix B** (Responsible Bidder Certification). The Responsible Bidder Certification must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

**Section II Organization Qualifications and Experience** (File #2)

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three (3) examples of projects which demonstrate their experience and expertise in performing these services, as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Organizational Chart**

Bidders must provide an organizational chart.  The organizational chart must include the project being proposed.  Each position must be identified by position title and corresponding to the personnel job descriptions.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Licensure/Certification**

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP.

* 1. **Certificate of Insurance**

Bidders must provide a certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

**Section III Proposed Services** (File #3)

* 1. **Services to be Provided**

Bidders should clearly indicate in their proposals which General Service Area(s) they are bidding on and must discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer, including a description of the methods and resources the Bidder will use and how each task involved will be accomplished. Bidders must also describe how the expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, Bidders must clearly identify the work each will perform.

**Section IV Cost Proposal** (File #4)

* 1. **General Instructions**
		1. Bidders must submit a cost proposal(s) that covers the Initial Period of Performance starting July 15, 2025 and ending on June 30, 2027.
		2. The cost proposal(s) must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
		3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Office, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
	2. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix D and/or Appendix E** (Cost Proposal Forms), following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in disqualification or reduction in scoring of the cost proposal, at the discretion of the Office.

Bidders must complete a cost proposal form for one or both of the General Service Area they are submitting a response:

* 1. Bidders submitting a proposal for **General Service Area 1 (Part II A.1):** Gas Local Distribution Company (LDC) Rate Cases before the PUC must complete **Appendix D**.
	2. Bidders submitting a proposal for **General Service Area 2 (Part II A.2):** Cost of Gas (COG) proceedings and proceedings related to approval of gas transportation agreements before the PUC, as well as proceedings before the PUC and FERC concerning both questions of gas transportation, gas pricing and gas policy must complete **Appendix E**.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process – General Information**
	1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
	2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
	3. The Office reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Office may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations.
	4. Changes to proposals, including updating or adding information, will not be permitted during any portion of the evaluation process. Therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
	1. **Scoring Weights:** Proposal scores will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria:

|  |  |  |
| --- | --- | --- |
| **Section I.** | **Preliminary Information**Proposal materials to be evaluated in this section: all elements addressed in Part IV, Section I of the RFP. | **No Points –** |
| **Section II.** | **Organization Qualifications and Experience** Proposal materials to be evaluated in this section: all elements addressed above in Part IV, Section II of the RFP. | **40 points** |
| **Section III.** | **Proposed Services** Proposal materials to be evaluated in this section: all elements addressed above in Part IV, Section III of the RFP. | **30 points** |
| **Section IV.** | **Cost Proposal** Proposal materials to be evaluated in this section:all elements addressed above in Part IV, Section IV of the RFP. | **30 points**  |

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, if applicable, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Section IV, the Cost Proposal, will be scored as described below.
	2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 30 points. Proposals with higher bid values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted cost proposal / Cost of proposal being scored) x 30 = pro-rated score

No Best and Final Offers: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process.  All Bidders are expected to provide their best value pricing with the submission of their proposal.

* 1. **Negotiations:** The Office reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Office’s Request for Proposal to an extent that may affect the price of goods or services requested. The Office reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Office may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Office may cancel the RFP, at its sole discretion.
1. **Selection and Award**
	1. The final decision regarding the award of the contract will be made by representatives of the Office subject to approval by the State Procurement Review Committee.
	2. Notification of conditional award selection or non-selection will be made in writing by the Office.
	3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
	4. The Office reserves the right to reject any and all proposals or to make multiple awards.
2. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) and [18-554 Code of Maine Rules Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of conditional contract award.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
	1. The awarded Bidder will be required to execute a State of Maine Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Office of State Procurement Services’ website at the following link: [Office of State Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Office of Administrative and Financial Services, [Chapter 110, § 3(B)(i)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110).)

This provision means that a contract cannot be effective until at least 14 calendar days after award notification.

* 1. The State recognizes that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Office’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
	2. In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.
1. **Standard State Contract Provisions**
	1. Contract Administration

Following the award, a Contract Administrator from the Office will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Office staff will be available after the award to consult with the awarded Bidder in the finalization of the contract.

* 1. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP.

Vendor will provide the Office with an estimated annual budget for the next renewal period (Part I.C) by June 1st.

Vendor shall provide at least one month’s notification to the Office by email to the Program Administrator when the balance remaining on the contract goes below $5,000.

**PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

**Appendix A** – Proposal Cover Page

**Appendix B** – Responsible Bidder Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form, General Service Area 1

**Appendix E** – Cost Proposal Form, General Service Area 2

**Appendix F** –Submitted Questions Form

**APPENDIX A**

**State of Maine**

**Office of the Public Advocate**

**PROPOSAL COVER PAGE**

**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Chief Executive - Name/Title:** |  |
| **Tel:** |  | **E-mail:** |  |
| **Headquarters Street Address:** |  |
| **Headquarters City/State/Zip:** |  |
| *(Provide information requested below if* ***different*** *from above)* |
| **Lead Point of Contact for Proposal - Name/Title:** |  |
| **Tel:** |  | **E-mail:** |  |
| **Headquarters Street Address:** |  |
| **Headquarters City/State/Zip:** |  |

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Office or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting contract with the Office if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX B**

**State of Maine**

**Office of the Public Advocate**

**RESPONSIBLE BIDDER CERTIFICATION**

**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
	1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
	2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*
6. *Is not a foreign adversary business entity (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*).*
7. *Is not on the list of prohibited companies (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*) or does not obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services* [*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies) *(Title 5 §2030-B).*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX C**

**State of Maine**

**Office of the Public Advocate**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

|  |
| --- |
| **Present a brief statement of qualifications. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.** |
|  |

|  |
| --- |
| **Provide a description of projects that occurred within the past five (5) years which reflect experience and expertise needed in performing the functions described in Part II – Scope of Services to be Provided of the RFP. Contract history with the State of Maine, whether positive or negative, may be considered in evaluating proposals even if not provided by the Bidder.***If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.*  |

|  |
| --- |
| **Project One** |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** |
|  |

|  |
| --- |
| **Project Two** |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** |
|  |

|  |
| --- |
| **Project Three** |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** |
|  |

**APPENDIX D**

**State of Maine**

**Office of the Public Advocate**

**COST PROPOSAL FORM**

**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

**GENERAL SERVICE AREA 1:** Gas Local Distribution Company (LDC) Rate Cases at PUC

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Proposed Cost:** | **$**  |

Bidders must submit a cost proposal that includes the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements. The proposed cost must be presented as an hourly rate.

Bidders must complete the tables below. The Total Project Cost must cover the Initial Period of Performance as described in Part I, C and will be used in the scoring formula defined in Part V, B.3. of the RFP.

|  |  |
| --- | --- |
| **Staff Resources – Employees** (Titles/Hourly Rates) | **Projected Costs** |
|  |  |
|  |  |
|  |  |
| **Total Staff Costs** | **$** |

|  |  |
| --- | --- |
| **Purchased Services – Non-Employees** | **Projected Costs** |
| **Consultants (including travel, etc.)** | **$** |
| **Other (Describe)** | **$** |
|  |  |
|  |  |
| **Total Purchased Services** | **$** |
|  |  |
| **Subcontracting – Non-Employees** |  **Projected Costs** |
| **Percentage of non-employee direct personal & related incidental expenses, including travel** | **%\_\_\_\_\_\_\_** |
| **Total Non-Employee Service Items & Incidental Expenses** | **$** |

|  |  |
| --- | --- |
| **Non-Personal Service Items** | **Projected Costs** |
| **Supplies and Materials** | **$** |
| **Employee Travel** | **$** |
|  |  |
|  |  |
| **Total Non-Personal Service Items** | **$** |

|  |  |
| --- | --- |
| **Other Costs** (attach list if necessary) | **Projected Costs** |
| **Indirect Costs (Rate\_\_\_\_%)** | **$** |

|  |
| --- |
| **Total Cost** |
| **Total Project Cost** | **$** |

**APPENDIX E**

**State of Maine**

**Office of the Public Advocate**

**COST PROPOSAL FORM**

**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

**GENERAL SERVICE AREA 2:** Cost of Gas (COG) proceedings at PUC, etc.

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Proposed Cost:** | **$**  |

Bidders must submit a cost proposal that includes the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements. The proposed cost must be presented as an hourly rate.

Bidders must complete the tables below. The Total Project Cost must cover the Initial Period of Performance as described in Part I, C and will be used in the scoring formula defined in Part V, B.3. of the RFP.

|  |  |
| --- | --- |
| **Staff Resources – Employees** (Titles/Hourly Rates) | **Projected Costs** |
|  |  |
|  |  |
|  |  |
| **Total Staff Costs** | **$** |

|  |  |
| --- | --- |
| **Purchased Services – Non-Employees** | **Projected Costs** |
| **Consultants (including travel, etc.)** | **$** |
| **Other (Describe)** | **$** |
|  |  |
|  |  |
| **Total Purchased Services** | **$** |
|  |  |
| **Subcontracting – Non-Employees** |  **Projected Costs** |
| **Percentage of non-employee direct personal & related incidental expenses, including travel** | **%\_\_\_\_\_\_\_** |
| **Total Non-Employee Service Items & Incidental Expenses** | **$** |

|  |  |
| --- | --- |
| **Non-Personal Service Items** | **Projected Costs** |
| **Supplies and Materials** | **$** |
| **Employee Travel** | **$** |
|  |  |
|  |  |
| **Total Non-Personal Service Items** | **$** |

|  |  |
| --- | --- |
| **Other Costs** (attach list if necessary) | **Projected Costs** |
| **Indirect Costs (Rate\_\_\_\_%)** | **$** |

|  |
| --- |
| **Total Cost** |
| **Total Project Cost** | **$** |

**APPENDIX F**

**State of Maine**

**Office of the Public Advocate**

**SUBMITTED QUESTIONS FORM**

**RFP# 202504057**

**Natural Gas Consultant for the Maine Public Advocate**

This form should be used by Bidders when submitting written questions to the RFP Coordinator as defined in Part III of the RFP.

If a question is not related to any section of the RFP, enter “N/A” under the RFP Section & Page Number. Add additional rows as necessary.

|  |  |
| --- | --- |
| **Organization Name:** |  |

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
|  |  |
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