

**STATE OF MAINE**  
**Office of the Public Advocate**



**RFP# 202005088**

**Water Rate Case Consultant for the Maine Public Advocate**

<b>RFP Coordinator</b>	<i>All communication regarding this RFP <u>must</u> be made through the RFP Coordinator identified below.</i> <b>Name:</b> Nanette M. Ardry <b>Title:</b> Senior Counsel <b>Contact Information:</b> <a href="mailto:nanette.m.ardry@maine.gov">nanette.m.ardry@maine.gov</a>
<b>Submitted Questions Due</b>	<i>All questions <u>must</u> be received by the RFP Coordinator identified above by:</i> <b>Date:</b> May 27, 2020, no later than 11:59 p.m., local time
<b>Proposal Submission</b>	<i>Proposals <u>must</u> be received by the Division of Procurement Services by:</i> <b>Submission Deadline:</b> June 8, 2020, no later than 11:59 p.m., local time. <i>Proposals <u>must</u> be submitted electronically to the following address:</i> <b>Electronic (email) Submission Address:</b> <a href="mailto:Proposals@maine.gov">Proposals@maine.gov</a>

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**PUBLIC NOTICE**

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**State of Maine  
The Office of the Public Advocate  
RFP# 202005088  
Water Rate Case 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) with litigating four (4) rate cases expected to be filed with the Maine Public Utilities Commission (MPUC) by the Maine Water Company (MWC). As described in more detail below, the two general areas for which services sought are: (1) recommending an appropriate return on equity, and (2) analyzing MWC's revenue requirement.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to this RFP, can be obtained at the following website:

<https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, to the following email address: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 pm, local time, on June 8, 2020. Proposals will be opened at the Burton M. Cross Office Building, 111 Sewall Street - 4<sup>th</sup> Floor, Augusta, Maine the following business day. Proposals not submitted to the Division of Procurement Services' aforementioned email address by the aforementioned deadline will not be considered for contract award.

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## RFP DEFINITIONS/ACRONYMS

The following terms and acronyms shall have the meaning indicated below as referenced in this RFP:

<b><u>Term/Acronym</u></b>	<b><u>Definition</u></b>
<b>MPUC</b>	Maine Public Utilities Commission
<b>Office</b>	Office of the Public Advocate
<b>RFP</b>	Request for Proposal
<b>State</b>	State of Maine
<b>MWC</b>	Maine Water Company

**State of Maine – Office of the Public Advocate**  
**RFP# 202005088**  
**Water Rate Case Consultant for the Maine Public Advocate**

**PART I INTRODUCTION**

**A. Purpose and Background**

The Office of the Public Advocate (Office) is seeking proposals to provide consulting services to assist with four (4) utility rate cases expected to be filed by Maine Water Company (MWC) as defined in this Request for Proposals (RFP) document. These services will include, but not be limited to, providing advice and assisting in litigation in proceedings on MWC's anticipated requests for increases to its rates attributable to: (1) return on equity, and (2) revenue requirements. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(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 Public Advocate, by statute, 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 (MPUC). Because the staff of the Office is composed primarily of attorneys, we rely on a consultant to provide expert advice and testimony on the matters described herein. This advice and testimony are critical to allowing the Office to effectively represent ratepayer interests in proceedings before the MPUC.

MWC is a subsidiary of Connecticut Water Service, Inc, which is itself a subsidiary of SJW Group, based in California. MWC operates eleven public water utility divisions in the State of Maine and through these divisions provides water to over 32,000 customers located in 21 towns throughout Maine. Although each division is treated as a separate utility for ratemaking purposes, with its own revenue requirement, each division typically uses a return on equity set for MWC on a company-wide basis. Pursuant to a settlement in MPUC Docket No. 2018-00008, MWC must file rate cases for four (4) of its divisions before March 1, 2022. The Docket may be found here: . The Office anticipates that one of these will be filed in the near future and the return on equity that is set in this case will likely be used in the remaining three (3) rate cases.

**B. General Provisions**

1. From the time this RFP is issued until award notification is made, all contact with the State regarding this RFP must be made through the aforementioned RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding this RFP. Violation of this provision may lead to disqualification from the bidding process, at the State's discretion.
2. Issuance of this RFP does not commit the Office to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to this RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
3. All proposals should adhere to the instructions and format requirements outlined in this 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 this RFP.

4. Bidders shall take careful note that in evaluating a proposal submitted in response to this RFP, the Office will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Office 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 shall be signed by a person authorized to legally bind the Bidder and shall 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 selected Bidder’s proposal, including all appendices or attachments, shall 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 considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) (1 M.R.S. §§ 401 et seq.).  
[State of Maine Freedom of Access Act](#)
8. The Office, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to this RFP.
9. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

### C. Eligibility to Submit Bids

All interested parties are invited to submit bids in response to this Request for Proposals.

### D. Contract Term

The Office is seeking a cost-efficient proposal(s) to provide services, as defined in this RFP, for the anticipated contract period defined in the table below. Please note that the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with this 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 twice, first for a term of two additional years and then for a term of one more additional year. Term and renewal periods, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

The term of the anticipated contract, resulting from this RFP, is defined as follows:

Period	Start Date	End Date
Initial Period of Performance	July 1, 2020	June 30, 2022
Renewal Period #1	July 1, 2022	June 30, 2024
Renewal Period #2	July 1, 2024	June 30, 2025

**E. Number of Awards**

The Office anticipates making one (1) or multiple awards, whichever is in the best interest of the State, as a result of this RFP process. The Department will accept bids providing services related to one or more of the General Areas described in Section II(A) below. The Department reserves the right to issue contract(s) for services related to each General Area either to separate bidders, or all to the same bidder.

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

**A. ISSUES/TASKS.** The contractor(s) will be expected to provide the following services to be performed at the discretion of and with input from the Office. The contractor(s) will have responsibility for analyzing all pertinent data and presenting overall recommendations on one or more of the following:

1. General Area 1: Analysis of a return on equity, rate of return, and capital structure in the first case filed, with the expectation that this information would be used in the subsequent three (3) rate case filings.
2. General Area 2: Analysis of the proper revenue requirement in all four (4) of the expected MWC rate cases.

**B. SPECIFIC DESCRIPTION OF RESPONSIBILITIES.** The general areas listed above shall be addressed by the contractor through performing any or all of the following specific responsibilities:

1. Thoroughly review and evaluate the testimony, filings and other material filed by MWC and assist the Office in analyzing one (1) or more of the above general areas and in identifying any additional issues that should be raised by the Office.
2. Assist the Office in conducting discovery of MWC or other intervening parties sufficient to make a complete analysis of MWC's proposals and the effect on customers. This assistance should include, without limitation, aid 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 MWC and other parties for the purpose of determining whether the case can be processed on the basis of the general areas identified above or whether the Office ought to raise additional issues.
4. Assist the Office in preparing proposed cross-examination of any expert witnesses and in conducting such examination, whether at a technical conference or at a MPUC hearing. From time to time, this may include travel to Hallowell, Maine. (The offices of the Maine Public Advocate and of the MPUC are near each other in Hallowell, Maine.)
5. Prepare, present direct testimony and submit to cross-examination on the general areas identified in PART II.A above, 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 MWC, MPUC Staff, or other parties may undertake of the Office and its consultants.
7. Review the direct testimony filed by MWC and other parties and prepare and present rebuttal and surrebuttal evidence on the general areas and any other issues identified above. This may require travel to Augusta, Maine.
8. Analyze rebuttal testimony filed by MWC and other parties and prepare proposed



cross-examination thereof, together with any needed discovery. Assist in the cross-examination of water utilities' rebuttal. From time to time, this may include travel to Hallowell, Maine.

9. In the course of 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 of briefs, reply briefs, oral arguments, and exceptions before the MPUC and its Hearing Examiners.
11. To the extent, and only to the extent, that MPUC practice permits, assist the Office in presenting to the MPUC such recommendations or technical adjustments as may be required in the drafting of the Examiner's Report and/or the MPUC's Decision.

**C. MANNER OF PERFORMANCE OF THE WORK.** In performing Tasks in PART II B. 1 through 11 above, the contractor will be expected at all times to:

1. Communicate with the Office on a schedule to be agreed on as to 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 or litigation, sufficiently in advance of the time that they must be submitted to the MPUC 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 MPUC for each stage of the proceedings, complete all work in accordance with such timetables or deadlines for the processing of the case as the MPUC may impose.

## PART III KEY RFP EVENTS

### A. Questions

#### 1. General Instructions

- a. 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.
- b. Bidders and other interested parties should use **Appendix E – Submitted Questions Form** – for submission of questions.
- c. The Submitted Questions Form must be submitted by e-mail and received by the RFP Coordinator, identified on the cover page of this RFP, as soon as possible but no later than the date and time specified on the RFP cover page.
- d. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Office of the Public Advocate 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: [Division of Procurement Services RFP Page](#). 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.

### B. Amendments

All amendments released in regard to this RFP will also be posted on the following website: [Division of Procurement Services RFP Page](#). 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.

### C. Submitting the Proposal

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 this RFP, at which point they will be opened. Proposals received after the 11:59p.m. deadline will be rejected without exception.
2. **Delivery Instructions:** Email proposal submissions are to be submitted to the State of Maine Division of Procurement Services, via email, to the email address provided on the RFP Cover Page ([Proposals@maine.gov](mailto:Proposals@maine.gov)).
  - a. Only proposals received by email will be considered. The Office assumes no liability for assuring accurate/complete e-mail transmission and receipt.
  - b. Bidders are to insert the following into the subject line of their email submission: **“RFP# 202005088 Proposal Submission – [Bidder Name]”**
  - c. Bidder’s proposals are to be broken down into multiple files, with each file named as it is titled in bold below, and include:
    - **File #1 – [Bidder Name]: PDF format preferred**  
Completed - Proposal Cover Page (**Appendix A**)  
Debarment, Performance and Non-Collusion Certification (**Appendix B**)

- **File #2 – [Bidder Name]**: *PDF format preferred*  
Organization Qualifications and Experience (**Appendix C** and all related/required attachments stated in PART IV, B., Section I.)
- **File #3 – [Bidder Name]**: *PDF format preferred*  
Proposed Services (and all related/required attachments stated in PART IV, B., Section II.)
- **File #4 – [Bidder Name]**: *PDF format preferred*  
Cost Proposal (**Appendix D and/or Appendix E** and all related/required attachments stated in PART IV, B., Section III.)

## PART IV PROPOSAL SUBMISSION REQUIREMENTS

This section contains instructions for Bidders to use in preparing their proposals. The Bidder's proposal must follow the outline used below, including the numbering and section and sub-section headings as they appear here. Failure to use the outline specified in this section, or to respond to all questions and instructions throughout this document, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Office of the Public Advocate, and its evaluation team for this RFP, has sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in this RFP will, at best, be considered minimally responsive. The Office of the Public Advocate seeks detailed yet succinct responses that demonstrate the Bidder's experience and ability to perform the requirements specified throughout this document.

### A. Proposal Format

1. Bidders may submit proposals to provide services related to either
  - a. General Area 1: Analysis of a return on equity, rate of return, and capital structure in the first case filed, with the expectation that this information would be used in the subsequent three rate case filings; or
  - b. General Area 2: Analysis of the proper revenue requirement in all four of the expected MWC rate cases.

The Bidder must be clear as to which of the two general areas identified in Part II of the RFP for which the Bidder is proposing to provide services. In the event that a Bidder wishes to propose providing services related to both issues, the proposed services and costs related to each issue must be clearly stated separately so that they can be individually evaluated.

2. All pages of a Bidder's proposal should be numbered consecutively beginning with number 1 on the first page of the narrative (this does not include the cover page or table of contents pages) through to the end, including all forms and attachments. For clarity, the Bidder's name should appear on every page, including Attachments. Each Attachment must reference the section or subsection number to which it corresponds.
3. The Bidder is asked to be brief and concise in responding to the RFP questions and instructions.
4. All electronic documents should be formatted for printing as formatting will not be adjusted prior to printing and reviewing these documents.
5. The Bidder may not 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.
6. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information should be presented in the same order and format as described in the RFP.
7. It is the responsibility of the Bidder to provide all information requested in the RFP package at the time of submission. Failure to provide information requested in this RFP may, at the discretion of the Office of the Public Advocate's evaluation review team, result in a lower rating for the incomplete sections and may result in the proposal being disqualified for consideration.
8. The Bidder should complete and submit the "Proposal Cover Page" provided in **Appendix A** of this RFP and provide it with the Bidder's proposal. It is important that the cover page show the specific information requested, including Bidder address(es) and other details listed. The proposal cover page shall be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

9. The Bidder should complete and submit the “Debarment, Performance and Non-Collusion Certification Form” provided in **Appendix B** of this RFP. Failure to provide this certification may result in the disqualification of the Bidder’s proposal, at the discretion of the Office of the Public Advocate.

## **B. Proposal Contents**

### **Section I Organization Qualifications and Experience**

#### **1. Overview of the Organization**

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

#### **2. Subcontractors**

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

#### **3. Organizational Chart**

If the Bidder is a multi-person entity, provide an organizational chart of the bidder’s organization. The organization chart must include the project being proposed. Each position must be identified by position title and corresponding to the personnel job descriptions and the Staffing Plan provided.

#### **4. Litigation**

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 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. If no litigation will be included, write “none” on submitted attachment.

#### **5. Licensure/Certification**

Provide documentation of any applicable licensure/certification or any specific credentials required or meaningful in providing the proposed services.

#### **6. Certificate of Insurance**

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.

#### **7. Conflicts**

List any potential conflicts of interest that could arise in proceedings where the Office takes a position in opposition to one or more of the water utilities operating in Maine.

### **Section II Proposed Services**

#### **3. Services to be Provided**

Discuss the Scope of Services referenced above in Part II of this RFP, broken down by

General Areas identified there, and what the Bidder will offer. State separately those services related to recommending a revenue requirement and those related to recommending a return on equity, rate of return and capital structure. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, clearly identify the work each will perform.

### **Section III Cost Proposal**

#### **1. General Instructions**

- a. The Bidder must submit a cost proposal that provides both an hourly rate and an estimated budget that covers the entire period of the initial contract. Please use the expected "Initial Period of Performance" dates stated in PART I, D.
- b. State separately those costs related to recommending a revenue requirement and those related to recommending a rate of return and capital structure.
- c. The cost proposal shall include the costs necessary for the Bidder to fully comply with the contract terms and conditions and RFP requirements.
- d. No costs related to the preparation of the proposal for this 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**

The Bidder should fill out **Appendix D and/or Appendix E** (Cost Proposal Form), following the instructions detailed here and in the form. Clearly state all assumptions upon which budget estimates are based. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Office. Bidders must complete a cost form for EACH general area bidders are submitting a response:

- a. Bidders submitting a proposal for **General Area 1: Revenue Requirements** (Part II A.1) **must complete Appendix D.**
- b. Bidders submitting a proposal for **General Area 2: Rate of Return on Equity** (Part II A.2) **must complete Appendix E.**

## PART V PROPOSAL EVALUATION AND SELECTION

Evaluation of the submitted proposals shall be accomplished as follows:

### A. Evaluation Process - General Information

1. An evaluation team, comprised 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 selection of a contractor shall 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, and the Office may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Interviews/presentations are not required, and changes to proposals will not be permitted during any interview/presentation process. Therefore, Bidders should submit proposals that present their rates and other requested information as clearly and completely as possible.

### B. Scoring Weights and Process

1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

#### **Section I. Organization Qualifications and Experience (40 points)**

Includes all elements addressed above in Part IV, B, Section I.

#### **Section II. Proposed Services (30 points)**

Includes all elements addressed above in Part IV, B, Section II.

#### **Section III. Cost Proposal (30 points)**

Includes all elements addressed above in Part IV, B, Section III.

2. **Scoring Process:** The review team will use a consensus approach to evaluate and score Sections I & II above. Members of the review team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections III, the Cost Proposal, will be scored as described below.
3. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in this RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 30 points. Proposals with higher bids 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 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.

4. **Negotiations:** The Office of the Public Advocate reserves the right to negotiate with the successful Bidder to finalize a contract at the same rate or cost of service as presented in the selected proposal. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Office's Request for Proposals to an extent that may affect the price of goods or services requested. The Office reserves the right to terminate contract negotiations with a selected 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.

### **C. 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 contractor selection or non-selection will be made in writing by the Office.
3. Issuance of this 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 this request, 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.

### **D. Appeal of Contract Awards**

Any person aggrieved by the award decision that results from this RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: [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 contract award.



## PART VI CONTRACT ADMINISTRATION AND CONDITIONS

### A. Contract Document

1. The successful 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 Division of Procurement Services' website at the following link:

[Division of Procurement Services Forms Page](#)

2. 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 Department of Administrative and Financial Services, Chapter 110, § 3(B)(i): [Chapter 110](#))

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

3. 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 Department's award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in this RFP may need to be adjusted, if necessary, to comply with mandated requirements.
4. In providing services and performing under the contract, the successful Bidder(s) shall act as an independent contractor and not as an agent of the State of Maine.

### B. Standard State Agreement Provisions

#### 1. Agreement Administration

- a. Following the award, an Agreement Administrator from the Office of the Public Advocate 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 successful Bidder in the finalization of the contract.
- b. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Office of the Public Advocate 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.

#### 2. 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 this RFP.

Vendor shall provide at least one month's notification to the Public Advocate by email and by U.S. Postal Service when the balance remaining on this contract goes below \$5,000.

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

1. **Appendix A** – Proposal Cover Page
2. **Appendix B** – Debarment, Performance and Non-Collusion Certification
3. **Appendix C** – Qualifications and Experience Form
4. **Appendix D** – Cost Proposal Form General Area 1: Return on Equity (Part II A.1 a)
5. **Appendix E** – Cost Proposal Form General Area 2: Revenue Requirements (Part II A.1 b)
6. **Appendix F** – Submitted Question Form

**State of Maine  
Office of the Public Advocate  
PROPOSAL COVER PAGE  
RFP# 202005088**

**Water Rate Case Consultant for the Maine Public Advocate**

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

- 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 of the Public Advocate 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 agreement with the Office should they be 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.*

<b>Name (Print):</b>	<b>Title:</b>
<b>Authorized Signature:</b>	<b>Date:</b>

**APPENDIX B**

**State of Maine  
Office of the Public Advocate  
DEBARMENT, PERFORMANCE and NON-COLLUSION CERTIFICATION  
RFP# 202005088  
Water Rate Case Consultant for the Maine Public Advocate**

<b>Bidder's Organization Name:</b>	
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*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:*

- a. 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.*
- b. Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:
 
  - i. Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.*
  - ii. Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
  - iii. 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; and*
  - iv. 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.**
- c. 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.*

**Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of the Office.**

<b>Name (Print):</b>	<b>Title:</b>
<b>Authorized Signature:</b>	<b>Date:</b>

**State of Maine  
Office of the Public Advocate  
QUALIFICATIONS & EXPERIENCE FORM  
RFP# 202005088**

**Water Rate Case Consultant for the Maine Public Advocate**

<b>Bidder's Organization Name:</b>	
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**Present a brief statement of qualifications, including any applicable licensure and/or certification. Describe the Bidder's organization and its history, 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.**

**APPENDIX C (continued)**

**Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in the “Scope of Services” portion of this RFP. For each of the project examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number and email address. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating 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.*

<b>Project One</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	

<b>Project Two</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	

**APPENDIX C (continued)**

<b>Project Three</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	



APPENDIX D

**State of Maine  
Office of the Public Advocate  
COST PROPOSAL FORM  
RFP# 202005088**

**Water Rate Case Consultant for the Maine Public Advocate  
GENERAL AREA 1:  
RETURN ON EQUITY**

<b>Bidder's Organization Name:</b>	
<b>Proposed Cost:</b>	\$

Staff Resources – Employees (Titles/Hourly Rates)	Projected Costs
<b>Total Staff Costs</b>	<b>\$</b>

Purchased Services – Non Employees	Projected Costs
<b>Consultants (including travel, etc.)</b>	<b>\$</b>
<b>Other (Describe)</b>	<b>\$</b>
<b>Total Purchased Services</b>	<b>\$</b>

Non Personal Service Items	Projected Costs
<b>Supplies and Materials</b>	<b>\$</b>
<b>Employee Travel</b>	<b>\$</b>
<b>Total Non Personal Service Items</b>	<b>\$</b>

Other Costs (attach list if necessary)	Projected Costs
<b>Indirect Costs (Rate ___%)</b>	<b>\$</b>

Total Costs	
<b>Total Project Costs</b>	<b>\$</b>

Subcontracting is limited to \_\_\_% of non-employee direct personal services and related incidental expenses, including travel.

APPENDIX E

**State of Maine  
Office of the Public Advocate  
COST PROPOSAL FORM  
RFP# 202005088**

**Water Rate Case Consultant for the Maine Public Advocate  
GENERAL AREA 2:  
REVENUE REQUIREMENT**

<b>Bidder's Organization Name:</b>	
<b>Proposed Cost:</b>	\$

Staff Resources – Employees (Titles/Hourly Rates)	Projected Costs
<b>Total Staff Costs</b>	<b>\$</b>

Purchased Services – Non Employees	Projected Costs
Consultants (including travel, etc.)	\$
Other (Describe)	\$
<b>Total Purchased Services</b>	<b>\$</b>

Non Personal Service Items	Projected Costs
Supplies and Materials	\$
Employee Travel	\$
<b>Total Non Personal Service Items</b>	<b>\$</b>

Other Costs (attach list if necessary)	Projected Costs
Indirect Costs (Rate ___%)	\$

Total Costs	
<b>Total Project Costs</b>	<b>\$</b>

Subcontracting is limited to \_\_\_% of non-employee direct personal services and related incidental expenses, including travel.

**State of Maine  
Office of the Public Advocate  
SUBMITTED QUESTIONS FORM  
RFP# 202005088**

**Water Rate Case Consultant for the Maine Public Advocate**

<b>Organization Name:</b>	
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RFP Section & Page Number	Question

*\* If a question is not related to any section of the RFP, state "N/A" under "RFP Section & Page Number".*  
*\*\* Add additional rows, if necessary.*