

Request for Proposal for Regulatory and Legal Services

RFP-21-201



Redwood Coast Energy Authority

www.RedwoodEnergy.org

June 2021

Responses to this RFP due by 5:00pm PDT on

June 14, 2021 via email to

lfischer@redwoodenergy.org

INTRODUCTION

The Redwood Coast Energy Authority is soliciting proposals from qualified firms to provide regulatory and legal services related to rules, policies and regulations affecting Community Choice Aggregation and State-funded energy efficiency programs.

Background

The Redwood Coast Energy Authority (RCEA) was formed in 2003 as a Joint Powers Authority (JPA), a local government agency of the State of California. RCEA is governed by a nine-member Board of Directors comprised of representatives from each of its member agencies, including the County of Humboldt, the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell and Trinidad, and the Humboldt Municipal Water District.

RCEA's mission is to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient and renewable resources available in the region. In 2017, RCEA became a community choice aggregator (CCA) and currently serves 93% of eligible electricity customers within its jurisdiction. In 2020, RCEA became a Program Administrator for the California Public Utilities Commission to distribute energy efficiency funds locally through 2023, and is currently developing plans to form a Regional Energy Network (REN) for rural regions and act as the Administrator agency.

RCEA is seeking support for regulatory and legal services including direct advice about and/or representation in proceedings before the various regulatory agencies, and support throughout power procurement contracting processes unique to CCAs. Less frequently, RCEA requires regulatory and legal support for non-CCA matters, including continuing to act as a Program Administrator through the CPUC and forming a Regional Energy Network (REN) and administering subsequent REN funding and implementation.

SERVICES REQUIRED – Scope of Work

The selected Proposer shall provide as-needed regulatory and legal services, as expressly authorized by RCEA (Client) or its authorized representative.

Regulatory and Legislative

The range of services may include formal representation of the Client on matters before the California Public Utilities Commission (CPUC) or other regulatory agencies; tracking, review, analysis, and guidance related to decisions, resolutions, rules, rates, tariffs, regulatory proceedings, and legislative developments affecting the Client's CCA and energy efficiency programs.

Specific matters of import to RCEA's CCA program include the Power Charge Indifference Adjustment, Integrated Resource Planning, Resource Adequacy, the Renewables Portfolio Standard, and other regulatory and legislative policy developments that pose a substantive impact to RCEA's rate-making, procurement, and compliance duties. Coordination with other CCAs and their representatives may be required during the course of performing these services.

Specific energy efficiency program services are germane to RCEA's current Elect-to-Administer Program Administrator status and the development of the Regional Energy Network. Services may include recommending strategies and preparation of compliance filings and documentation and drafting comments, responses, and addressing protests or other responses to the Client's filings. Attending meetings pertaining to REN program development, including support of the California Energy Efficiency Coordinating Committee review process, may be required.

Power Procurement Contracting

Services may include development and review of power procurement solicitations and pro forma agreements. The firm may assist with analyzing benefits and risks to the Client associated with various qualitative contract terms and coordinating with the Client's technical and general counsel to modify and finalize agreements. The firm may assist with drafting comments and feedback, and otherwise provide counsel during the negotiation process, in response to counterparties' questions and suggested revisions.

KEY DATES – Proposal Evaluation and Selection

Key dates for proposal evaluation and selection are as follows:

Distribution of RFP	June 1, 2021
Deadline for submission of questions	5:00pm, PDT June 9 th
Proposal submission	5:00pm, PDT June 14 th
Interviews, as needed	Week of June 14 th
Recommendation	June 24, 2021
Notification and engagement	June 25, 2021

Questions

Questions regarding this RFP should be emailed to Lexie Fischer, Contracts & Grants Manager, at lfischer@redwoodenergy.org by the date and time listed in the table above.

Proposal Submission

Please submit proposals by **5:00pm PDT, June 14, 2021** electronically to lfischer@redwoodenergy.org. Late submissions may not be accepted; make sure to submit early to ensure successful electronic delivery.

Proposal Review and Recommendation

Proposals will be reviewed by RCEA staff which, at its discretion, may request a meeting with one or more proposers. During the evaluation process, RCEA reserves the right, where it may serve the agency's best interest, to request additional information and clarification from proposers, or to allow the corrections of errors and omissions. Staff will recommend entering into contract with the proposer(s) best meeting the requirements set forth in this RFP. The RCEA Board of Directors shall make the final selection decision and approve any resulting contract(s). RCEA reserves the right to remove from consideration any or all proposals at its sole discretion.

We will make every effort to administer the proposal process in accordance with the terms and dates discussed in this RFP. However, we reserve the right to modify the proposal process and dates as deemed necessary and reserve the right to not award a contract. RCEA assumes no obligation for any costs incurred by any proposer in preparing the response to this request, attending an interview, or any other activity prior to award of the contract(s) to the selected proposer(s).

TERMS AND CONDITIONS

Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP unless clearly and specifically noted in the proposal submitted and confirmed in any resulting contract between RCEA and the selected firm.

Contract

The regulatory and legal services contract will become effective on the execution of the contract for three (3) fiscal years, with continued engagement beyond the first year contingent upon a successful performance evaluation at the end of the first year. The performance evaluation may include factors such as:

- Were services timely and responsive to requests?
- Was communication with RCEA staff clear and consistent?
- Were services performed in a professional manner?

Additional Services

If it should become necessary for RCEA to request the firm to render any additional services to either supplement the services requested in this RFP or to perform additional work, then such additional work shall be performed only if set forth in an addendum to the contract between RCEA and the firm. Any such additional work agreed to shall be performed at the same rates set forth in the contract.

Payment

Progress payments will be made on work completed during the course of the contract. Interim billings shall cover a period of not less than a calendar month.

Insurance

The selected firm shall maintain comprehensive general liability and professional liability coverage in the minimum amount of \$1 million minimum for each, and shall provide, prior to execution of a contract, a Certificate of Insurance with RCEA named as additional insured.

PROPOSAL REQUIREMENTS

Cover/Transmittal Page

- Proposing firm's name, address, and phone, and the location of the office from which the services are to be performed.
- Name(s) of person(s) authorized to represent the firm, authorized to answer questions and bind the firm, including the person(s) title and contact information.
- An affirmative statement that the firm and all assigned key professional staff are properly licensed to practice in California.
- A list of any professional relationships involving RCEA for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed work.
- A statement acknowledging that the firm shall give RCEA written notice of any professional relationships entered into during this period of agreement.

Qualifications

- Provide a description of firm qualifications and experience with respect to the Scope of Work contained within this RFP.
- Provide a list of references for which the firm has performed regulatory and/or legal services for CCAs and/or State-funded energy efficiency programs.
- Provide a description of the qualifications of all personnel who will be assigned to these services.

Costs and Fees

Please provide billing rates to perform the services specified in the Scope of Work section.

SELECTION CRITERIA

Proposals will be considered responsive to this RFP if they meet all the following mandatory elements:

- The firm is independent, insured and licensed to practice in California.
- The firm has no conflict of interest with any other work to be performed for RCEA.
- The firm provided all of the information detailed in the Proposal Requirements section above.
- The firm has provided references.

Responsive proposals will be further evaluated on the following criteria:

- Responsiveness of the proposal to this RFP in its entirety.
- Prior experience in providing regulatory and legal services to government agencies comparable to RCEA.
- Qualifications of the firm and assigned staff, as well as the quality of management support.
- Cost and fees.