

Request for Proposal for Regulatory and Legal Services

RFP-22-202



Redwood Coast Energy Authority

www.RedwoodEnergy.org

September 2022

Responses to this RFP due by 5:00pm PDT on
October 14, 2022 via email to
lperez@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 Regional Energy Networks. Regional Energy Networks (RENs) are authorized by the California Public Utilities Commission to use ratepayer funds to plan and administer energy efficiency programs independent from the IOUs. RENs exist to fill gaps in California's energy efficiency portfolio of programs and serve Hard-To-Reach customers.

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 an Elect-to-Administer Program Administrator for the California Public Utilities Commission to distribute energy efficiency funds locally through 2023. In March 2022, RCEA – on behalf of itself and six partner organizations – filed a motion to form a new REN. The proposed REN is the Rural Regional Energy Network (RuralREN) which would serve hard-to-reach and underserved customers in 31 rural counties across the state. RCEA is the designated Program Administrator for the proposed RuralREN.

RCEA is seeking support for regulatory and legal services for the development of the RuralREN. These services include but are not limited to direct advice and representation in related CPUC proceedings (namely A. 22-02-005). The RuralREN's motion is being considered for approval in the A. 22-02-005 proceeding, alongside the other existing PA's Applications. The CPUC plans to issue a decision on approval of the Motion and Applications by Q4 of 2023. Between now and then, support will be needed for the following potential regulatory and legal activities: responses to data requests, testimony, motions to strike testimony, cross-examination, comment letters, briefs, ex partes, meetings with Energy Division, meet and confers, settlement discussions, status conferences, evidentiary hearings, and exhibit preparation.

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 Legal Services

The range of services may include formal representation of the Client on matters before the California Public Utilities Commission (CPUC); tracking, review, analysis, and guidance related to decisions, resolutions, rules, and regulatory proceedings (namely A. 22-02-005) affecting the Client's proposed RuralREN program. More specifically, the services above may pertain to responses to data requests, testimony, motions to strike testimony, cross-examination, comment letters, briefs, ex partes, meetings with Energy Division, meet and confers, settlement discussions, status conferences, evidentiary hearings, and exhibit preparation.

Specific matters of import to RCEA's proposed RuralREN program include, but are not limited to, the impacts of forthcoming proposed decisions on policy rulings that could impact the RuralREN's proposed programs, efforts by other parties that could impact the RuralREN's requested budget, coordinating with existing RENs to advocate for outcomes favorable to maintaining the REN framework and autonomy, subjecting the RuralREN to proceeding developments that are not appropriate for a *proposed* Program Administrator, and other regulatory developments that could pose a substantive impact to the RuralREN's ability to effectively implement its Business Plan and fulfill its compliance duties. Coordination with the other RuralREN partners and their representatives may be required during the course of performing these services. Attending meetings pertaining to RuralREN regulatory engagement and providing legal counsel pertaining to REN formation and program development may be required as well.

KEY DATES – Proposal Evaluation and Selection

Key dates for proposal evaluation and selection are as follows:

Distribution of RFP	September 30, 2022
Deadline for submission of questions	5:00pm, PDT October 7 th
Proposal submission	5:00pm, PDT October 14 th
Interviews, as needed	Week of October 17 th
Recommendation	October 20, 2022
Notification and engagement	October 21, 2022

Questions

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

Proposal Submission

Please submit proposals by **5:00pm PDT, October 14, 2022** electronically to lperez@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 through December 31, 2023, with continued engagement beyond the initial term contingent upon a successful performance evaluation at the end of the initial term. 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 that pose a potential conflict with the work RCEA is doing.

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 Regional Energy Networks.
- 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 form 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 Regional Energy Networks and government agencies comparable to RCEA.
- Qualifications of the firm and assigned staff, as well as the quality of management support.
- Cost and fees.

Supplier Clearinghouse and Labor Practices

Consistent with the California Public Utilities Code and California Public Utilities Commission (CPUC) policy objectives, RCEA collects information regarding supplier diversity and labor practices from its contractors regarding past, current and/or planned efforts and policies. Pursuant to Public Utilities Code §§ 8281-8286 (through which the CPUC requires RCEA and its commission-regulated subsidiaries and affiliates to submit annual detailed and verifiable plans for increasing women-owned, minority-owned, disabled veteran-owned and LGBT-owned business enterprises' procurement in all categories), respondents that execute a contract with RCEA will be required to complete a supplier diversity questionnaire at the time of execution, and/or periodically at later dates as specified by RCEA. Respondents that are women, minority, LGBT, and disabled veteran-owned businesses are encouraged to apply for certification by the CPUC's Supplier Diversity Clearinghouse Program. This certification is voluntary and will not be used as a criterion for evaluation. As required by law in California, RCEA as a public agency does not give preferential treatment based on race, sex, color, ethnicity, or national origin; providing such information as part of the offer package will not impact the selection process or good standing of executed contracts.