

**REQUEST FOR PROPOSAL**

**OPC-RFP-T-2022-10**

**For**

**Technical Services Regarding Potomac Electric Power Company's Multiyear  
Rate Plan Annual Informational Filing for Electric Distribution Service in the  
District of Columbia**

**Public Service Commission of the District of Columbia**

**Formal Case No. 1156**

**Sponsored by the**

**Office of the People's Counsel for the District of Columbia**

RFP Issue Date: April 1, 2022

Proposal Due Date: April 11, 2022

**SECTION 1 - SCOPE OF WORK**

**I. Introduction**

In order to assist the Office of the People’s Counsel for the District of Columbia (OPC or Office), the statutory representative for District of Columbia ratepayers, in its representation of District of Columbia ratepayers, OPC seeks technical services from qualified firms and individuals with experience in public utility regulation and utility rate cases, specifically in the areas of multiyear rate plans and reviewing utility accounting and revenue requirement calculations. The awardee under this RFP will not be addressing electric plant in service, as that issue is being addressed by another expert, however the awardee will need to coordinate with OPC’s other experts.

This request for proposals (RFP) is released pursuant to OPC’s contract and procurement authority as outlined in D.C. Code §§ 34-804(c), 34-912.

**II. Background**

On May 30, 2019, the Potomac Electric Power Company (Pepco) filed an Application with the District of Columbia Public Service Commission (Commission or PSC) requesting to change from a traditional rate-setting methodology (based on a six-month actual and six-month projected test year) to a multiyear rate plan (“MRP”) mechanism based on fully projected costs. Under its MRP methodology, Pepco sought to increase existing distribution service rates and charges by \$162 million over a three-year period. If the PSC rejected Pepco’s MRP request, Pepco sought an alternative traditional test year rate increase of \$88.6 million increase to its base rates. On September 16, 2019, Pepco filed supplemental testimony to update the forecasted amounts in its historic test year to actuals. In so doing, Pepco also added five new ratemaking adjustments and proposed other modifications to its multiyear rate plan.

OPC submitted direct testimony on March 6, 2020. On March 11, 2020, Mayor Bowser declared a public emergency and public health emergency due to the COVID-19 global pandemic. On April 8, 2020, Pepco filed rebuttal testimony and further amended its the requested increase. Per Order No. 2034937, OPC filed surrebuttal testimony on June 1, 2020. Pepco also filed surrebuttal testimony and presented for the first time, its MRP Enhanced Proposal (“EMRP”) which included a request for a \$135.9 million increase between 2020 and 2022. Pepco’s EMRP abandoned the proposal to use projected costs, and instead based the revenue requirement for each year of the plan on a historic test year and escalators that changed based on the cost category. OPC filed supplemental testimony on the EMRP on July 27, 2020.

Virtual evidentiary hearings were held on Pepco’s proposals on October 26-27, 2020. OPC filed its opening brief on December 9 and reply brief on December 23, 2020.

On June 8, 2021, the Commission issued Order No. 20755 approving a Modified EMRP with a net increase of 108.6 million through December of 2023. In so doing, the Commission required Pepco to submit “an annual information filing that compares revenue requirement line items based on updated 2021 projections. . . Pepco’s annual review shall contain worksheets and detailed explanations showing the differences between the Modified EMRP forecasted projections

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and the actual results for each of the years.”<sup>1</sup> Order No. 20755 further provided that parties will have 45 days to conduct discovery on the filing and an additional 15 days after the close of discovery to file comments on the annual filing.<sup>2</sup> In its Rehearing Order, Order No. 21042, the Commission expanded these deadlines and stated that:

Parties will now have a full 60 days from the date of the reconciliation filing to conduct discovery with an additional 15 days to file comments on the reconciliation filing. Further, the Commission directs Pepco to respond to discovery requests within five (5) business days. No data request or follow-up data request can be filed after May 30th in 2022 and 2023.<sup>3</sup>

The Commission further reiterated that: “if significant disparity arises between forecasted and actual expenditures, a hearing may be held to address whether any adjustments should be made.”<sup>4</sup>

Pepco filed the CY 2021 Reconciliation Filing on March 31, 2021. OPC issues this RFP for technical assistance in reviewing and addressing the reconciliation filing, specifically the non-capital investment portions of the filing. The Office seeks technical services from firms and individuals that can perform the tasks outlined in Subsection III- Scope of Work.

### III. Scope of Work

OPC seeks technical services from qualified firms and individuals with the experience and expertise to inform and advise the Office on Pepco’s reconciliation filings for the Modified Enhanced Multiyear Rate Plan (EMRP) for CY 2021 and to help determine whether expenses were prudent with respect to both the need for and the amount of the costs. Offerors will be expected to:

- review and analyze all filing materials and related documents in this proceeding, including OPC’s testimony on the revenue requirement, Commission orders on the same, and the Company’s Reconciliation Filing;
- prepare relevant issues analyses for the preparation of comments on the Reconciliation Filing;
- draft data requests, and review data responses including responses submitted to other parties’ discovery requests;
- assist with drafting comments, and if necessary draft an affidavit in support of the comments;
- if applicable, submit to cross-examination at an evidentiary hearing before the Commission and assist with post-hearing transcript analysis and corrections;
- as needed, attend all necessary hearing, meetings, and conferences with the Office, the Commission, and other parties on the Company’s rate filings;

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<sup>1</sup> Order No. 20755, ¶ 160.

<sup>2</sup> *Id.*, ¶ 162.

<sup>3</sup> Order No. 21042, ¶ 83.

<sup>4</sup> *Id.*

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- as needed, review the Commission's substantive orders to advise OPC on any issues that may require reconsideration.

The successful offeror is expected to use their professional judgment to project a reasonable work plan for this assignment, resulting in the completion of the tasks for a fixed price.

OPC recognizes that there are circumstances where, for unforeseeable reasons, the scope of work will necessarily expand beyond that reasonably contemplated in the original proposal and, therefore, the Office will consider written requests for additional compensation addressed to the Office at least fourteen (14) business days prior to commencing the work for which additional compensation is sought to enable the Office to consider the request. No work may be commenced until the Office and the successful offeror have executed a contract amendment for the additional compensation.

### **SECTION 2 – INDEPENDENT CAPACITY; NON-ASSIGNABILITY**

The successful offeror and any agents and employees thereof shall, in the performance of work under the proposal and this RFP, act in an independent capacity and not as officers or employees of the District of Columbia government. The successful offeror shall not assign nor transfer any interest under the contract resulting from this RFP without the prior written consent of OPC.

### **SECTION 3 – INDEMNIFICATION**

The successful offeror agrees to indemnify, defend, and hold harmless the Office and the District of Columbia government, its officers, employees and agents from any and all claims and/or losses accruing or resulting to persons, firms, or corporations who may be injured or damaged by the successful offeror in the performance of its duties and responsibilities under the proposal accepted by OPC and also from and against any liability, including costs and expenses, for violation of proprietary rights, copyrights, or rights of privacy or confidentiality arising out of the publication, translation, reproduction, delivery, performance, use or disposition of any data furnished pursuant to this engagement or based on any libelous or otherwise unlawful matter contained in such data.

### **SECTION 4 – ACCESS TO RECORDS**

The successful offeror agrees that OPC, through its authorized agents and employees, shall have the right to examine and audit such books, records, and other documents in the possession or control of the successful offeror as necessary to verify the fees, charges and expenses billed to the Office under this engagement.

### **SECTION 5 – CONFIDENTIALITY OF PROPOSALS, WORK PAPERS, AND MATERIALS**

The proposal filed in response to this RFP shall be considered a public document and may be available to the public pursuant to the District's freedom of information laws. The successful offeror agrees that the Office shall own and have unlimited right to all interim and final written testimony, exhibits, or reports, and that the successful offeror shall not assert any rights or establish any claim under existing copyright, patent, or data law as to such material or processes. The

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successful offeror further agrees that upon request it will submit to the Office original or legible copies of all work papers created by the successful offeror in support of its testimony, exhibits, or reports during the course of this engagement.

### **SECTION 6 – TERMS AND CONDITIONS RELATED TO THE RFP**

This RFP does not bind or otherwise commit OPC to enter into a contract or to pay any cost incurred in the preparation of a proposal in response to this request. OPC reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel or modify this RFP in whole or in part. OPC reserves the right to request additional written data, information, oral discussion, or presentations in support of any written proposal or portion thereof, which is deemed necessary to clarify any aspect of a proposal.

### **SECTION 7 – TERMS AND CONDITIONS RELATED TO THE SCOPE OF WORK**

It is understood and agreed that if, through any cause or for any reason, the successful offeror fails to fulfill in a timely and professional manner the obligations under the successful proposal or violates any of the terms of this RFP or contract entered into pursuant to this RFP, the Office shall have the right to terminate the contract by giving written notice of termination. In the event of such termination, all finished or unfinished documents, data, studies, testimony, exhibits, or other material prepared or being prepared pursuant to this engagement shall, at the option of the Office, become OPC's property and the successful offeror shall be entitled to receive just and equitable compensation for any reasonably satisfactory work performed.

### **SECTION 8 – RFP AVAILABILITY**

A copy of this RFP may be obtained by e-mail or written request to:

Naunihal "Nick" Singh Gumer  
Director, Regulatory Finance  
Office of the People's Counsel for the District of Columbia  
1133 15<sup>th</sup> Street, N.W. Suite 500  
Washington, D.C. 20005  
[ngumer@opc-dc.gov](mailto:ngumer@opc-dc.gov)

### **SECTION 9 – PROPOSAL DEADLINE AND METHOD FOR SUBMISSION**

The times stated in this document refer to Eastern Daylight Time (EDT). Interested firms and individuals must submit **one (1) electronic version (email attachment) in PDF format by 4:00 p.m. EDT on April 11, 2022** to: [ngumer@opc-dc.gov](mailto:ngumer@opc-dc.gov). All proposals received after this deadline will not be considered.

**Faxed proposals will not be accepted under any circumstances.**

**The offer must also mail, within 48 hours of submitting the electronic copy, one hard copy of their proposal in a sealed envelope marked: "Technical Services Regarding Potomac Electric Power Company's Multiyear Rate Plan Annual Informational Filing for Electric Distribution Service in the District of Columbia" to:**

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Naunihal “Nick” Singh Gumer  
Director, Regulatory Finance  
Office of the People’s Counsel for the District of Columbia  
1133 15<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20005

**SECTION 10– ELIGIBLE OFFERORS**

To be eligible, the offeror must demonstrate technical capabilities, competence, and resources to perform the duties as delineated in the Scope of Work in Section 1 of this RFP.

**SECTION 11 – PROPOSAL REQUIREMENTS**

In addition to meeting the requirements of Section 9 and Attachment A, Section B, proposals submitted in response to this request must:

- **BE WRITTEN ENTIRELY ON 8½” x 11” PAPER;**
- **INCLUDE A TABLE OF CONTENTS WITH INDEX TABS FOR EACH SECTION;**
- **HAVE ALL PAGES NUMBERED;**
- **INCLUDE ALL NECESSARY APPENDICES AND ATTACHMENTS;**
- **BE STAPLED IN THE TOP LEFT CORNER OR BOUND IN A 3-RING BINDER;**
- **AND**
- **BE SUBMITTED IN A MANNER THAT DOES NOT PRESENT ANY BENEFIT, KEEPSAKE, OR VALUE FOR MEMBERS OF THE REVIEW PANEL.**

Proposals must begin with a cover page that clearly states the name of the offeror and the name and address of the company, as well as the telephone number, fax number, and e-mail address of the person who may be contacted directly regarding the proposal. Proposals must be signed by a principal, officer or partner authorized to bind the offeror contractually. All parts of the proposal after the cover page must be filed under seal. OPC is interested in a qualitative approach for submitted proposals. Thus, a brief, clear, and concise proposal is more desirable than an unnecessarily large proposal.

**SECTION 12 – SOURCE SELECTION**

The Office will award the contract to the offeror that, in light of all factors, best meets the requirements of this RFP. Each proposal will be evaluated in accordance with the procedures detailed in this RFP. OPC’s selection of a successful offeror will be based on the special provisions and requirements in Attachment A. Activities will commence after contract negotiations and award and after the contract funding has been secured.

**SECTION 13 – LIST OF ATTACHMENTS**

Attachment A	Special Provisions
Attachment B	Disclosure Statement

**ATTACHMENT A**

**SECTION A: SPECIAL PROVISIONS**

**A.1 Preference for Local and Disadvantaged Business Enterprises or Businesses Operating in an Enterprise Zone**

**General:** Pursuant to the provisions of D.C. Code § 2-218.43, OPC gives a preference to offerors that are certified by the District of Columbia Department of Small and Local Business Development (“DSLBD”) as having resident business ownership, being in a Local Business Enterprise, being a Disadvantaged Business Enterprise, or as operating in an Enterprise Zone. A copy of the certification acknowledgment letter must be submitted with the offeror’s submission.

In accordance with this law, the following preferences are awarded in evaluating an offeror’s proposal:

- Three points shall be awarded if the offeror is certified as a small business enterprise;
- Five points shall be awarded if the offeror is certified as resident-owned business;
- Ten points shall be awarded if the offeror is certified as a longtime resident business;
- Two points shall be awarded if the offeror is certified as a local business enterprise;
- Two points shall be awarded if the offeror is certified as a local business enterprise with its principal office located in an enterprise zone;
- Two points shall be awarded if the offeror is certified as a disadvantaged business enterprise; and
- Two points shall be awarded if the offeror is certified veteran-owned business enterprise.

A Certified Business Enterprise (“CBE”) is to be entitled to any or all of the preferences provided herein, but in no case shall a certified business enterprise be entitled to a preference of more than 12 points or a reduction in price of more than 12 percent.

**Information:** For information regarding the application process, contact DSLBD at the following address or telephone number:

Department of Small and Local Business Development  
One Judiciary Square Building  
441 - 4th Street, NW, 9th Floor, Suite 970 N  
Washington, DC 20001  
(202) 727-3900 (Telephone Number)  
(202) 724-3786 (Facsimile Number)

Any offeror with Local Business Enterprise or Disadvantaged Business Enterprise certification as its joint venture or constituent entity, shall be entitled to the applicable preference points provided for in D.C. Official Code § 2-218.43 in direct proportion to the percentage of the effort to be performed by the Local Business Enterprise or Disadvantaged Business Enterprise. A copy of the certification acknowledgment letter must be submitted with the offeror’s proposal.

**A.2 Time**

Unless otherwise specified in this RFP, time, if stated in number of days, shall include Saturdays, Sundays and holidays.

**A.3 Licensing, Accreditation, and Registration**

The selected offeror must comply with all applicable District of Columbia and federal licensing, accreditation, and registration requirements and standards necessary for the performance of the contract.

**A.4 Limitation of Authority**

Only the Office or a person with prior written authority from the Office will have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of the contract. Furthermore, any alteration, amendment, modification, or waiver of any clause or condition of this RFP is not effective or binding unless made in writing and signed by OPC or its authorized representative.

**A.5 Conformance with Laws**

It will be the responsibility of the selected offeror to perform under the contract in conformance with all statutes, laws, codes, ordinances, regulations, rules, requirements, orders, and policies of governmental bodies, including, without limitation, the U.S. Government and the District of Columbia government; and it is the sole responsibility of the selected offeror to identify the statutes, laws, codes, ordinances, regulations, rules, requirements, orders and policies that apply and their effect.

**SECTION B: PROPOSAL REQUIREMENTS**

Offerors will be required to submit the following information with their proposals:

**B.1 Executive Summary**

Offerors must provide a brief overview of the proposed work plan and Offeror's experience.

**B.2 CBE Utilization Plan**

If applicable, an Offeror that is certified by the District of Columbia Department of Small and Local Business Development ("DSLBD") should identify what category of certification it holds (*see* Section A.1 above) and should provide a copy of the certification acknowledgment letter.

**B.3 Work Plan(s)**

Offerors must describe clearly and specifically their proposals for carrying out the responsibilities associated with the Scope of Work in Section 1 of this RFP, and, if applicable, provide a proposed timeline of deliverables that identifies key milestones, tasks, activities and events.



**B.4 Prior Experience and Qualifications**

Offerors must describe their credentials, qualifications, and prior experience with respect to the Scope of Work outlined in Section 1 of this RFP. In particular, offerors should address their experience with the subject matter for which the technical services are being sought, with drafting discovery and testimony, and with being presented for cross-examination.

**B.5 Personnel**

Offerors must identify the persons who will perform tasks outlined in the Scope of Work set forth in this RFP and provide a detailed resume for each individual that describes the qualifications applicable to the performance of the tasks for which the individual will be responsible. Please include an organizational chart showing reporting relationships of team personnel. OPC must be notified of any personnel changes if individuals assigned to work on this project(s) are relieved of their responsibilities or reassigned. Offerors shall designate one individual as the project manager and this individual shall be responsible for project management, reporting, coordination, and accountability for the entire project.

**B.6 Budget**

Offerors must justify all costs in terms of activities and objects of expenditure to ensure the costs are reasonable and necessary to the project as outlined in the Scope of Work in this RFP. Financial resources must be adequately and appropriately allocated among cost categories in a cost-effective and prudent business manner to accomplish the RFP objectives and activities. Services to be purchased from other agencies; subcontractors, including any amounts subcontracted to CBEs, consultants, and others must be specified.

**Proposals must provide the total charges to be provided for the services rendered in the following format listing the hourly rate for every person.**

<u>NAME</u>	<u>BILLING RATE</u>	<u>HOURS</u>	<u>EXPENSES</u>	<u>TOTAL</u>
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**Partner/Principal**

**Project Manager (if any)**

**All others (by name)**

**All other fees or expenses**

Each proposal must contain the following statement:

**The Office of the People’s Counsel shall pay offeror as full compensation for all authorized work performed and accepted including all costs, fees and expenses, an amount not to exceed \$ \_\_\_\_\_.**

The Office reserves the right to disallow expenses charged for this engagement if OPC determines such expenses are unreasonable. The successful offeror must make every effort to minimize the cost of hotels, meals and transportation.

**B.7 Statement Regarding Diversity, Equity, and Inclusion**

Please provide a brief explanation of the efforts, if any, the Offeror has taken to foster diversity, equity, and inclusion in its employee hiring and retention processes.

**B.8 Disclosure Statement and Statement Regarding Potential Conflicts of Interest**

Each offeror must provide a disclosure statement substantially in the same form as the statement provided in Attachment B. Each offeror must also identify any relationships between itself or its employees and the companies under the jurisdiction of the Public Service Commission of the District of Columbia, or any parent, subsidiary, or affiliate of such companies. The extent, nature, and time aspects must be identified. If there are or have been no such relationships, a statement to that effect shall be included in the proposal. Failure to provide the statement on potential conflicts of interest will automatically disqualify the offeror.

**B.9 Employer Identification Information**

Each offeror must provide the Office with its 9-digit Federal Employer Identification Number (“EIN”) or Social Security Number (“SSN”) if offeror is an individual.

**B.10 Debarment and Suspension**

By submitting a proposal to the Office, offerors understand, agree, and certify that:

- a. Submitting a proposal with a false statement is a material breach of contract and shall void the submitted proposal and any resulting contract, and the offeror shall be removed from all future contracting opportunities with OPC. The Office may debar and suspend the offeror for: (i) engaging in contract fraud or a criminal offense incident to obtaining, attempting to obtain, or performing a public contract or subcontract (Payments due under the contract will be applied towards any debt, including but not limited to, delinquent taxes owed to the District of Columbia); (ii) violating Federal or state antitrust statutes arising out of submission of bids and proposals; (iii) engaging in acts involving embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, false statements, tax evasion, or any other offense indicating a lack of business integrity or business honesty; and, (iv) being convicted of any other offense that indicates a lack of business integrity or present responsibility as a offeror.
  
- b. OPC, in its discretion, may debar or suspend any offeror as a result of: (i) willful failure to perform in accordance with the specifications within the time limit provided in a contract; (ii) a record of failure to perform or of unsatisfactory performance of the terms of one or more contracts; or (iii) false assertion of status giving rise to special benefits under the laws of the District of Columbia.

## SECTION C: ACKNOWLEDGMENT OF AMENDMENTS AND ADDENDA

### C.1 Acknowledgment of Amendments and Addenda

Offerors must acknowledge receipt of any amendment or addendum to this RFP by: (i) signing and returning the amendment or addendum or (ii) letter or telegram, including mailgrams or by facsimile. The Office must receive the acknowledgment by the date and time specified for receipt of the submissions. An offeror's failure to acknowledge an amendment or addenda may result in rejection of the proposal.

## SECTION D: GENERAL INFORMATION

### D.1 Contact Person

For information regarding this RFP, please contact:

Naunihal "Nick" Singh Gumer  
Director, Regulatory Finance  
Office of the People's Counsel for the District of Columbia  
1133 15<sup>th</sup> Street, N.W. Suite 500  
Washington, D.C. 20005  
[ngumer@opc-dc.gov](mailto:ngumer@opc-dc.gov)  
Telephone: (202) 727-3071

### D.2 Explanations to Prospective Offerors

Offerors should carefully examine this RFP and all amendments, addenda, or other revisions, and be thoroughly familiar with all requirements prior to proffering a submission. Should an offeror find discrepancies or ambiguities in, or omissions from, the RFP and amendments, addenda or revisions, or otherwise desire an explanation or interpretation of the RFP, any amendments, addenda, or revisions, the offeror must submit a request for interpretation or correction in writing. Any information given to an offeror concerning the solicitation shall be furnished promptly to all other offerors as an amendment or addendum to this RFP, if in the sole discretion of the Office, that information is necessary in proffering submissions, or if the lack thereof would be prejudicial to any other prospective offerors. Oral explanations or instructions given before the award of the contract shall not be binding.

### D.3 Written or Oral Discussions

The Office is permitted to conduct oral discussions with offerors that tender submissions to expedite the proposal evaluation process.

### D.4 Award Without Discussions

In order to meet the award schedule, OPC will make every effort to award the prospective contract without either written or oral discussions. Therefore, each offeror is advised that it should submit a complete and thorough submission that is fully compliant with the instructions in this RFP.

**D.5 Retention of Submissions**

OPC will retain all submissions; therefore, no submission will be returned to offerors.

**D.6 Examination of Submissions**

Offerors are expected to examine the requirements of all instructions (including all amendments, addenda, attachments, and exhibits) in this RFP. Failure to do so shall be at the sole risk of the offeror and may result in disqualification.

**D.7 Late Submissions: Modifications**

Any submission or Best and Final Offer received at OPC after the exact time specified for receipt shall not be considered. Any modification of a submission, including a modification resulting from the Office's request for Best and Final Offers, is subject to the same conditions set forth in Section C. The only acceptable evidence to establish the time of receipt at OPC is the time-date stamp of the Office on the submission cover page, or other documentary evidence of receipt maintained by OPC. Notwithstanding any other provisions of this RFP to the contrary, a late modification of an otherwise successful submission that makes the terms more favorable to the Office may be considered at any time it is received and may be accepted. Submissions shall be irrevocable and remain in full force and effect for a period not less than 120 days after receipt of submissions.

**D.8 No Compensation for Preparation of Submissions**

The Office will not bear or assume any financial obligation or liability regarding the preparation of any submissions in response to this RFP, or prepared in connection therewith, including, but not limited to, any submissions, statements, reports, data, information, materials or other documents or items.

**D.9 Rejection of Submissions**

The Office reserves the right, in its sole discretion:

1. To cancel this solicitation or reject all submissions.
2. To reject submissions that contain conditions and/or contingencies that, in OPC's sole judgment, makes the submission indefinite, incomplete, otherwise non-responsive, or otherwise unacceptable for award.
3. To waive minor irregularities in any submission provided such waiver does not result in an unfair advantage to any offeror.
4. To take any other action within the applicable procurement law or regulations.
5. To reject the submission of any offeror that has submitted a false or misleading statement, affidavit, or certification in connection with such submission or this RFP.

**ATTACHMENT B**

The following contractors will perform the work described in this RFP. None has worked for Pepco, Exelon Corporation, or their subsidiaries and affiliates in the past three (3) years.