**STATE OF MAINE**

**Governor’s Energy Office**



**RFP# 202312248**

**Evaluating the Establishment of a Distribution System Operator in Maine**

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| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.  **Name:** Claire Swingle **Title:** Energy Policy Analyst  **Contact Information:** [Claire.Swingle@maine.gov](mailto:Claire.Swingle@maine.gov) |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:*  **Date:** January 8, 2024, no later than 11:59 p.m., local time |
| **Proposal Submission** | *Proposals must be received by the Division of Procurement Services by:*  **Submission Deadline:** January 22, 2024 no later than 11:59 p.m., local time.  *Proposals must be submitted electronically to the following address:*  **Electronic (e-mail) Submission Address:** [Proposals@maine.gov](mailto:Proposals@maine.gov) |

TABLE OF CONTENTS

|  |  |
| --- | --- |
|  | **Page** |
|  |  |
| **PUBLIC NOTICE** | **3** |
|  |  |
| **RFP DEFINITIONS/ACRONYMS** | **4** |
|  |  |
| **PART I INTRODUCTION** | **5** |
| 1. PURPOSE AND BACKGROUND |  |
| 1. GENERAL PROVISIONS |  |
| 1. CONTRACT TERMS |  |
| 1. NUMBER OF AWARDS |  |
|  |  |
| **PART II SCOPE OF SERVICES TO BE PROVIDED** | **8** |
|  |  |
| **PART III KEY RFP EVENTS** | **11** |
| 1. QUESTIONS |  |
| 1. AMENDMENTS |  |
| 1. SUBMITTING THE PROPOSAL |  |
|  |  |
| **PART IV PROPOSAL SUBMISSION REQUIREMENTS** | **13** |
|  |  |
| **PART V PROPOSAL EVALUATION AND SELECTION** | **15** |
| 1. EVALUATION PROCESS – GENERAL INFORMATION |  |
| 1. SCORING WEIGHTS AND PROCESS |  |
| 1. SELECTION AND AWARD |  |
| 1. APPEAL OF CONTRACT AWARDS |  |
|  |  |
| **PART VI CONTRACT ADMINISTRATION AND CONDITIONS** | **17** |
| 1. CONTRACT DOCUMENT |  |
| 1. STANDARD STATE CONTRACT PROVISIONS |  |
|  |  |
| **PART VII RFP APPENDICES AND RELATED DOCUMENTS** | **18** |
| **APPENDIX A** – PROPOSAL COVER PAGE |  |
| **APPENDIX B** – DEBARMENT, PERFORMANCE, and  NON-COLLUSION CERTIFICATION |  |
| **APPENDIX C** – QUALIFICATIONS and EXPERIENCE FORM |  |
| **APPENDIX D** – COST PROPOSAL FORM |  |
| **APPENDIX E** – SUBMITTED QUESTIONS FORM |  |
|  |  |
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PUBLIC NOTICE

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**State of Maine**

**Governor’s Energy Office**

**RFP# 202312248**

**Evaluating the Establishment of a Distribution System Operator in Maine**

The Governor’s Energy Office is seeking proposals for consulting services to conduct an assessment of whether a Distribution System Operator could be designed in Maine to cost-effectively achieve the State’s climate goals.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at: <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, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m., local time, on January 22, 2024. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

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

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Department** | Governor’s Energy Office |
| **DSO** | Distribution System Operator |
| **EMT** | Efficiency Maine Trust |
| **GEO** | Governor’s Energy Office |
| **ISO-NE** | Independent System Operator – New England |
| **NMISA** | Northern Maine Independent System Administrator |
| **PUC** | Maine Public Utilities Commission |
| **The Resolve** | Resolves 2023, chapter 67, *Resolve, to Create a 21st-Century Electric Grid* |
| **RFP** | Request for Proposal |
| **RPS** | Renewable Portfolio Standard |
| **State** | State of Maine |

**State of Maine – Governor’s Energy Office**

**RFP# 202312248**

**Evaluating the Establishment of a Distribution System Operator in Maine**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Governor’s Energy Office (GEO), as directed by the Legislature,[[1]](#footnote-2) is seeking proposals for an assessment of whether a Distribution System Operator (DSO) could be established in Maine to achieve energy cost savings for customers, improved system reliability, and achievement of the State’s climate goals and growth of distributed energy resources. This document provides instructions for submitting proposals, the procedure and criteria by which the awarded Bidder will be selected, and the contractual terms which will govern the relationship between the State of Maine and the awarded Bidder.

With bipartisan support from the Legislature, Governor Janet Mills has committed to combatting climate change in Maine and has put in place one of the country’s most significant renewable energy requirements, increasing the Renewable Portfolio Standard (RPS) to 80% by 2030,[[2]](#footnote-3) and set a goal of 100% clean electricity by 2040. The state also established greenhouse gas emissions reduction requirements of 45% from 1990 levels by 2030 and 80% by 2050, and a requirement of carbon neutrality by 2045.[[3]](#footnote-4) Maine is working to cost-effectively achieve these goals, as well as the strategies outlined in [*Maine Won’t Wait, A Four-Year Plan for Climate Action*](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)*.*

Meeting the state’s goals will significantly increase electricity needs as heating and transportation are electrified. Most effectively achieving these goals will require investment in grid planning and infrastructure and modernizing the operation of the electric grid, allowing for more efficient utilization of the existing grid, more integration of renewable energy, and improved system reliability.

Furthermore, recent global events, including the Russian invasion of Ukraine, have exacerbated longstanding overreliance on fossil fuels in the New England region, including on natural gas to generate electricity. The resulting volatility has driven significant increases in energy prices in Maine and across the region. These price increases and supply concerns, underscore the need to transition to lower cost, homegrown clean energy resources and to improve overall operation of Maine’s electric grids.

The purpose of the Distribution System Operator Study (“Maine DSO Study” or “DSO Study”) is to evaluate the potential costs and benefits of establishing a Distribution System Operator in the state pursuant to Resolves 2023, chapter 67, *Resolve, to Create a 21st-Century Electric Grid*, (“the Resolve”) enacted by the Maine Legislature in June 2023 with an effective date of October 25, 2023. As defined by the Legislature, the DSO is an entity designed to oversee integrated system planning and operate all electric grids in the State, administer an open and transparent market for distributed energy resources, and facilitate the achievement of the greenhouse gas reduction obligations and climate policies. The DSO's purpose would be to ensure all electric grids in Maine are operated to optimize efficiency, equity, reliability, and customer service.

Part I of the DSO Study will assess whether a DSO could be designed to achieve cost savings for customers, improved system reliability, and accelerated achievement of the State’s climate goals and growth of distributed energy resources. All components of the DSO Study should comply with the requirements set forth in the enabling legislation.[[4]](#footnote-5)

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

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

Contract Renewal: Following the initial term of the contract, the Department may opt to renew the contract for one (1) renewal period, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

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

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | February 15, 2024 | March 31, 2025 |
| Renewal Period #1 | April 1, 2025 | March 31, 2026 |

1. **Number of Awards**

The Department anticipates making one (1) award as a result of the RFP process.

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

1. **DSO STUDY PART I SUMMARY**

In coordination with the GEO, the Bidder will produce one (1) Maine Distribution System Operator Feasibility Study (“DSO Study Part I”) that provides an overview of assumptions related to design, structure, and responsibilities of a DSO and the responsibilities of existing agencies and companies in Maine.

* 1. Assumptions must align with the requirements included in the Resolve, where “distribution system operator” means “an entity designed to serve the following roles for the State:
     1. Oversee integrated system planning for all electric grids in the State, including coordinating energy planning efforts across state agencies;
     2. Operate all electric grids in the State to ensure optimum operations, efficiency, equity, affordability, reliability and customer service;
     3. Administer an open and transparent market for distributed energy resources; and
     4. Facilitate the achievement of the greenhouse gas reduction obligations and climate policies pursuant to the Maine Revised Statutes, Title 38, section 576-A and section 577, subsection 1.”
  2. The Bidders will develop a list of key assumptions and alternatives as well as their criteria for evaluation and solicit feedback from GEO, and stakeholders as directed by the GEO, prior to conducting the assessment in part a).

1. **DSO STUDY PART I TASKS**

Bidders are required to complete the following tasks. Tasks are expected to be completely concurrently as described below.

* 1. Discovery
     1. The Bidder shall compile and review Maine, ISO-NE, and NMISA specific literature, including decarbonization projections, utility data, operations and planning handbooks and forecasts, and other applicable studies and sources, including those which may be ongoing through other contracts with GEO or other state agencies related to distribution system operations and decarbonization pathways. See “Resources for Bidders” for an illustrative list.
     2. Include information gathered through stakeholder engagement, in Task b.
     3. Identify DSO models from other jurisdictions and examine the applicability of governance, policy, and other design options to this Maine DSO Study.
  2. Stakeholder engagement
     1. One-on-one interviews with key stakeholders as directed by the GEO to determine assumptions of the Study, and understand ongoing and planned work as well as the overall context of Maine’s electric grid operations.
     2. At least two public webinars, to be determined in consultation with the GEO.
        1. One following Study kick-off, to provide information to public and to solicit comments and feedback on direction of Study
        2. One following initial draft findings of Study to provide draft findings to public and solicit comments and feedback to incorporate into final DSO Study Part I
  3. Assessment

Bidders are required to compile information to inform a determination of whether a DSO could be established in Maine to meet each of the three below objectives.

* + 1. Demonstrable reduction in electricity costs for customers
    2. Improved electric system reliability and performance in the State
    3. Accelerated achievement of State's climate goals and growth of DG resources

Each assessment should be grounded in the regulatory and statutory context in Maine as well as the existing electric grid operations, markets, and rules within Maine and ISO-New England.

Each assessment should be grounded in clear assumptions related to design, structure, and responsibilities of DSO and the responsibilities of existing agencies and companies in Maine. Bidders will develop a list of key assumptions and alternatives as well as their criteria for evaluation and solicit feedback from GEO and stakeholders.

The above considerations are non-exhaustive lists of potential factors to consider when bidders propose methods by which to conduct the required analysis.

1. **DSO STUDY PART I KEY DELIVERABLES**

The DSO Study Part I must include:

1. Fully written and designed report including an executive summary and all conceptual diagrams/figures necessary;
2. One presentation deck summarizing the content of the report;
3. Any excel sheets or other repositories of data collected in association with this work and informing underlying modeling and analysis, with cover sheets explaining each data set, assumptions used, and analysis performed;
4. Assistance, as requested by GEO, in preparing for the GEO’s presentation to the Maine Legislature’s Joint Standing Committee on Energy, Utilities and Technology; and
5. All deliverables to be developed in close coordination with GEO.
6. **DSO STUDY PART II**

Study Part II will be undertaken only if the GEO determines, based on Study Part I, that a DSO could achieve demonstrable reduction in electricity costs for customers; improved electric system reliability and performance in the State; and accelerated achievement of State's climate goals and growth of distributed generation resources.

Bidders should indicate their understanding of the requirements enumerated in Sections 3 and 4 of the Resolve and confirm their ability and commitment to performing them if directed by the GEO. This RFP does not seek proposals to perform the scope described in Sections 3 and 4 of the Resolve. Any performance of that scope would be at the sole determination of the GEO and specified through a subsequent contract amendment negotiated with the selected Bidder.

**E. RESOURCES FOR BIDDERS** (*Note: This list is illustrative, not exhaustive.)*

* 1. *Maine Won’t Wait: A Four-Year Plan for Climate Action* available at: <https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf>
  2. *Maine Won’t Wait: A Four-Year Plan for Climate Action 2022 Progress Report* available at: <https://www.maine.gov/climateplan/sites/maine.gov.climateplan/files/inline-files/MWW_Climate%20Plan%20Update%20December%202022_digital.pdf>
  3. Maine Integrated Grid Planning Docket 2022-00322 available at: <https://mpuc-cms.maine.gov/CQM.Public.WebUI/Common/CaseMaster.aspx?CaseNumber=2022-00322>
  4. Central Maine Power 2022 Rate Case approved stipulation available at: https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=119401&CaseNumber=2022-00152
  5. Versant Power 2022 Rate Case final filing available at: <https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=119379&CaseNumber=2022-00255>
  6. NMISA tariff and market rules, capacity, and studies, available at: <https://www.nmisa.com/documents-2/>
  7. ISO-NE Capacity, Energy, Loads, and Transmission (CELT) report available at: <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
  8. Maine Revised Statutes Chapter 35 available at: <https://legislature.maine.gov/statutes/35-A/title35-Ach0sec0.html>

**PART III KEY RFP EVENTS**

1. **Questions**
   1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
      1. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
      2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator, identified on the cover page of the RFP, as soon as possible but no later than the date and time specified on the RFP cover page.
      3. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department 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](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

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

1. **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 the RFP. E-mails containing original proposal submissions, or any additional or revised proposal files, received after the 11:59 p.m. deadline will be rejected without exception.
   2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at [Proposals@maine.gov](mailto:Proposals@maine.gov).
      1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
         1. Proposal submission e-mails that are successfully received by the [proposals@maine.gov](mailto:proposals@maine.gov) inbox will receive an automatic reply stating as such.
      2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
      3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
      4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
      5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202312248 Proposal Submission – [Bidder’s Name]”**
      6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

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

*PDF format preferred*

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

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

*PDF format preferred*

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

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

*PDF format preferred*

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

**PART IV**  **PROPOSAL SUBMISSION REQUIREMENTS**

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

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

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

**Proposal Format and Contents**

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

* 1. **Proposal Cover Page**

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

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

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

* 1. **Overview of the Organization**

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

* 1. **Subcontractors**

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

* 1. **Organizational Chart**

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

* 1. **Litigation**

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

* 1. **Certificate of Insurance**

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

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

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved, the specific subitems under each task which have been included/excluded, and the scope of any proposed analysis. 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.

* 1. **Implementation - Work Plan**

Provide a realistic work plan for the implementation of the program through the first contract period. Display the work plan in a timeline chart. Concisely describe each program development and implementation task, the month it will be carried out and the person or position responsible for each task. If applicable, make note of all tasks to be delegated to subcontractors.

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

* 1. **General Instructions**
     1. Bidders must submit a cost proposal that covers the initial period of performance as defined in Part I, C of the RFP.
     2. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
     3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
  2. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process - General Information**
   1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
   2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
   3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
   1. **Scoring Weights:** 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. Preliminary Information (No Points)**

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

**Section II.**  **Organization Qualifications and Experience (35 points)**

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

**Section III.**   **Proposed Services (40 points)**

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

**Section IV.**   **Cost Proposal (25 points)**

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

* 1. **Scoring Process:** The evaluation team will use a consensus approach to evaluate and score Sections I & II above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Section III, the Cost Proposal, will be scored as described below.
  2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 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 (25) = pro-rated score

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

* 1. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

1. **Selection and Award**
   1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
   2. Notification of conditional award selection or non-selection will be made in writing by the Department.
   3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
   4. The Department reserves the right to reject any and all proposals or to make multiple awards.
2. **Appeal of Contract Awards**

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

**PART VI** **CONTRACT ADMINISTRATION AND CONDITIONS**

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

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

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

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

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

1. **Standard State Contract Provisions**
   1. Contract Administration

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

* 1. Payments and Other Provisions

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

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

**Appendix A** – Proposal Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**APPENDIX A**

**State of Maine**

**Governor’s Energy Office**

**PROPOSAL COVER PAGE**

**RFP# 202312248**

**Evaluating the Establishment of a Distribution System Operator in Maine**

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

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

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

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

**APPENDIX B**

**State of Maine**

**Governor’s Energy Office**

**DEBARMENT, PERFORMANCE, and N 202308176 ON-COLLUSION CERTIFICATION**

**RFP# 202312248**

**Evaluating the Establishment of a Distribution System Operator in Maine**

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

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

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

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

**APPENDIX C**

**State of Maine**

**Governor’s Energy Office**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202312248**

**Evaluating the Establishment of a Distribution System Operator in Maine**

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

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

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of no more than three 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 the 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 e-mail 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.*  *If the Bidder wishes to submit more than three examples, the Bidder may include a list external/internal links to publicly accessible work/outputs, as well as a brief description of the Bidder’s role in the project. Submission of additional project examples beyond the three required does not obligate the Review Team to review or consider those additional examples when evaluating Bidder’s proposal.* |

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

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Additional Projects** | | | |
| Name of Project | Link | Brief description of Bidder’s role in project |
|  |  |  |
|  |  |  |
|  |  |  |

**APPENDIX D**

**State of Maine**

**Governor’s Energy Office**

**COST PROPOSAL FORM**

**RFP# 202312248**

**Evaluating the Establishment of a Distribution System Operator in Maine**

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

Please provide a budget breakdown for the project, covering the initial period beginning February 15, 2024 and ending March 31, 2025 as defined in Part I, C of the RFP. The budget breakdown is for informational purposes only but should be used to support the Proposed Cost figure, which will be used in the mathematical formula to determine the score of the Cost Proposal (as defined in Part V, B, 3 of the RFP).

Please use the template below to complete the budget breakdown. Add rows under each Task as needed and define the Position titles. “Position A” and “Position B” are placeholders only and should be modified to fit the Bidder’s proposed positions to complete each task.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Estimated Hours** | **Cost per Hour** | **Total Cost** |
| **Study Part I Discovery** |  |  |  |
| Position A |  |  |  |
| Position B |  |  |  |
| *(add rows as needed)* |  |  |  |
| **Total Cost - Discovery** | | |  |
| **Study Part I Stakeholder Engagement** |  |  |  |
| Position A |  |  |  |
| *(add rows as needed)* |  |  |  |
| **Total Cost - Stakeholder Engagement** | | |  |
| **Study Part I** **Assessment** |  |  |  |
| Position A |  |  |  |
| *(add rows as needed)* |  |  |  |
| **Total Cost - Assessment** | | |  |
| **Study Part** **I Deliverables Preparation** |  |  |  |
| Position A |  |  |  |
| *(add rows as needed)* |  |  |  |
| **Total Cost - Deliverables Preparation** | | |  |
| **Total Proposed Cost** | | |  |

**APPENDIX E**

**State of Maine**

**Governor’s Energy Office**

**SUBMITTED QUESTIONS FORM**

**RFP# 202312248**

**Evaluating the Establishment of a Distribution System Operator in Maine**

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

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

1. Resolves 2023, chapter 67 [↑](#footnote-ref-2)
2. 35-A M.R.S. §3210 [↑](#footnote-ref-3)
3. 38 M.R.S. §576-A [↑](#footnote-ref-4)
4. Resolves 2023, chapter 67. Available online here: <https://legislature.maine.gov/bills/getPDF.asp?paper=HP0599&item=4&snum=131> [↑](#footnote-ref-5)