



STATE OF DELAWARE  
**THE PUBLIC SERVICE COMMISSION**  
861 SILVER LAKE BOULEVARD, SUITE 100  
CANNON BUILDING  
DOVER, DELAWARE 19904  
TELEPHONE: (302) 736-7500  
FAX: (302) 739-4849

**August 27, 2014**

To: All Interested Vendors

Re: Request for Proposals (RFP)

The Delaware Public Service Commission Staff on behalf of the Secretary of State as Chairman of the Electricity Aggregation Committee (“EAC” or “Committee”) is seeking a consultant to provide information and analysis regarding the potential opportunity for Delmarva Power and Light Company’s (“Delmarva Power”) residential and small commercial electric customers to reduce their electricity supply costs through aggregation and bulk market purchases of electric supply. The Secretary of State invites all interested parties to submit a written proposal in response to this RFP.

This RFP seeks to hire an energy consultant for the purpose of securing knowledge and insights into the various electric supply purchase aggregation mechanisms that are in general use today in the U.S., the general outcome/results of those processes and the aggregation approaches that could potentially be used in Delaware. Responding consultants will be expected to submit a detailed proposal of their capabilities to meet this requirement and to attend a scheduled evaluation interview prior to the award of any contract.

The Secretary of State anticipates awarding a contract to the successful bidder within 30 days of the closing date and expects work on the contract to conclude within 6 months of the contract award. One hard copy and one electronic copy of response proposals should be received no later than **4:30 PM on Friday, September 26, 2014** at the following address:

Delaware Public Service Commission  
Attn: Malika Davis

BID PROPOSAL ENCLOSED  
861 Silver Lake Boulevard, Suite 100  
Dover, DE, 19904  
Telephone: (302) 736-7500  
E-mail: [Malika.Davis@state.de.us](mailto:Malika.Davis@state.de.us)

Include "BID PROPOSAL ENCLOSED" as the subject for the electronic copy.

Procedural, administrative, technical or contractual questions may be directed to the above same address or e-mail. Questions and responses will be posted to the PSC Website at (<http://www.depsec.delaware.gov/>) under Other/Requests for Proposals.

We appreciate your response to this request.

Delaware Electricity Aggregation Committee

## INVITATION TO BID

Sealed proposals for the following will be received by the Delaware Public Service Commission, 861 Silver Lake Boulevard, Suite 100, Cannon Building, Dover, Delaware, 19904 until 4:30 pm, Friday, September 26, 2014 and thereafter shall be publicly opened, read and recorded:

**REQUEST FOR PROPOSALS – CONSULTING SERVICES TO THE DELAWARE SECRETARY OF STATE FOR THE PURPOSE OF ASSESSING THE POTENTIAL OPPORTUNITY FOR ELECTRICITY AGGREGATION TO BENEFIT DELMARVA POWER AND LIGHT COMPANY RESIDENTIAL AND SMALL COMMERCIAL CUSTOMER’S ELECTRIC SUPPLY COSTS.**

The Secretary of State is seeking assistance from qualified firms and individuals to provide professional consulting services to support the Electricity Aggregation Committee (“EAC”) in its review and assessment of the potential benefits/costs of retail aggregation processes for securing residential and small commercial customer electricity supply in Delaware. Vendor will be required to provide knowledge and insights into the various electric supply purchase aggregation mechanisms that are in general use today in the U.S., the general outcome/results of those processes and the expected benefits/costs that could be available in Delaware.

Request for proposals is available on <http://www.bids.delaware.gov/> and <http://depsec.delaware.gov/rfp.shtml>. A copy can be picked up at 861 Silver Lake Blvd., Suite 100, Cannon Building, Dover, Delaware 19904 or requests for a copy to be mailed can be obtained by calling (302) 736-7500 between the hours of 8:00 am to 4:30 pm, Monday through Friday. The cost for a copy of this request for proposals is \$.10 per page. The Secretary of State may extend the time or change the location for the opening of bids from that described above. The Secretary of State will provide no fewer than five calendar days’ notice of any changes by certified mail to those bidders who requested copies of the Request for Proposal.

**A COPY OF THE ATTACHED REQUEST FOR CONSULTING SERVICES TO THE SECRETARY OF STATE CONCERNING ELECTRICITY AGGREGATION WAS SENT TO THE FOLLOWING POTENTIAL VENDORS:**

<p>Mr. Thomas Fish  Ariadair Economics Group  1020 Fredericksburg Road  <b>Excelsior Springs, MO 64024</b></p>	<p>Mr. David W. DeRamus  Bates White, LLC  1300 Eye Street N.W. Ste 600  <b>Washington, DC 20005</b></p>
<p>Mr. Michael McGarry  Blue Ridge Consulting Services, Inc.  2131 Woodruff Road; Suite 2100, PMB 309  <b>Greenville, SC 29607</b></p>	<p>Mr. David Peterson  Chesapeake Regulatory Consultants  10351 Southern Maryland Blvd.  <b>Dunkirk, MD 20754</b></p>
<p>Mr. Brian Kalcic  Excel Consulting  225 Meramec Ave., Suite 720T  <b>St. Louis, MO 63105</b></p>	<p>Mr. Jerome Mierzwa  Exeter Associates, Inc.  10480 Little Patuxent Pkwy, Ste 300  <b>Columbia, MD 21044</b></p>
<p>Mr. Robert Henkes  Henkes Consulting Group  7 Sunset Road  <b>Old Greenwich, CT 06870</b></p>	<p>Mr. Gregory Mann  Gorham Gold Greenwich Associates  14723 Conser  <b>Overland Park, KS 66223</b></p>
<p>Mr. Frank DiPalma  Jacobs Consultancy  5995 Rogerdale Road, Tower II  <b>Houston, TX 77072</b></p>	<p>Mr. Lane Kollen  J. Kennedy &amp; Associates, Inc.  570 Colonial Park Drive, Suite 305  <b>Roswell, GA 30075</b></p>
<p>Mr. Michael Rafferty  Jacobs Consultancy  5995 Rogerdale Road, Tower II  <b>Houston, TX 77072</b></p>	<p>Mr. Richard Hahn  La Capra Associates  One Washington Mall, 9th Floor  <b>Boston, MA 02108</b></p>
<p>Mr. Lee Smith  LaCapra Associates  One Washington Mall, 9th Floor  <b>Boston, MA 02108</b></p>	<p>Mr. Hugh Larkin  Larkin and Associates  15728 Farmington Road  <b>Livonia, MI 48154</b></p>
<p>Mr. Peter Lanzalotta  Lanzalotta &amp; Associates LLC  67 Royal Pointe Drive  <b>Hilton Head Island, SC 29926</b></p>	<p>Mr. Richard L. Carlson  Levitan &amp; Associates Inc.,  1004 Summer Street, Suite 3200  <b>Boston, MA 02110</b></p>

<p>AUS, Inc.  155 Gaither Drive, Suite A  <b>Mount Laurel, NJ 08054</b></p>	<p>Battelle Headquarters  505 King Avenue  <b>Columbus, OH 43201-2696</b></p>
<p>Black &amp; Veatch  11401 Lamar Avenue  <b>Overland Park, KS 66211</b></p>	<p>Mr. Kevin O'Donnell  Nova Energy Consultants  1350 SE Maynard Rd., Suite 101  <b>Cary, NC 27511</b></p>
<p>Booze Allen Hamilton  1818 Market St  <b>Philadelphia, PA 19103</b></p>	<p>Burns &amp; McDonnell  9400 Ward Parkway  <b>Kansas City, MO 64114</b></p>
<p>C.H. Guernsey &amp; Company  5555 North Grand Boulevard  <b>Oklahoma City, OK 73112</b></p>	<p>IHS  321 Inverness Drive South  <b>Englewood, Englewood Colorado 80112</b></p>
<p>Concentric Energy Advisors  293 Boston Post Road West, Suite 500  <b>Marlborough, Massachusetts 01752</b></p>	<p>Energy Ventures Analysis, Inc.  1901 N. Moore Street, Suite 1200  <b>Arlington, Virginia 22209-1706</b></p>
<p>GDS Associates, Inc. - Corporate Office  1850 Parkway Place, Suite 800  <b>Marietta, Georgia 30067</b></p>	<p>DNV KEMA US Headquarters  67 South Bedford Street, Suite 201 East  <b>Burlington, MA, 01803-5108</b></p>
<p>Navigant Consulting, Inc.  1200 19th Street, NW, Suite 700  <b>Washington, DC 20036</b></p>	<p>NERA Economic Consulting  Three Logan Square  1717 Arch Street  <b>Philadelphia, PA 19103</b></p>



**REQUEST FOR PROPOSALS**

**THE SECRETARY OF STATE**

**STATE OF DELAWARE**

CONSULTING SERVICES TO THE DELAWARE SECRETARY OF STATE  
FOR THE PURPOSE OF ASSESSING THE POTENTIAL OPPORTUNITY  
FOR ELECTRICITY AGGREGATION TO BENEFIT DELMARVA POWER AND LIGHT COMPANY  
RESIDENTIAL AND SMALL COMMERCIAL CUSTOMER'S ELECTRIC SUPPLY COSTS.

DATE OF ISSUE: AUGUST 27, 2014

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## **I. INTRODUCTION**

The Delaware Secretary of State hereby invites potential offerors to submit a proposal to the Delaware Public Service Commission for consideration of consulting services to be provided to the Secretary of State and the Electricity Aggregation Committee (“EAC” or “Committee”) in accordance with the specifications and conditions contained in this Request for Proposal ("RFP"). Please submit your proposal in the format specified with appropriate data in each section. Offerors should submit one (1) original hard copy and one (1) electronic copy of each proposal..

Signed: /s/ Jeffrey W. Bullock  
Jeffrey W. Bullock  
Secretary of State  
Delaware

## **II. BACKGROUND**

The 147th Delaware General Assembly and Governor Jack Markell approved House Bill 425 (Bond Bill) on July 1, 2014. Paragraph 66 (Attachment A) of that Bill creates an EAC, chaired by the Secretary of State and charged with evaluating the potential development of an electricity aggregation program (s) for Delaware's residential customers. The Committee is to evaluate the potential savings based on local market conditions and best practices. If the Committee determines that an aggregation program will reduce electric bills, the Secretary shall have the authority to contract for such program. While the bill is not specific with respect to the definition of residential customers, the sponsoring Senator asserts it pertains to Delmarva Power & Light Company's residential and small commercial customers and estimates the maximum potential load to be approximately 900 megawatts.

Delmarva Power & Light Company currently provides electric standard offer service ("SOS") to approximately three hundred thousand (300,000) residential and commercial customers in Delaware. The electricity supply is currently acquired through a wholesale reverse auction process whereby bidders are invited to bid on typical 50 to 100 megawatt tranches to provide service over specific periods of time. For residential and small commercial customers, bidders are asked to bid three year contracts on 1/3 of the load such that only 1/3 of the total load contracts are expiring each year. This laddered approach was specifically designed to reduce energy price volatility to customers and has continued for over the past 10 years. In addition, Delmarva is permitted to recover the expenses of the auction process and a reasonable allowance for retail margin. The sponsor of Paragraph 66 in the Bond Bill, has indicated that electricity aggregation has been able to save rate

payers money in many instances in other states and that the State of Delaware should examine this option for its residential customers.

The EAC is chaired by the Secretary of State and consists of a representative from the Office of Management and Budget, a representative from the Office of the Controller General, a representative from the Department of Natural Resources and Environmental Control and a representative from the Public Service Commission. The Committee met on Wednesday, August 6, 2014 and agreed that it would be beneficial to seek consulting assistance with this review effort. The Committee also determined that the consulting services being sought would be for the purpose of assessing the benefit/cost potential for aggregation programs in the Delaware energy market place.

### **III. SCOPE OF WORK TO BE PERFORMED**

The Secretary of State seeks assistance from qualified firms and individuals to provide professional energy consulting service to the EAC in regard to the potential for electricity aggregation programs in Delaware. The successful offeror will have responsibility for two (2) specific tasks within a somewhat limited four to six (4-6) month timeframe. The specific tasks are as follows:

1. Provide an assessment of the benefits/costs/results of the major electricity aggregation programs for residential customers currently taking place around the various U.S. states and a summary outcome of the programs to the extent known, identifying those that may be very similar or dissimilar to Delaware's particular energy market.
2. Identify aggregation program(s) that could be considered for Delaware's residential and small commercial customers, given Delaware energy market specifics and

provide an assessment of the benefits/costs that could be anticipated in the Delaware energy market for the respective program(s).

In summary, the successful offeror(s) will be expected to provide a complete analysis of the potential benefits/cost of aggregating the energy purchases of residential and small commercial loads in the Delaware energy market place. The Secretary seeks from the bidder(s) a firm total not-to-exceed price for complete performance of these two (2) tasks, a list of individuals and their qualifications who will be performing the tasks, and an estimate as to the time frame in which the work can be completed. The intent of this RFP is to award a contract to that responsible bidder whose proposals, conforming to the RFP are most advantageous to the State, price and other factors considered.

Please provide a separate priced quote for each task and estimated time schedule for the provision of professional consulting assistance.

**A bidder is requested to provide a quote on each of the following tasks:**

***TASK 1: ELECTRICITY AGGREGATION ASSESSMENT***

- a) Discovery and review of major active aggregation programs currently occurring or that have previously occurred in energy market based states in the U.S.
- b) Evaluation of the identified aggregation programs benefits/costs and potential applicability for similar programs to the Delaware energy market.
- c) Identification of the best and worst features of the major aggregation programs and what issues should be considered in any Delaware aggregation program.
- d) Preparation of a Summary Assessment report to provide the EAC with aggregation program background information.

## ***TASK 2: ELECTRICITY AGGREGATION RECOMMENDATION***

- a) Determination of any potential cost-effective electricity aggregation program(s) for Delaware to include recommended features or approaches.
- b) Evaluation of the expected benefits/costs of any recommended program(s).
- c) Determination of any critical analysis parameters that could impact the recommended program(s).
- d) Identification of any Aggregation Program Recommendations for the EAC consideration.

The successful offeror(s) are expected to use professional expertise in projecting a reasonable work plan for this engagement which will result in the completion of the engagement for the fixed price. The Committee recognizes that there are limited circumstances where, for unforeseeable reasons, the scope of work will necessarily expand beyond that reasonably contemplated in the original proposal and, therefore, the Committee will consider timely filed requests for supplemental compensation. A timely filed request is one filed with the Secretary of State in sufficient time prior to the consultant commencing the work for which the additional payment is sought as to enable the Secretary and the Committee to consider the request (normally not less than two weeks). **ALL OFFERORS ARE HEREBY SPECIFICALLY ADVISED THAT PRIOR TO ANY PAYMENT FOR SUCH ADDITIONAL COST, THE CONSULTANT WILL BE REQUIRED TO PROVIDE DETAILED WRITTEN SUPPORT FOR ANY SUPPLEMENTAL FUNDING DEMONSTRATING THAT THE WORK INVOLVED IN BRINGING THE MATTER TO CONCLUSION WAS NOT AND COULD NOT HAVE BEEN REASONABLY CONTEMPLATED AS BEING WITHIN THE ORIGINAL PROPOSAL.** The consultant may, in addition, be required to appear before the

Secretary and the Committee in open public session to explain any such request for compensation over and above the firm price established to complete this engagement.

#### **IV. DEADLINE FOR PROPOSALS**

**All proposals must be received not later than close of business, 4:30 PM, Friday, September 29, 2014 in a sealed envelope marked BID PROPOSAL ENCLOSED.** Proposals received thereafter will not be considered by the Secretary or the EAC. To be received, the proposal hard copy must be physically present, by mail or by delivery at the PSC office, 861 Silver Lake Blvd, Cannon Building, Suite 100, Dover, Delaware 19904, by the time specified hereinabove.

#### **V. PROPOSED PLANS AND TIMETABLES**

The offeror's proposal must clearly state all plans for the performance of the proposed review, together with a preliminary discussion of each major element of review proposed. The timetable must estimate the calendar time required, and the proposed elements of the review, including the development of proposed report of recommendations.

#### **VI. SIGNATURE ON PROPOSALS AND NUMBER OF COPIES**

The proposals and all copies must be signed by an officer or partner authorized to bind the offeror contractually. Proposal should include the name, title, address, and telephone number of the officer or partner who may be contacted during the period of proposal evaluation. One (1) original hardcopy and one (1) electronic copy are required.

#### **VII. EAC PROJECT COORDINATOR**

The following individual is designated as the EAC Project Coordinator:

Malika Davis  
Public Utility Analyst  
Delaware Public Service Commission  
861 Silver Lake Blvd.  
Cannon Building, Suite 100  
Dover, Delaware 19904

Ms. Davis will act as the point of contact and coordinator for the entire project. She will represent the Secretary and Committee in all aspects of this project and will receive all proposals, invoices, reports, and other correspondence relating to the project. Contact with other members of the Committee is not appropriate prior to the selection of the Consultant.

Ms. Davis will oversee scheduling and procedural concerns as well as serve as the principal contact for the technical tasks associated with this review. Periodic updates will be required as the review progresses, at least on a bi-weekly basis.

## **VIII. PERSONNEL ASSIGNED**

Your proposal must include an organizational chart listing each person to be assigned to the project. Please include each person's position within the firm, billing rate, experience, specific contribution to be made to the project, and other pertinent information. In addition, list the names of both the partner or officer in charge or the project manager, and give an estimate of their billable time for the project. List the estimated hours to be applied by all other persons to be assigned to this project. No persons other than those listed in the offeror's original proposal will be permitted to work on the project without the prior express approval of the Committee Project Coordinator.

Provide a résumé for each person who will be assigned to the project indicating the individual's knowledge of the subject areas for this project and the qualifications applicable to the

performance of the project. In addition, please list in your proposal three (3) current references for each person, along with addresses and current telephone numbers of the reference. These references will be contacted by Committee personnel in the evaluation of the proposals received.

## **IX. RELATED PROJECTS**

Each proposal must list projects currently in progress or completed within the last two (2) years, which the offeror considers to be similar to this project. Each project should be described in sufficient detail to permit comparison with the subject matter of this RFP. Please place this information in an appendix to your proposal.

## **X. CONFLICTING INTERESTS OR EMPLOYMENT**

Any individual or firm submitting a proposal is required to review its prior and existing employment, and that of its personnel, to insure that there are no interests that could reasonably be deemed to conflict with the work which is the subject matter of this RFP. The Committee is interested in avoiding even the appearance of impropriety and, therefore, any doubts in this regard should be resolved in favor of full disclosure. The successful offeror, and the personnel employed on the project, must have no financial or business interest directly or indirectly with energy suppliers regulated electric companies or their competitors doing business within the State of Delaware which would or could be reasonably thought to affect the exercise of independent professional judgment throughout the review contemplated by this RFP. Even though not state employees, the offeror should read and be familiar with the terms of 29 Del. C. Ch. 58 - "Laws Regulating the Conduct of Officers and Employees of the State" so as to assist them in avoiding any improper conduct

## **XI. FIRM OFFER**

All proposals must contain a statement that the proposal is a firm offer for a period of not less than six (6) weeks from the deadline for proposals. Please provide such a statement **conspicuously** in your proposal.

## **XII. PRICE**

It is intended that the contract resulting from the formal acceptance of the Proposal will be on a "NOT TO EXCEED" basis. You are requested to submit a proposal which is realistic for the approach you propose and which will enable you to give the Committee the full benefit of your best professional judgment and efforts.

Using the format below, provide a breakdown of the price of the proposal by hourly rates for every professional individual. Charges for non-professionals such as secretarial and typing support may be aggregated under "other fees or expenses".

<u>NAME</u>	<u>BILLING RATE</u>	<u>HOURS</u>	<u>EXPENSES</u>	<u>TOTAL</u>
Partner				
Project Manager				
All Others (by name)				
All Other Fees or Expenses				

Flexibility between classes and among members of the project team is permissible if the maximum price is not exceeded.

In addition to the above format, each proposal must contain the following statement:

**The Committee shall pay (offeror) as full compensation for all authorized work performed and accepted including all costs, fees, and expenses, an amount not to exceed \$\_\_\_\_\_.**

All price information shall be placed in your proposal.

Only reasonable expenses shall be charged. The Committee reserves the right to disallow expenses charged for the engagement for which the Committee determines are not reasonable. Because the proposed services will be for a joint state agency effort, the successful offeror shall make every effort to keep costs of hotels, meals and transportation to a minimum. When considering future proposals from a successful offeror, the Committee will consider the successful offeror's record in this regard.

### **XIII. ACCEPTANCE OF PROPOSAL**

The original and copies of your proposal may be used as the contract. Therefore, each copy of your proposal must include an acceptance paragraph for the Secretary to sign. Until a formal notice of acceptance is issued, however, no communication either written or oral, by any member of the Committee or Committee staff person, shall constitute or be interpreted as a promise of or actual acceptance of any proposal.

A formal notice of acceptance will be issued in writing to the successful offeror upon receipt by the Secretary of State of approval of a validly executed purchase order for the proposal from the Office of the Secretary of Finance of the State of Delaware. Such formal notice of acceptance is required prior to the creation of a contractual relationship between the successful offeror and the Committee. By submitting a proposal, an offeror specifically agrees to perform no services chargeable to the Committee or the State of Delaware under or in connection with this RFP or the subject thereof until receipt of formal notice of acceptance.

To facilitate the processing of the proposal of the successful offeror, the following tentative acceptance paragraph should be provided at the end of your proposal:

If this proposal meets with the Secretary of State's approval and we are selected as the successful offeror, you will so indicate by signing the acceptance provided below and we will consider the RFP and this proposal as our agreement on this matter. We understand that this acceptance is tentative and conditioned upon approval by the Office of the Secretary of Finance of the State of Delaware of a validly executed purchase order for the work to be performed in connection therewith. We will perform no services under this proposal to be charged to the Committee or to the State of Delaware and will not consider a binding contractual arrangement to have been entered into until the issuance by the Secretary of State of a formal notice of acceptance stating that a validly executed purchase order for services to be performed in accordance with this proposal has been approved by the Office of the Secretary of Finance of the State of Delaware. We acknowledge that all terms, conditions, and assurances contained in the RFP to which this proposal responds are accepted and incorporated by this proposal.

Accepted this \_\_\_\_\_ day  
of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
**Delaware Secretary of State**

#### **XIV. FACTORS WHICH MAY BE CONSIDERED BY THE COMMITTEE IN SELECTION PROCESS**

The Committee will normally evaluate the proposals that meet the specifications of this RFP on the basis of its consideration of the following factors:

1. Demonstrated ability to understand and perform the assignment in an expeditious and professional manner.
2. Innovative suggestions for making the required review and analysis.
3. Description of the work product to be produced.

4. Demonstrated knowledge and understanding of competitive energy supplier operations or processes of a similar nature.
5. The quality of the staffing plan and qualifications and past experience of the personnel assigned to work on the project.
6. The specific approach proposed for the project, including the time requirements for different phases of the project, if any, and the presence or absence of briefing of the Committee at the conclusion of the effort.
7. Prior experience of other State agencies with the offeror's work product.
8. Responses and recommendations of listed references.
9. Existence of conflicting or potentially conflicting interest or the appearance of such conflicts.
10. Total price of proposal and the components thereof.
11. Overall impression of the offeror from the form of the proposal and from services previously performed for State agencies, if any.

## **XV. ASSURANCES**

By submitting a proposal in response to this RFP, the offeror assures the Committee that he, she, or it has or will, prior to performing any work to be billed to the Committee in connection with the project which is the subject matter of this RFP, secure all necessary licenses or permits required by the Division of Revenue and other appropriate agencies and departments of the State of Delaware to perform work of the nature contemplated by this RFP.

## **XVI. INDEPENDENT CAPACITY AND 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 State. The successful offeror shall not assign nor transfer any interest under the contract resulting from this RFP without the prior written consent of the Secretary of State.

## **XVII. INDEMNIFICATION**

The successful offeror agrees to indemnify, defend, and save harmless the State of Delaware, its officers, Committee Members, 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 the Committee 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.

The successful offerer agrees that it will also provide or cause to be provided, at no further cost to the Committee, such additional professional consulting services as may be necessary to rectify or otherwise correct the effects of any errors or omissions resulting from the negligent performance or non-performance by the successful offeror, its employees, agents, or assigns of its reasonable duties and responsibilities in connection with the subject matter of this RFP.

## **XVIII. ACCESS TO RECORDS AND RIGHT TO AUDIT**

The successful offeror agrees that the Committee, through its duly authorized agents or employees, shall have the right to audit and examine such books, records, time cards, and other material in possession or control of the offeror as may be deemed necessary to verify fees, charges, or expenses billed to the Committee in regard to the project which is the subject of this RFP.

## **XIX. CONFIDENTIALITY OF PROPOSALS, WORK PAPERS AND MATERIALS**

The proposal filed in response to this RFP will be considered a public document and will be available for public inspection upon receipt at the Commission office.

The successful offeror agrees that the Committee shall own and have unlimited right to all interim and final written analyses, exhibits, or reports, and that the offeror shall not assert any rights or establish any claim under existing copyright, patent, or data law as to such material or processes. Further, the offeror agrees that upon request it will turn over to the Committee within thirty (30) days following any decisions by the Committee on the subject matter of this RFP, original or legible copies of all work papers created by offeror in support of its analysis, exhibits, or reports during the course of this engagement.

## **XX. PAYMENT**

The successful offeror shall submit a monthly detailed bill for services performed to that point in time. Subject to review and audit by the Committee, such invoice will be promptly processed and paid.

## **XXI. TERMS AND CONDITIONS**

The RFP does not commit the Committee to enter into a contract nor to pay any cost incurred in the preparation of a proposal in response to this request. The Committee 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. The Committee 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 the proposal.

The Committee reserves the right to enter into negotiations with one or more offerors concerning the subject matter of this RFP independent from the proposals which may be submitted in response to the RFP, and the Committee may accept any proposal with or without modifications acceptable to the offeror without conducting further written or oral discussions with any offeror, and the Committee shall be under no obligation to explain to any offeror whose proposal is not accepted, the reasons for such non-acceptance. By submitting a proposal, the offeror agrees that it will not seek such explanation for non-acceptance of its proposal.

## **XXII. TERMINATION OF AGREEMENT FOR CAUSE**

It is understood and agreed that if, through any cause or for any reason, the successful offeror shall fail to fulfill in a timely and proper professional manner the obligations under the successful proposal, or shall violate any of the terms and conditions of this RFP, the Committee shall have the right to terminate the agreement by giving written notice of such termination to the successful offeror specifying the effective date of such termination, which shall be not earlier than the mailing of such

notice. In the event of such termination, all finished or unfinished documents, data, studies, testimony, exhibits, or other material prepared or being prepared pursuant to the project shall, at the option of the Committee, become its property and the successful offeror shall be entitled to receive just and equitable compensation for any reasonably satisfactory work performed.

### **XXIII. TERMINATION FOR CONVENIENCE OF THE COMMITTEE**

The Committee reserves the right to terminate this project at any time, either before or after acceptance of the proposal. Such termination, when made prior to the issuance of formal notice of acceptance of a proposal, may be accomplished by telephone or mail. Such termination, when made after issuance of formal notice of acceptance of the proposal, shall be accomplished by notice of termination which shall be made in writing and which shall be effective upon receipt by the successful offeror.

### **XXIV. EFFECTIVE DATE AND TIME OF PERFORMANCE**

The rights and obligations of the successful offeror and the Committee shall not be effective, nor shall either the successful offeror nor the Committee be bound by the terms of a tentatively accepted proposal unless and until the verification committee on "consultant contracts with individuals" (where relevant) has approved the proposal accepted by the Committee, and a validly executed purchase order has been approved by the Office of the Secretary of Finance of the State of Delaware. Performance of services contemplated by this RFP shall not begin prior to the issuance of a formal notice of acceptance by the Committee after approval of a validly executed purchase order.

## **XXV. ADDITIONAL WORK NOT CONTEMPLATED IN THE PROPOSAL**

In the event that it becomes necessary or desirable during the course of the project for the successful offeror to perform additional work not reasonably contemplated within the proposed firm price, it is understood and agreed that **NO** compensation will be paid for such work commenced or undertaken at the direction of Committee or individual Staff member without the **prior** approval of the Committee.

## ***Attachment A - House Bill 425, Section 66***

**Section 66. Electricity Aggregation.** Notwithstanding any provision of the Delaware Code to the contrary, the Secretary of State shall chair a committee, which shall include representatives of the Office of Management and Budget, the Department of Natural Resources and Environmental Control, the Office of the Controller General, and the Public Service Commission charged with evaluating the development of an electricity aggregation program(s) for residential customers. The Committee shall evaluate the potential savings for Delaware residential customers based upon local market conditions and best practices from other states, including but not limited to purchase of receivables mechanisms. The Secretary, as Chairman, shall have the authority to select a PSC-certified energy provider/broker with sufficient experience in residential aggregation to assist the committee in its work. If the Committee determines that an aggregation program will reduce electric bills for Delaware residential customers, the Secretary as chair of the committee shall have the authority to contract with a PSC-certified energy provider/broker with sufficient experience in residential aggregation to implement the program. Any electricity aggregation program shall provide customers, who already contract with a third-party supplier or do not wish to participate in a new program, the ability to opt out of the program.