

<b>SOLICITATION, OFFER, AND AWARD</b>		1. Caption Formal Case No. 1103 - In the Matter of the Application of Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service		Page of Pages 1   18	
2. Contract Number PSC-13-07	3. Solicitation Number PSC-RFP-13-07	4. Type of Solicitation <input type="checkbox"/> Sealed Bid (IFB) <input checked="" type="checkbox"/> Sealed Proposals (RFP) <input type="checkbox"/> Sole Source <input type="checkbox"/> Human Care Agreements <input type="checkbox"/> Emergency	5. Date Issued 3/28/2013	6. Type of Market <input checked="" type="checkbox"/> Open <input type="checkbox"/> Set Aside <input type="checkbox"/> Open with Sub-Contracting Set Aside	
7. Issued By: Jesse P. Clay Jr. Public Service Commission  1333 H St. N.W. Suite 200 West Tower Washington, DC 20005		8. Address Offer to: Public Service Commission 1333 H St. N.W. Suite 200 West Tower Washington, DC 20005 Attn: Dr. Jesse P. Clay, Jr.			

NOTE: In sealed bid solicitations "offer" and offeror" means "bid" and "bidder"

**SOLICITATION**

9. Sealed offers in original and 3 copies for furnishing the supplies or services in the Schedule will be received at the place specified in Item 8, or if hand carried to the bid counter located at 1333 H St, N. W. 2nd fl. West tower until 4pm local time 18-Apr-13  
(Hour) (Date)

CAUTION: Late Submissions, Modifications and Withdrawals: See 27 DCMR chapters 15 & 16 as applicable. All offers are subject to all terms & conditions contained in this solicitation.

10. For Information Contact	A. Name	B. Telephone			C. E-mail Address
	Jesse P. Clay Jr.	(Area Code) 202	(Number) 626-5145	(Ext) N/A	<a href="mailto:jclay@psc.dc.gov">jclay@psc.dc.gov</a>

**11. Table of Contents**

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**OFFER**

12. In compliance with the above, the undersigned agrees, if this offer is accepted within \_\_\_\_\_ calendar days from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered at the price set opposite each item, delivered at the designated point(s), within the time specified herein.

13. Discount for Prompt Payment	10 Calendar days % n/a	20 Calendar days % n/a	30 Calendar days % n/a	____ Calendar days % n/a
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14. Acknowledgement of Amendments (The offeror acknowledges receipt of amendments to the SOLICITATION):	Amendment Number	Date	Amendment Number	Date

15A. Name and Address of Offeror	16. Name and Title of Person Authorized to Sign Offer/Contract		
15B. Telephone (Area Code) (Number) (Ext)	15 C. Check if remittance address is different from above - Refer to Section G	17. Signature	18. Offer Date

**AWARD (TO BE COMPLETED BY GOVERNMENT)**

19. Accepted as to Items Numbered	20. Amount	21. Accounting and Appropriation

22. Name of Contracting Officer (Type or Print)	23. Signature of Contracting Officer (District of Columbia)	24. Award Date



**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**  
**REQUEST FOR PROPOSALS (RFP No. RFP-13-07)**

**Formal Case No. 1103**

**In the Matter of the Application of Potomac Electric Power  
Company for Authority to Increase Existing Retail Rates and  
Charges for Electric Distribution Service**

**Proposal Issue Date:** Thursday, March 28, 2013

**Proposal Due Date:** Thursday, April 18, 2013, no later than 4:00 pm EDT

**Contact:** Jesse P. Clay, Jr.  
Deputy Executive Director for Administrative Matters  
Public Service Commission of the District of Columbia  
1333 H Street, NW  
2<sup>nd</sup> Floor WEST Tower  
Washington, DC 20005  
Email: [jclay@psc.dc.gov](mailto:jclay@psc.dc.gov)  
Telephone: (202) 626-5145

**SECTION 1 - SCOPE OF WORK**

**Statement of Work**

The Contractor(s) will provide legal services to the Public Service Commission of the District of Columbia (“Commission”) in Formal Case No. 1103 (“F.C. No. 1103”) regarding the Potomac Electric Power Company’s (“Pepco”) Application requesting authority to increase existing retail rates for electric distribution service in the District of Columbia.

**BACKGROUND**

On March 8, 2013, the Potomac Electric Power Company (“Pepco”) filed an application with the Public Service Commission of the District of Columbia (“Commission”) requesting authority to increase existing retail rates for electrical distribution service in the District of Columbia by \$52.1 million.<sup>1</sup> Pepco’s proposal will add about \$6 to the monthly bill of the typical residential customer, who uses about 750 kilowatt-hours of electricity per month. Pepco requests that the new rates become effective in December 2013. Pepco proposes an overall rate of return of 8.23%, including 10.25% return on equity, on a proposed rate base of \$1.37 billion. Pepco’s proposed test year in this proceeding is the 12 months ending December 31, 2012, based on 12 months of actual data.

**F.C. No. 1103 SCOPE OF WORK (“SOW”)**

**1. General Requirements**

The Contractor will provide legal services to the Commission in issuing a final decision in Formal Case No. 1103, regarding its consideration of the application of Pepco for an increase in its retail rates for electric distribution service in the District of Columbia.

The Contractor’s duties include, but are not limited to:

- A. Reviewing and analyzing Pepco’s application, testimony, and accompanying filings;
- B. Reviewing and analyzing docket filings, testimony, and comments filed by other parties, if any;
- C. Preparing for any required hearing(s), including preparing Commission inquiries, if necessary, attending meetings with Commissioners concerning hearings, if necessary, and attending any required hearing(s);
- D. Drafting appropriate memoranda for the Commission, procedural orders, data requests, any required opinions and Order(s) on issues designated for consideration, and other electric ratemaking issues, as necessary;

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<sup>1</sup> *Formal Case No. 1103, In the Matter of the Application of the Potomac Electric Power Company For Authority To Increase Existing Retail Rates and Charges for Electric Distribution Service*, filed March 8, 2013. To locate this document on the Commission’s website, type [www.dcpssc.org](http://www.dcpssc.org), click on the eDocket button, click on Search Current Documents, enter FC1103 and click on Submit, then scroll to item no. FC 1103-2013-E-1.

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- E. Reviewing petitions for reconsideration if any are filed, and drafting orders relating to said petitions;
- F. Reviewing and analyzing appropriate Commission decisions, case law, and other appropriate statutory and legal precedent;
- G. Drafting the Commission’s responsive brief(s) for submission to the D.C. Court of Appeals, if any;
- H. Preparing for participation in any moot session regarding oral argument of the Commission’s briefs, if necessary; and
- I. Providing advice and conferring with Commissioners and Staff, as necessary.

**SECTION 2 – BUSINESS & CONTRACT TERMS**

It is anticipated that the contract will be for one (1) base year with two (2) one-year option periods that can be exercised by the Commission at its sole discretion.

**SECTION 3 – AUTHORITY**

This Request For Proposals (“RFP”) is released pursuant to the Commission’s procurement regulations, 15 DCMR § 2200 *et. seq.* (2000), which is published on the Commission’s website at [www.dcpsc.org](http://www.dcpsc.org).

**SECTION 4 – RFP AVAILABILITY**

This RFP will be published on the Commission’s website at [www.dcpsc.org](http://www.dcpsc.org). A copy of the RFP also may be obtained by e-mail or written request to:

Jesse P. Clay, Jr.  
Deputy Executive Director for Administrative Matters  
Public Service Commission of the District of Columbia  
1333 H Street, N.W., 2<sup>nd</sup> Floor, WEST Tower  
Washington, D.C. 20005  
Email: [jclay@psc.dc.gov](mailto:jclay@psc.dc.gov)

**SECTION 5 – CLARIFYING INFORMATION**

Any company or person wishing to obtain clarifying information about this RFP may submit inquiries *in writing only* to:

Jesse P. Clay, Jr.  
Deputy Executive Director for Administrative Matters  
Public Service Commission of the District of Columbia  
1333 H Street, N.W., 2<sup>nd</sup> Floor, WEST Tower  
Washington, D.C. 20005  
Email: [jclay@psc.dc.gov](mailto:jclay@psc.dc.gov)

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All inquiries for information must be made in writing and submitted to the Commission on or before **Monday, April 1, 2013, no later than 2:00 p.m., EDT**, to the attention of Jesse P. Clay, Jr. at the above-stated Commission's office or email address. The RFP number, RFP-13-07, must be identified in all written requests for information.

In order to assure that no prospective Offeror may obtain a competitive advantage because of acquisition of information unknown to other prospective Offerors, answers to all written questions timely received will be posted on the Commission's Contracting and Procurement webpage, at [www.dcpsc.org](http://www.dcpsc.org) under RFP No.: RFP-13-07, by close of business, **Friday, April 5, 2013, no later than 4:00 p.m., EDT**.

### **SECTION 6 – TIMING/DEADLINE FOR SUBMISSION OF PROPOSALS**

The times stated in this document refer to Eastern Daylight Saving Time ("EDT") where appropriate. The closing date for proposals is **no later than 4:00 p.m., EDT Thursday, April 18, 2013**. Any proposals received after the deadline will not be considered. **Two (2) originals and three (3) copies must be submitted under seal to:**

Jesse P. Clay, Jr.  
Deputy Executive Director for Administrative Matters  
Office of the Commission Secretary  
Public Service Commission of the District of Columbia  
1333 H Street, N.W., 2<sup>nd</sup> Floor, WEST Tower  
Washington, D.C. 20005

### **SECTION 7 – ELIGIBLE OFFERORS**

To be eligible, Offerors must be neutral and impartial and not advocate specific positions to the Commission in proceedings not related to matters within the Scope of Work in this RFP. Eligible Offerors must demonstrate technical capabilities, competence, and resources to perform the duties as delineated in the Scope of Work, Section I, of this RFP.

### **SECTION 8 – PROPOSAL REQUIREMENTS**

Proposals submitted in response to this request must meet the following conditions to be considered for selection. Proposals submitted via facsimile will not be accepted under any circumstances.

PROPOSALS MUST BE WRITTEN ENTIRELY ON 8½" x 11" PAPER. PROPOSALS SHOULD INCLUDE NECESSARY APPENDICES AND ATTACHMENTS. PROPOSALS SHOULD BE STAPLED IN THE TOP LEFT CORNER OR BOUND IN A 3-RING BINDER. PROPOSALS MUST BE SUBMITTED IN A MANNER THAT DOES NOT PRESENT ANY BENEFIT, KEEPSAKE, OR VALUE FOR MEMBERS OF THE REVIEW PANEL.

Proposals shall begin with a cover page that clearly states the name of the Offeror and the name, address, telephone number, fax number and email address, if available, of the Offeror's contact person who may be contacted directly regarding the proposal. The cover page shall make up the cover of the proposal. All parts of the proposal after the cover page must be filed

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under seal. A proposal must be submitted in the format outlined herein with a Table of Contents. Pages of the proposal must be numbered with index tabs included for each section.

**SECTION 9 – SOURCE SELECTION**

The Commission will award the contract to the Offeror(s) that, in light of all factors, best meet(s) the requirements of this proposal. Each Offeror will be evaluated in accordance with the procedures set forth in this RFP and the Commission’s procurement regulations. The Commission’s selection will be based on the Evaluation Criteria in Attachment B.

**SECTION 10 – ANTICIPATED SCHEDULE OF ACTIVITIES<sup>2</sup>**

Publish RFP on Commission website	March 28, 2013
RFP questions from Offerors due to Commission	April 02, 2013
Responses to questions posted on Commission website	April 6, 2013
Deadline for submission of proposals	April 18, 2013
Selection approved by Commission	April 25, 2013
Contract Negotiations	April 30, 2013
Contract Award	May 3, 2013
Commencement of project activities	Immediately following award

**SECTION 11 – LIST OF ATTACHMENTS**

Attachment A - Special Provisions

Attachment B - Proposal Evaluation Criteria

Attachment C - The Public Service Commission of the District of Columbia’s Procurement regulations 15 DCMR § 2200 *et. seq.* (2000)

Attachment D - Disclosure Statement

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2 **Disclaimer:** Dates are subject to change.

ATTACHMENT A

**SECTION A: SPECIAL PROVISIONS**

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

**General:** Under the provisions of the Small Local and Disadvantaged Business Enterprise Development and Assistance Amendment Act of 2005,<sup>3</sup> preference shall be given to Offerors that are certified by the Department of Small and Local Business Development (“DSLBD”) as having resident business ownership, being 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 and, if applicable, the Technical Proposal. In accordance with this law, the following preferences shall be 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; and
- Two points shall be awarded if the Offeror is certified as a disadvantaged business enterprise.

A Certified Business Enterprise (“CBE”) shall be entitled to any or all of the preferences provided in this section, but in no case shall a CBE 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 the DSLBD at the following address or telephone number:

Department of Small and Local Business Development  
Government of the District of Columbia  
One Judiciary Square  
441 - 4th Street, N.W., 9<sup>th</sup> Floor, Suite 970 N  
Washington, D.C. 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

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<sup>3</sup> D.C. Code § 2-218.01 *et. seq.* (2006 Repl. & Supp. 2008).

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preference points provided for in the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act, Part D, Subpart 2, Sec. 2343 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 shall be admitted to practice before the D.C. Court of Appeals and otherwise 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 Commission or a person with prior written authority from the Commission shall 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 the Commission or its authorized representative.

**A.5 Conformance with Laws**

It shall be the responsibility of the selected Offeror to perform under the contract in conformance with the Commission's procurement regulations and 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 procurement regulations, statutes, laws, codes, ordinances, regulations, rules, requirements, orders and policies that apply and their effect. See Attachment E

**SECTION B: PROPOSAL REQUIREMENTS**

**B.1. List of Required Documentation**

Offerors are required to submit the following information with their proposals:

- a. An executive summary that provides an overview;
- b. A statement of the Offeror's experience;
- c. A list of key individuals and their resumes;
- d. A detailed cost and price proposal; and
- e. A CBE Utilization Plan (if applicable).

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**B.2 Work Plan(s)**

The Offeror must describe clearly, specifically, and as completely as possible the details for carrying out the responsibilities of the duties associated with the Scope of Work, Section 1, of this RFP, as soon as possible after the contract award, including a mechanism and timeline for all deliverables. The proposal must include a schedule that identifies key milestones, tasks, activities, and events pertinent to the tasks and duties as outlined in the Scope of Work, Section 1 of this RFP.

**B.3 Prior Experience and Qualifications**

Describe the Offeror's prior experience performing activities similar to the duties and responsibilities as outlined in the Scope of Work, Section 1, of this RFP. If the Offeror has not worked on a similar project, please provide evidence of experience relevant to the duties as outlined in the Scope of Work, Section 1, of this RFP. The Offeror should demonstrate that it is familiar with Title 34 of the D.C. Code as it relates to electricity matters and have extensive knowledge of electric power issues and policies. Additionally, the Offeror should provide at least three references, preferably clients for whom similar work has been previously performed, including contact information for such client.

**B.4 Personnel**

Identify the persons who will perform the work described in this RFP and provide a detailed resume for each individual that describes the qualifications applicable to the performance of the tasks for which they would be responsible. Please include an organizational chart showing reporting relationships of team personnel. The Commission must be notified of any personnel changes if individuals assigned to work on this project are relieved of their responsibilities. Offerors shall designate one individual as the project manager and this person shall be responsible for project management, reporting, coordination, and accountability for the entire project.

**B.5 Budget**

Costs must be justified in terms of activities and objects of expenditure, and must be reasonable and necessary to the project as outlined in the Scope of Work, Section 1, of 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 CBE's, consultants), or others must be specified.

**B.6 Statement Regarding Potential Conflicts of Interest**

Each Offeror shall identify any relationships between itself or its employees and the companies under the jurisdiction of the Commission, or any parent, subsidiary or affiliate, of such companies. The extent, nature and time aspects must be identified. If there 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.7 Financial Capability**

Offerors shall describe their financial capability to complete the work required and to sustain operations for the term of the contract. Acceptable evidence of financial capability includes an audited financial statement within the past 12 months from a certified public accountant.

**B.8 Insurance**

**B.8.1 Required Policies**

The selected Offeror shall be required to maintain: (i) workers compensation insurance in accordance with statutory limits; (ii) a general liability insurance policy with limits of at least the value of the contract; (iii) an employer's liability policy; and (iv) an umbrella policy providing coverage at least as extensive as the underlying policies.

**B.8.2 Required Endorsements**

All policies required hereunder must show the selected Offeror as the certificate holder and must contain language requiring a sixty (60) day prior notification directly to the Commission.

All insurance policies shall be issued by insurers licensed to do business in the District of Columbia and any insuring company is required to have a minimum rating of an A-, Class C in Best's Key Rating Guide published by A.M. Best and Company, Inc.

**B.9 Corporate Information**

Offerors, if incorporated, shall attach to the proposal, a current franchise tax Certificate of Good Standing, issued by the District of Columbia's Office of Tax and Revenue. Offerors shall provide to the Commission, the 9-digit Federal Employer's Identification Number (FEI#) or Social Security Number (SSN) if Offeror is an individual. If a domestic corporation, Offerors shall also provide to the Commission the corporation's charter number issued by the District of Columbia Department of Consumer and Regulatory Affairs. If a foreign corporation, Offerors shall also provide to the Commission a copy of a valid Certificate of Authority to do business in the District of Columbia, issued by the District of Columbia Department of Consumer and Regulatory Affairs.

**B.10 Debarment and Suspension**

By submitting a proposal to the Commission, 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 the District of Columbia Public Service Commission. The Commission 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, that is owed the District of Columbia); (ii) violating federal or state antitrust statutes related to the 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 of present responsibility as a Offeror.

- b. The Commission, 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: PROPOSAL ORGANIZATION AND SUBMISSION**

This section outlines specific information necessary for the proper organization of the Offeror's proposal and manner in which the proposal should be proffered.

#### **C.1 Submission Identification**

**Submissions shall be proffered as one (1) original and three (3) copies, and each Offeror's submission shall be placed in a sealed envelope conspicuously marked: "Submission in Response to RFP No. RFP-11-07, F.C. No. 1103, In the Matter of the Application of Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service"**

#### **C.2 Delivery or Mailing of Submissions**

Submissions should be delivered or mailed to:

Jesse P. Clay, Jr.  
Deputy Executive Director for Administrative Matters  
Public Service Commission of the District of Columbia  
1333 H Street, N.W.  
2<sup>nd</sup> Floor-West Tower  
Washington, D.C. 20005

#### **C.3 Date and Time for Receiving Submissions**

**Submissions shall be received no later than 4:00 p.m., EDT, Thursday, Wednesday, April 18, 2013.** Offerors assume the sole responsibility for timely delivery of their submission, regardless of the method of delivery.

**C.4 Submission Size, Organization and Offeror Qualifications**

All submissions shall be typewritten and submitted on 8-1/2" x 11" paper. Telephonic, email, telegraphic, and facsimile submissions shall not be accepted. The Commission is interested in a qualitative approach to presentation material. Brief, clear, and concise material is more desirable than quantity.

**C.5 Acknowledgment of Amendments and Addenda**

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

**SECTION D: GENERAL REQUIREMENTS**

**D.1 Contact Person**

For information regarding this RFP, please contact:

Jesse P. Clay, Jr.  
Deputy Executive Director for Administrative Matters  
Public Service Commission of the District of Columbia  
Email: [jclay@psc.dc.gov](mailto:jclay@psc.dc.gov)  
Telephone: 202-626-5145

**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, it 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 Commission, 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 Protests and Disputes**

Protests and disputes shall be governed by Sections 2206 and 2207 of the Commission's Procurement regulations (15 DCMR §§ 2206-7). As provided in Section 2206.1, protestes alleging defects in this solicitation must be filed within ten (10) business days of the solicitation. If an alleged defect does not exist in this initial

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RFP, but was incorporated into the RFP by an amendment or addendum, a protest based on that defect must be filed before the next closing time Established for proffering submissions. In all other cases, a protester shall file the protest within ten (10) days after the protester knows or should have known, whichever is earlier, of the facts and circumstances upon which the protest is based. All protests must be made in writing to the Office of the Commission Secretary and must be filed in duplicate. Protests shall be served on the Commission by obtaining written and dated acknowledgment of receipt from the Office of the Commission Secretary. Protests received by the Commission after the indicated period shall not be considered. To expedite handling of protests, the envelope shall be labeled "Protest." The written protest shall be signed by the protester or its representative and shall include at a minimum the following:

1. Name, address, and telephone number of the protester;
2. Appropriate identification of the procurement, i.e., the RFP number and, if a contract has been awarded, its number;
3. A concise statement of the grounds for the protest and a specific request for a ruling from the Chief Contracting Officer of the Commission; and
4. Supporting exhibits, evidence or documents to substantiate any claims, unless not available within the filing time, in which case the expected availability date should be indicated.

### **D.4 Contract Award**

This procurement is being conducted in accordance with the Commission's procurement regulations, 15 DCMR § 2200 *et. seq.* (2000).

### **D.5 Written or Oral Discussions**

Section 2202.12 of the Commission's procurement regulations permits the Contracting Officer to conduct oral discussions with Offerors that tender submissions to expedite the proposal evaluation process.

#### **D.5.1 Award Without Discussions**

In order to meet the award schedule, the Commission 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.5.2 Written or Oral Discussions**

If the Contracting Officer elects to hold discussions with Offerors, then a competitive range will be Established based on the Evaluation Criteria set forth in Attachment A of this RFP. Upon completion of discussions, the Contracting

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Officer will issue to all Offerors in the competitive range a request for best and final offers. After receipt of best and final offers, the Contracting Officer will not reopen discussions unless it is clearly in the best interest of the Commission to do so.

**D.6 Retention of Submissions**

All submissions shall be retained by the Commission and therefore shall not be returned to Offerors.

**D.7 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.8 Late Submissions: Modifications**

Any submission or best and final offer received at the office designated in this RFP after the exact time specified for receipt shall not be considered. Any modification of a submission, including a modification resulting from the Contracting Officer's request for best and final offers, is subject to the same conditions as in Section C of this Attachment.

The only acceptable evidence to establish the time of receipt at the Commission is the time-date stamp of the Commission on the submission cover page or other documentary evidence of receipt maintained by the Commission. 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 Commission 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.9 No Compensation for Preparation of Submissions**

The Commission shall 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.10 Rejection of Submissions**

The Commission reserves the right, in its sole discretion to:

1. Cancel this solicitation or reject all submissions;
2. Reject submissions that fail to prove the Offeror's responsibility;

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3. Reject submissions that contain conditions and/or contingencies that, in the Commission's sole judgment, make the submission indefinite, incomplete, otherwise non-responsive, or otherwise unacceptable for award;
4. Waive minor irregularities in any submission, provided such waiver does not result in an unfair advantage to any Offeror;
5. Take any other action within the applicable procurement regulations or law; and
6. Reject the submission of any Offeror that has submitted a false or misleading statement, affidavit or certification in connection with such submission to this RFP.

**SECTION E: EVALUATION CRITERIA and AWARD PROCESS**

**E.1 Evaluation Process**

The Commission shall evaluate proposals and any best and final offers in accordance with the provisions of the Evaluation Criteria set forth in Attachment B of this RFP.

**E.2 Evaluation Committee**

Each proposal shall be evaluated by an Evaluation Committee in accordance with the Evaluation Criteria contained in Attachment B. The Evaluation Committee shall prepare a written report summarizing its findings and submit the same to the selection official(s). Based on the information submitted by the Offerors in response to this RFP and the report prepared by the Evaluation Committee, the selection official shall select proposals that are determined to best meet the criteria in this proposal.

**ATTACHMENT B**

Proposal Evaluation Criteria

**ATTACHMENT C**

Public Service Commission of the District of Columbia's Procurement regulations –  
15 DCMR § 2200 *et. seq.* (2000).

**ATTACHMENT D**

**DISCLOSURE STATEMENT**

Personnel who will perform the work described in the RFP shall disclose to the Commission whether they are blood related to the following individuals or have worked for the Commission in the past five (5) years:

Chairperson Betty Ann Kane

Commissioner Joanne Doddy Fort

**ATTACHMENT E**

Tax Certification Affidavit - Office of Tax and Revenue