

# **Entergy Regional State Committee**

## **Request for Proposal**

Consultant for E-RSC and E-RSC WG

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# **Section 1 - Background**

## **1.1 E-RSC Overview**

The Entergy Regional State Committee (E-RSC) is an organization created to provide collective state regulatory agency input on the operations of and upgrades to the Entergy Transmission System (ETS) including without limitation, issues relating to the operations and functions of the Entergy region Independent Coordinator of Transmission (ICT) and ICT committees, working groups and task forces.

## **1.2 E-RSC Members**

Members of the E-RSC are representatives of five (5) official governmental entities that regulate the retail electricity or distribution rates or approve retail service in areas served by the Entergy operating companies. These governmental entities are the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission, the Public Utility Commission of Texas, and the New Orleans City Council. The activities of the E-RSC are supported by the E-RSC Working Group (E-RSC WG), which consists of one or more representatives for each of the five governmental entities.

## **1.3 E-RSC Governing Documents**

The following documents define the responsibilities of E-RSC members and provide direction for E-RSC policymaking:

- E-RSC Articles of Incorporation
- E-RSC Bylaws

A list of the E-RSC Board of Directors and meeting minutes can be found on [www.spp.org](http://www.spp.org).

In addition, the E-RSC has certain authorities provided for in the Entergy Open Access Transmission Tariff, e.g., Article X.

## **1.4 Purpose of Proposal**

The purpose of this Request for Proposal (RFP) is. In particular, services are currently needed to assist the E-RSC and E-RSC WG in addressing various electric transmission issues in the Entergy service territory as well as other public utility electric transmission issues that may arise before the FERC or other agencies.

## **1.5 Response Date**

To be considered, proposals must be provided by electronic mail to [BBright@spp.org](mailto:BBright@spp.org) on or before **4:00 p.m. central time, October 31, 2012**, at the electronic mail address listed below. Proposals received after that deadline, for any reason, will not be considered.

## **1.6 RFP Project Coordinator**

Respondents should contact the Project Coordinator listed here for further proposal information. Contacting any E-RSC member, E-RSC WG member, or ICT representative is strongly discouraged and could result in disqualification of the proposal.

For any questions, please contact the Project Coordinator below:

Name: Richard Greffe  
Title: Senior Market Economist  
Organization: Public Utility Commission of Texas  
Address: 1701 N. Congress Ave.  
P.O. Box 13326  
Austin, TX 78711-3326  
Telephone Number: 512-936-7404  
E-mail Address: richard.greffe@puc.state.tx.us

## **Section 2 – Objectives**

The E-RSC is seeking an experienced consulting firm to assist the E-RSC and E-RSC WG in addressing numerous anticipated transmission-related issues confronting the Entergy service territory. Such issues include, but are not limited to, the adequacy of new transmission construction, potential cost allocation mechanisms for new transmission, the availability of transmission service, and the amount and resolution of transmission congestion. In addition, the E-RSC may address issues that result from events such as changes to the ICT services and/or service provider, Entergy membership in an RTO, and sale of the Entergy transmission system.

The scope of consulting services will include:

- Research and analyze issues of concern to the E-RSC and the E-RSC WG and present the results in written or verbal format as requested
- Assist with the strategy and substantive support for any FERC filings made by the E-RSC related to FPA sections 205 or 206
- Assist with market monitoring issues, such as the evaluation of market monitoring reports, the development of requests for additional data and analysis, and the development of requests for investigations
- Assist with developing and issuing data requests on Entergy-related issues and evaluating the responses
- Develop and administer stakeholder surveys on selected issues as requested
- Travel to and attend E-RSC and E-RSC WG meetings and/or conference calls
- Travel to and attend RTO and FERC meetings and/or conference calls as requested and provide summaries

- Schedule and facilitate E-RSC WG meetings and provide other support functions as requested by the E-RSC or E-RSC WG
- Recommend changes to E-RSC governing documents in furtherance of the E-RSC

To ensure efficient and effective provision of these services, it is anticipated that the consulting firm would designate a single individual (Project Lead) to perform most, if not all, of the required services.

The E-RSC will consider proposals that encompass the criteria and requirements detailed in this RFP. The E-RSC requests that the Respondent provide as much information as possible in response to each qualification specified in this RFP. The Respondent must identify any specific requirements that it is unwilling or unable to provide.

## **Section 3 - Project Requirements and Scope**

### **3.1 Progress Communication**

Communication between the selected Respondent and the E-RSC is expected for the duration of the Contract. The selected Respondent's Project Lead is responsible for coordinating the work performed with E-RSC and E-RSC WG contacts. The selected Respondent(s) will be responsive to the E-RSC's requests and questions.

### **3.2 Guidelines and Expectations**

The initial term of the contract is twelve months from the date that the contract is initiated and may be renewed.

Because the contract will not relate to a single, currently-known specific project, a formal specified work plan cannot be submitted as part of the response to the RFP. The Respondent, however, should submit a preliminary work plan upon which the Respondent's estimate for the total contract price should be based. The work plan should cover the contract period beginning November 19, 2012 and continuing through November 18, 2013. The preliminary plan should take into consideration the Respondent's knowledge of expected future activity which may impact the Entergy region. The work plan should provide clearly delineated assumptions of federal regulatory activity and the estimated number and position of personnel to be assigned, the estimated time necessary to successfully respond to that activity, and any other costs associated with the Respondent's response.

### **3.3 The Role of the E-RSC**

In all matters pertaining to the contract, the E-RSC shall have final approval authority. Respondents should include in their responses a discussion of the anticipated relationship between their team, the E-RSC and the E-RSC WG.

## **Section 4 - Proposal Process and Requirements**

### **4.1 Proposed Solution**

The Respondent should provide a detailed description of any and all solutions that it proposes to meet the E-RSC's objective as described in Section 2. The selected consulting firm will work with the E-RSC to develop acceptable forms for all related reports, work schedules, transition plans, etc.

### **4.2 Conditions of Bid**

In submitting a response to this RFP, Respondent acknowledges and accepts the following conditions by initialing each sub-paragraph in Attachment A.

### **4.3 Pre-Bid Questions**

All operational, technical, business, and contractual questions regarding this RFP and the scope contained herein, shall be submitted in writing via e-mail to the Project Coordinator only (see Sections 1.5 and 1.6 above).

Questions regarding the RFP must be submitted in writing within one week of the release of the RFP.

Specific details on the E-RSC's strategies will not be disclosed. Questions and responses will be distributed to all known recipients of the RFP without identifying the source of those requests.

### **4.4 Bid Clarifications and/or Exceptions**

Proposals shall conform to, in all respects, the applicable specifications, terms, and conditions referred to in this RFP. Submission of a proposal constitutes a commitment that the Respondent can provide the services in the RFP. An inability to provide an individual service(s) will not eliminate a firm from consideration. Any deviations from or exceptions to this RFP shall be clearly stated in the Respondent's proposal using Attachment C. If there are no such exceptions, please state so. A contract will not be awarded until the terms and conditions are executed between the parties. Once a contract is awarded, any exceptions that follow will not be considered.

### **4.5 Duration of Offer**

Proposals must be valid for a minimum of 60 days following the submission of responses to this RFP.

### **4.6 Response Instructions**

All proposals must include a table of contents delineating responses to each section. Proposals must include all responses including the attachments outlined in Section 5. Each section of the

response must contain all items in the sequence identified. An authorized official must sign any proposal(s). The proposal(s) must also provide the names, titles, phone numbers, and e-mail addresses of those individuals with authority to negotiate and contractually bind the company. See Section 3.7 and Attachment C. The E-RSC may use this information to obtain clarification of information provided.

#### **4.7 Respondent Contact Information**

In Attachment B, please provide contact information of the authorized person making this proposal and any alternate person with the same authority whom the E-RSC should contact with of questions or clarification.

#### **4.8 Company Profile**

Briefly complete the company profile information as listed in Attachment C and include a copy of the Respondent's current insurance certificate. Also provide a separate Attachment C and insurance certificate for each subcontractor included in the Respondent's proposal.

#### **4.9 Conflict of Interest**

Respondent must disclose all contracts, services rendered, relationships, circumstances, or interests between respondent, its consultants, or subcontractors and Entergy, including its affiliates and subsidiaries, during the last five (5) years. In addition, respondents must disclose any contracts, services rendered, relationships, circumstances, or interests between the respondent, its consultants, or subcontractors and other clients which may pose a conflict of interest, influence judgment or impair objectivity, or give the appearance of such conflict. If there have been no such relationships, a statement to that effect is to be included. Additionally, the Respondent should disclose its client list for all similar work performed during the past five (5) years, identifying the client, nature of review/assistance and dates of service.

By submission of a proposal, the Respondent certifies (and in the case of a joint proposal, each party certifies) that:

- No relationship exists or will exist during the contract period, between the Respondent and (i) Entergy including its affiliates and subsidiaries, (ii) the E-RSC or its members, other than those under this proposal if accepted, or (iii) stakeholders that could be construed as a conflict of interest and breach the terms or conditions of this RFP or any resulting contract.

If a Respondent fails to disclose any of the above interests at the outset of its submitting a proposal, or where such a relationship subsequently develops during the Respondent's employment by the E-RSC, the E-RSC reserves the right to terminate or cancel the contract into which the E-RSC may have entered with the Respondent. In addition, Respondent shall be liable for all costs incurred by the E-RSC in using Respondent's services, as well as all other nominal, consequential, punitive, and/or other damages directly or indirectly caused by Respondent's failure to disclose any of the above interests.

## **4.10 Disclaimer**

This RFP is not an offer to enter into a contract, but is merely a request for the submission of information. Expenses incurred in responding to this request are the responsibility of the Respondent. All materials submitted become the property of the E-RSC. The E-RSC reserves the right to modify, reject, or use without limitation any, or all of the ideas from submitted information. The E-RSC reserves the right to negotiate separately with individual Respondents or to discontinue the RFP process at any time for any reason whatsoever. The finalist's response to this RFP will become part of the final contract if awarded. Wherever there is a conflict between the Respondent's responses to this RFP, and the terms and conditions contained in any contract subsequently entered into by the parties, the terms and conditions of the contract shall prevail. The E-RSC has no obligations to disclose the results of the RFP process or to disclose why particular Respondent(s) were selected to participate in the contract negotiations process.

## **4.11 Disqualification**

Respondents shall only contact the Project Coordinator listed in Section 1.5 of this RFP. Respondents are not permitted to contact any E-RSC employee other than the Project Coordinator regarding this RFP or any of the information contained herein. Violations of these provisions may subject the respondent to immediate disqualification.

## **4.12 Requirements and Criteria**

The E-RSC and/or E-RSC WG will perform the evaluation of written proposals. During this time, the E-RSC may initiate discussions with Respondents who submit responses or who are potentially submitting responses for the purpose of clarifying aspects of the proposals. However, proposals may be evaluated without such discussions. Respondents shall not initiate such discussions.

The responses will be evaluated according to, but not restricted to, the following criteria:

- Previous relevant experience with provision of pertinent services
- The Respondent's demonstration of its capabilities to provide the services given the broad areas of technical expertise and other qualifications. Areas of expertise include, but are not limited to legal, economic, financial, engineering and accounting.
- The Respondent's overall responsiveness and consistency in meeting the requirements as specified in this RFP
- Demonstration by the Respondent of an ongoing business capability, e.g., financial statements, etc.
- The Respondent's organizational and technical capabilities to provide the services
- The Respondent's willingness and ability to meet the designated timelines and the reporting dates agreed upon with the E-RSC
- The compliance of the Respondent's response to the proposal specification(s)

The Respondent may be required to make an oral presentation of the proposal submitted in response to the RFP. This presentation would provide an opportunity for the Respondent to clarify its proposal and allow the E-RSC and/or the E-RSC WG to obtain answers to questions they may have regarding the proposal.

#### **4.13 Pricing**

Pricing and fees shall be summarized in Attachment D.

The price shall be firm for the duration of this contract. Respondents shall identify all assumptions made that would impact the cost. Bid price(s) shall include all costs to service provider, including taxes (if applicable) and profit.

Prospective contractors are invited to submit other pricing options for consideration by the evaluation committee. All final pricing agreed to in the contract will be based on an understanding of how all costs are derived.

The E-RSC reserves the right to accept other than the lowest priced proposal and to accept or reject any proposal (in whole or in part), or to reject all proposals (with or without notice or reasons), and if no proposal is accepted, to abandon the work, or to have the work performed in such other manner as the E-RSC may elect.

## Section 5 – Attachments

### Attachment A: Conditions of Bid

In submitting a response to this RFP, respondent acknowledges and accepts the following conditions, and make the following representations. Please initial each sub-paragraph in each box below in the Respondent's response.

- A-1 **Ownership of Proposals** – All proposals in response to this RFP are to be the sole property of the E-RSC.
- A-2 **Oral Contracts** – Any alleged oral contracts or arrangements made by a respondent with any employee of an E-RSC member will be superseded by the written contract.
- A-3 **Amending or Canceling Request** – The E-RSC reserves the right to amend or cancel this RFP at any time if it is in the best interest of the E-RSC.
- A-4 **Rejections for Default or Misrepresentation** – The E-RSC reserves the right to reject the proposal of any supplier that is in default off any prior contract, or for misrepresentation.
- A-5 **Clerical Errors in Awards** – The E-RSC reserves the right to correct inaccurate awards resulting from its clerical errors.
- A-6 **Rejection of Qualified Proposals** – Proposals are subject to rejection (in whole or in part) if they limit or modify any of the terms and/or specifications of the RFP.
- A-7 **Presentation of Supporting Evidence** – If requested, respondent(s) shall present evidence of experience, ability, and financial standing necessary to satisfactorily meet the requirements set forth in the RFP, or those implied in the proposal.
- A-8 **Consistency in Submissions** – The hardcopy submission of the proposal will prevail in the case of a discrepancy between the electronic and hardcopy version of the documents.
- A-9 **Changes to Proposals** – No additions or other changes to the original proposal will be allowed after submittal. While changes are not permitted, clarification at the request of the E-RSC may be required at the sole expense of the respondent.
- A-10 **Collusion** – In submitting a proposal, the respondent implicitly states that the proposal is not made in connection with any competing respondent submitting a separate response to the RFP, and is in all respects fair and without collusion or fraud.
- A-11 **Costs** – The E-RSC shall not be liable for any cost incurred in the preparation of this RFP.

A-12 **Subcontractors** – The use of subcontractors must be clearly identified and explained in the proposal. The prime contractor shall be wholly responsible for the performance of the contract in its entirety, whether or not subcontractors are used. Subcontractors shall be bound by the terms and conditions of this RFP. The prime contractor shall indemnify and hold the E-RSC harmless from any and all activities related to the services provided by the subcontractor(s) under this contract.

A-13 **Legal Compliance** – In submitting a proposal, the respondent warrants that it is legally authorized to do business in the state of its principal place of business, is in compliance with all applicable laws and regulations, is not prohibited from doing business with the E-RSC by law, order, regulation, or otherwise, and the person submitting the proposal on behalf of the supplier is authorized by the supplier to bind it to the terms of the proposal.

**Attachment B: Respondent Information**

- A. Respondent’s Company Name \_\_\_\_\_
- B. Service Provider’s Mailing Address \_\_\_\_\_  
\_\_\_\_\_
- C. Service Provider’s Physical Address (if different from above) \_\_\_\_\_  
\_\_\_\_\_
- D. **Primary** Contact Name \_\_\_\_\_
- E. Telephone Number \_\_\_\_\_
- F. Alternate Telephone Number \_\_\_\_\_
- G. Fax Number \_\_\_\_\_
- H. E-mail Address \_\_\_\_\_
- I. **Alternate** Contact Name \_\_\_\_\_
- J. Telephone Number \_\_\_\_\_
- K. Alternate Telephone Number \_\_\_\_\_
- L. Fax Number \_\_\_\_\_
- M. E-mail Address \_\_\_\_\_
- N. RFP Number \_\_\_\_\_
- O. Dun & Bradstreet Number \_\_\_\_\_
- P. Tax Identification Number \_\_\_\_\_
- Q. Provide a current certificate of insurance \_\_\_\_\_
- R. Recent or pending mergers, acquisitions or IPO’s \_\_\_\_\_

## **Attachment C: Bid Clarifications and/or Exceptions**

Respondent offers the following clarifications and/or exceptions taken to any requirement or provision of this RFP and any proposed modifications or replacement language for each clarification or exception (If none, so state):

***Service provider understands that unless itemized above, no other clarifications or exceptions to this Request for Proposal are taken by the E-RSC.***

## **Attachment D: Pricing Summaries**

Please provide a summary of the Respondent's pricing proposal for all services related to the execution of this project. Pricing shall be submitted on a lump-sum basis for each of the following contract length periods, including all costs to the E-RSC: