

**Act 129 Statewide Evaluator Request for Proposal  
Questions and Answers from the Pre-Proposal Conference**

- Q. Is it necessary to have prior experience doing EM&V work for state regulatory commissions?**
- A. No.
- Q. Section IV-7 of the RFP states “The logging/metering studies should be completed in time to incorporate new values into the TRM version that will be effective for potential Phase III programs beginning June 1, 2016.” If the results of a metering study are available, could the HOU values determined through SWE metering studies be used to update HOU assumptions in the 2014 or 2015 TRM in Phase II?**
- A. The Commission is planning to have the logging/metering studies completed during 2014. The 2014 TRM is scheduled for completion in 2013. The 2015 TRM is scheduled for completion in 2014. Because of this timing, we do not anticipate incorporating the logging/metering studies into Act 129 Phase II.
- Q. Section II-3 of the RFP states “The work plan should list the employees and their anticipated work hours for each task or group of tasks.” Should these estimates of work hours be presented on a monthly basis, annual basis, or as a roll-up for the entire contract?**
- A. Each bidder may present anticipated work hours as they believe it best describes their submission. However, including estimates of work hours for each employee on an annual basis for each task or group of tasks is preferred, to facilitate comparison between proposals.
- Q. Section II-5 of the RFP states “For the Project Manager and leadership personnel, please list existing projects and project end times.” Would the PUC accept availability shown as an annual percentage instead of a listing of project and end times for all key personnel identified to work on this project?**
- A. No. We would like to compare availability for leadership personnel.

**Q. Section IV-1 of the RFP states “Therefore, the Phase II SWE will not be required to conduct NTG studies or make NTG adjustments.” Please clarify if the PUC expects the Phase II SWE to review NTG studies and process evaluations conducted by the EDC evaluators.**

A. Yes. We expect the Act 129 Phase II SWE to review EDC NTG studies and process evaluations conducted by the EDC evaluators.

**Q. Section III-7 of the RFP. We would like to inquire if the PUC will accept a conflict management plan to alleviate the COI concerns outlined in Section III-7 of the RFP. Would the PUC accept a dual-layer conflict management plan which protects the independence of the evaluation/audit by a corporate firewall and precludes an evaluation subsidiary from auditing programs receiving CSP services from the parent company?**

A. No. The Act 129 Statewide Evaluator needs to be impartial. You can bid on contracts for the EDC as well as the SWE, but if you are awarded the SWE contract, you or any of your subsidiaries/affiliates may not provide energy conservation and evaluation services to any Pennsylvania EDC during the term of the contract.

**Q. The RFP bundles for “full service” with (1) statewide evaluation coordination and review, (2) logging/metering studies, (3) baseline studies and (4) an EE Market Potential Study. How reasonable would it be to submit a bid that stated capability to oversee a logging/metering effort but would look at that piece as something to contract out following award (without, at time of bid detailing the full implementation team)? Would this be looked up negatively or as a disqualifier?**

A. The RFP does not require a bidder to perform all tasks in-house; you may hire subcontractors (or form joint partnerships). However, to ensure a fair comparison between proposals, the ability to perform all material requirements of the RFP must be indicated in the proposal, that is, indicating personnel and hours for the task. Therefore bidders may not leave material requirements of the RFP “blank” to be addressed later.

**Q. Section I-13 of the RFP. Can a “small business” simply be a small business (meeting the gross annual revenue criteria) or does it have to be certified in some way?**

A. Please contact Gail Nuppnau, Liaison for the Bureau of Small Business Opportunities, at [gnuppnau@pa.gov](mailto:gnuppnau@pa.gov).

**Q. Section I-13 of the RFP. Can a minority-owned, woman owned, disabled veteran-owned or veteran-owned business simply be what it is and get the DGS verification later or do these types of ownership have to be pre-certified by DGS prior to proposal submission? Can you facilitate the process to get turnaround in – say, a week?**

A. Please contact Gail Nuppau, Liaison for the Bureau of Small Business Opportunities, at [gnuppau@pa.gov](mailto:gnuppau@pa.gov).

**Q. Section I-31 of the RFP. We typically operate using subcontractors rather than as a core firm with employees and a few subcontractors. We do have well qualified people who are used to working together and an excellent track record. Is our organization form a problem (would it be scored down or looked at negatively) or a disqualifier?**

A. No.

**Q. Section I-31 of the RFP. What is the definition of financial abilities? Do you mean simply no record of any financial problems or are you requiring a certain level of capital, or the like?**

A. “Financial abilities” is the ability of the bidder to finance continued operations throughout the term of the contract. Companies with longer track records are generally considered able to continue operations. Start-up companies may need to indicate the ability to continue operations more explicitly.

**Q. Section III-7 of the RFP. Does affiliate participation in facilitating EDC incentive programs preclude an evaluator firm from bidding on the statewide evaluator program?**

A. If the EDC incentive programs would occur during Act 129 Phase II, then this presents a conflict of interest.

The Commission cannot provide a ruling on conflicts prior to review of the proposals. If the Commission determines that there is a conflict, the bidder can “cure” the conflict by agreeing as a condition of accepting the contract not to sell additional hardware, software, equipment or related services that are designed and employed by an EDC to produce (cause a reduction in energy usage) or warrant (track/verify) energy savings, either consumption or demand response, to the EDCs for the duration of the contract.

**Q. Section III-8 of the RFP. If an affiliate is currently working for a PA EDC related to Act 129 Phase I work, can the company still submit a proposal to be the Act 129 Phase II Statewide Evaluator?**

A. If the affiliate work with the PA EDC occurred during Act 129 Phase I and ceases with the conclusion of Act 129 Phase I work, then there is no conflict of interest. Refer to RFP Section III-8.

**Q. Section III-8 of the RFP. If my company is selected as the Act 129 Phase II Statewide Evaluator, can company staff that worked on an EDC project in Act 129 Phase I, be assigned as staff to the Act 129 Phase II Statewide Evaluator project?**

A. Once the Act 129 Phase I work is completed and the “overlap period” concludes, then staff can be assigned to work on the Act 129 Phase II SWE project. Refer to RFP Section III-8.

**Q. Section IV-2, Table 2 of the RFP. Do the databases referred to in the tables need to be created or can existing databases from the EDCs and the Act 129 Phase I evaluator be utilized?**

A. The Statewide Evaluator, in conjunction with the EDCs, will jointly develop the tracking databases to be used for EDC reporting to the Statewide Evaluator.

**Q. Section IV-9 of the RFP. Will the Statewide Evaluator have access to PA EDC specific and PA customer specific data to assist in the completion of the potential study?**

A. Yes.

**Q. Section III-7 of the RFP. Does the conflict of interest provision extend to hardware and software provided to PA EDCs?**

A. After being awarded the contract, selling additional software, hardware, equipment or related services that are designed and employed by an EDC to produce (cause a reduction in energy usage) or warrant (track/verify) energy savings, either

consumption or demand response, during the contract term would cause a conflict of interest. The winning bidder may continue to maintain or service such software, hardware, equipment or related services sold prior to the award of the contract during the contract term without creating a conflict.

Having sold hardware, software, equipment or related services to the EDCs prior to the award of the Contract is not a conflict, so long as the winning bidder agrees as a condition of accepting the Contract not to sell any additional of such items that are designed and employed by an EDC to product (cause a reduction in energy usage) or warrant (track/verify) energy savings, either consumption or demand response, to the EDCs after the award of the contract, for the duration of the contract.

**Q. Can agreements be put in place to secure the necessary customer billing information from EDC customers and EDC CSPs?**

A. Yes. Confidentiality agreements are in place between the EDCs and the current Act 129 Phase 1 SWE. We expect that such agreements would be executed with the Act 129 Phase II SWE.

**Q. Section II-8 of the RFP. Will the contract be a fixed paid amount or a not to exceed dollar amount?**

A. This is a fixed maximum (not to exceed) contract and as noted in Section I-30, the contractor will bill monthly for completed work. Commission will only pay for approved completed work (paying on a monthly basis), up to the fixed maximum contract amount. An amendment to the contract would be required to exceed the overall fixed maximum contract amount.