

**REQUEST FOR PROPOSAL**

**OPC-FY2016-10**

**For**

**Consultant: Provide Technical Assistance Consulting Services to the  
Office of the People’s Counsel for Its Activities in D.C. Public  
Service Commission Rulemaking (RM) 28-2016**

**Sponsored by the**

**Office of the People’s Counsel for the District of Columbia**

RFP Issue Date: September 16, 2016

Proposal Due Date: September 26, 2016

## RFP No. OPC-2016-10

### SECTION 1 - SCOPE OF WORK

#### **I. Introduction**

The Office of the People's Counsel for the District of Columbia ("OPC") or ("Office"), the statutory representative for District of Columbia ratepayers and consumers, seeks technical services from qualified firms and individuals with knowledge and expertise in the area of local telecommunications service regulation, particularly in regard to the District of Columbia's and federal regulations concerning telephone service subsidies for low-income consumers.

The selected offeror should have substantive knowledge and skill in the area of analyzing and evaluating the federal Lifeline program and the District of Columbia Universal Service Trust Fund, with a specific focus on how these rules impact District consumers.

#### **II. Background**

On September 2, 2016, the Commission issued a Notice of Proposed Rulemaking requesting comments concerning amendments to the Commission's rules concerning the District of Columbia Universal Service Trust Fund ("USTF") and USTF eligibility requirements. OPC will be a party to this proceeding and make proposals that promote and protect the interests of the District's local telecommunications service consumers and ratepayers.

#### **III. Tasks**

1. Analyze any applicable PSC documents relevant to the rulemaking, including public notices and notices of proposed rulemakings, and pleadings and orders in related PSC dockets referencing RQS rules and issues.
2. Conduct any research necessary to prepare legal memoranda and/or drafts of pleadings to be filed by OPC in *RM28-2016-01*.
3. Draft legal memoranda, comments, and any other necessary pleadings for OPC's review and sole use.
4. Represent OPC before the D.C. City Council and PSC and in other meetings as needed.
5. Work with assigned OPC attorneys, technical consultants and staff on all matters related to *RM28-2016-01*.
6. Assist OPC in preparing pleadings and other documents related to *RM28-2016-01* as necessary.

The successful offeror is expected to use professional expertise in projecting a reasonable work plan for this contract assignment, which will result in the completion of the tasks for the fixed price.

## **SECTION 2- INDEPENDENT CAPACITY: NON-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 District of Columbia government. The successful Offeror shall not assign nor transfer any interest under a contract or request for work resulting from this RFP without the prior written consent of OPC.

## **SECTION 3 – INDEMNIFICATION**

The successful Offeror agrees to indemnify, defend, and hold harmless the Office of the People’s Counsel and the District of Columbia government, its officers, 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 OPC 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.

## **SECTION 4 – ACCESS TO RECORDS**

The successful Offeror agrees that OPC, through its authorized agents and employees, shall have the right to examine and audit such books, records, and other documents in the possession or control of the successful Offeror as necessary to verify the fees, charges and expenses billed to the Office under this engagement.

## **SECTION 5 – CONFIDENTIALITY OF PROPOSALS, WORK PAPERS AND MATERIALS**

The proposal filed in response to this RFP shall be considered a public document and will be available for public inspection upon received by OPC. The successful Offeror agrees that the Office shall own and have unlimited right to all interim and final written testimony, exhibits, or reports, and that the successful Offeror shall not assert any rights or establish any claim under existing copyright, patent, or data law as to such material or processes. The successful Offeror further agrees that upon request it will submit to the Office original or legible copies of all work papers created by the successful Offeror in support of its testimony, exhibits, or reports during the course of this engagement.

## **SECTION 6 – TERMS AND CONDITIONS**

This RFP does not bind or otherwise commit OPC to enter into a contract or to pay any cost incurred in the preparation of a proposal in response to this request. OPC 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. OPC 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 a proposal.

#### **SECTION 7 – TERMINATION OF AGREEMENT**

It is understood and agreed that if, through any cause or for any reason, the successful Offeror fails to fulfill in a timely and professional manner the obligations under the successful proposal, or violates any of the terms of this RFP or contract entered into pursuant to this RFP, the Office shall have the right to terminate the contract by giving written notice of termination. In the event of such termination, all finished or unfinished documents, data, studies, testimony, exhibits, or other material prepared or being prepared pursuant to this engagement shall, at the option of the Office, become OPC's property and the successful Offeror shall be entitled to receive just and equitable compensation for any reasonably satisfactory work performed.

#### **SECTION 8 – TIMING/DEADLINE FOR SUBMISSION OF PROPOSALS**

The times stated in this document refer to Eastern Standard Time (EST). The closing date for proposals is **no later than 4:00 p.m. EST on September 26th, 2016**. Any proposals received after this deadline will not be considered. Please submit **One (1) hard copy and an electronic copy (email) to:**

**Naunihal Singh Gumer  
Director, Regulatory Finance  
Office of the People's Counsel for the District of Columbia  
1133 15<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20005  
ngumer@opc-dc.gov**

#### **SECTION 10– ELIGIBLE OFFERORS**

To be eligible, the Offeror must demonstrate technical capabilities, competence, and resources to perform the duties as delineated in the Scope of Work in Section 1 of this RFP.

#### **SECTION 11 – PROPOSAL REQUIREMENTS**

See Attachment A.

#### **SECTION 12 – SOURCE SELECTION**

The Office will award the contract to the Offeror that, in light of all factors, best meets the requirements of this RFP. Each proposal will be evaluated in accordance with the procedures set forth in this RFP. OPC's selection of a successful Offeror will be based on the Evaluation Criteria in Attachment B.

**SECTION 13 – ANTICIPATED SCHEDULE OF ACTIVITIES<sup>1</sup>**

Deadline for submission of proposals	<b>September 26, 2016</b>
Selection approved by OPC	<b>September 27th, 2016</b>

**SECTION 14 – LIST OF ATTACHMENTS**

Attachment A	Proposal Requirements
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<sup>1</sup> Dates are subject to change.

## **ATTACHMENT A**

### **SECTION A: PROPOSAL REQUIREMENTS**

#### **A.1. List of Required Documentation**

Offerors will be required to submit the following information with their proposals.

- a. An executive summary that provides an overview of work to be performed.
- b. A general contractor capability statement of the Offeror's experience.
- c. Copy of the District of Columbia Business License, if applicable.
- d. Copy of District of Columbia Certified Business Enterprise Certification, if applicable.
- e. A list of area (s) of expertise.
- f. A list of years of experience.

#### **A.2 Work Plan(s)**

Offerors must briefly describe clearly and specifically their proposals for carrying out the responsibilities associated with the Scope of Work in Section 1 of this RFP. Additionally, Offerors should be prepared to clearly and completely describe in detail their proposals as soon as possible after the contract award, including a timeline for all deliverables. The timeline must identify the key milestones, tasks, activities and events outlined in the Scope of Work.

#### **A.3 Prior Experience and Qualifications**

Offerors must describe their prior experience and qualifications with respect to their knowledge and experience for the tasks outlined in Scope of Work in Section 1 of this RFP.

#### **A.4 Personnel**

Offerors must designate one individual as the project manager and this individual shall be responsible for project management, reporting, coordination, and accountability for the entire project.

#### **A.5 Budget**

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, consultants, and others must be specified.

Each proposal must contain an itemized cost break down for services to be provided by Offeror to OPC. OPC reserves the right to disallow expenses charged for this engagement if OPC determines such expenses are unreasonable.

## **A.6 Statement Regarding Potential Conflicts of Interest**

Each Offeror must identify any relationships between itself or its employees and the companies under the jurisdiction of the Public Service Commission of the District of Columbia, or any parent, subsidiary, or affiliate of such companies. The extent, nature, and time aspects must be identified. If there are or 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.

## ATTACHMENT B

### Proposal Evaluation Criteria

Representatives of OPC will evaluate all responses received by the deadline. A 100-point scale will be used to create the final evaluation recommendation.

The factors and weighting on which proposals will be judged are:

1)	Expressed understanding of the project objectives	30%
2)	Technical competence of the proposal, work plan, and project approach	35%
4)	Budget	25%
5)	District Government Certified Small Business Enterprise Certification	10%

The successful Offeror will be chosen based on the Proposal Evaluation and Interview Performance.

OPC reserves the right to waive any minor irregularities in the proposal request process. OPC reserves the right to interview any, all, or none of the respondents at its discretion. OPC shall not be liable for any expenses associated with the preparation of the proposal.