



REQUEST FOR PROPOSAL No. 17-4

For

**East Bay Community Energy Authority
Legislative Advocacy and Advisory Services**

RESPONSE DUE

by

5:00 p.m.

on

November 10, 2017

For complete information regarding this project, see RFP posted at ebce.org or contact the EBCE representative listed below. Thank you for your interest!

Nick Chaset, Chief Executive Officer, EBCE
(510) 670-5936
NChaset@ebce.org

EAST BAY COMMUNITY ENERGY
REQUEST FOR PROPOSAL No. 17-4
SPECIFICATIONS, TERMS & CONDITIONS
for
East Bay Community Energy Authority:
Legislative Advocacy and Advisory Services

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STATEMENT OF WORK

BACKGROUND

Prior to the formation of the EBCE in late 2016, the County of Alameda (County) completed a technical study which demonstrated that Community Choice Aggregation can meet the County's threshold environmental and economic goals including competitive electric rates, greenhouse gas reductions, higher renewable content than the incumbent utility, and local economic benefits. In December 2016, the County and eleven (11) cities within Alameda County entered into a Joint Powers Agreement, forming the EBCE Authority. EBCE is governed by a Board of directors consisting of elected representatives from each member jurisdiction and their alternates. EBCE also recently hired its Chief Executive Officer who will administer the day-to-day affairs of the Agency.

At full implementation, EBCE will serve the electric needs of nearly 600,000 residential, municipal and business accounts in partnership with Pacific Gas & Electric. Although it is anticipated that the program will enroll customers in two phases, the first in Spring 2018, and the second in Summer/Fall, 2018, it is anticipated that at full implementation, EBCE will yield annual revenues in excess of \$500 million. Additional information, including a detailed technical analysis and Implementation Plan, is available on the EBCE website at www.ebce.org.

SERVICES AND REQUIREMENTS

The intent of this solicitation is to establish an agreement with a Contractor(s) to provide: 1) legislative advocacy and advisory services to EBCE. EBCE is seeking full service legislative advocacy and advisory services at the California State Legislature for a term of 12 to 24 months. EBCE is in the start-up phase and is seeking bidders willing to offer payment terms that allow deferral of some or all fees until summer of 2018. EBCE is seeking proposals that describe the following areas of expertise:

- 1) Describe experience providing lobbying services in Sacramento
- 2) Describe experience in the energy industry
- 3) Describe experience with community choice aggregation or other competitive supplier issues
- 4) Provide information about any specific bills worked in the CCA or retail energy area, and outcomes achieved

- 5) Disclose any existing clients that may present a conflict of interest, such as investor owned utilities, and describe how such conflicts would be addressed if serving EBCE
- 6) Describe proposed services offered
- 7) Provide cost of services
- 8) Provide proposed payment structure (i.e.: monthly retainer or hourly billing) including any willingness to defer some or all compensation until summer 2018.
- 9) Provide 3-5 references for individuals who are familiar with your lobbying work

PROPOSED CALENDAR OF EVENTS

| | Action | Date |
|-----|--|------------------------|
| 1. | Issuance of RFP | October 31 , 2017 |
| 2.. | Deadline to submit proposals | November 10, 2017 |
| 3. | Proposal Evaluation | November 13-15, 2017 |
| 4. | Finalist selection/interviews If needed | November 16 - 17, 2017 |
| 5. | Final Negotiations and/or Best and Final Offer | November 27 - 30, 2017 |
| 6. | Award of Contract by Board of Directors | December, 2017 |

PROCEDURES, TERMS, AND CONDITIONS

GENERAL

Incurring Cost

This RFP does not commit EBCE to award or pay any cost incurred in the submission of the proposal, or in making necessary studies or designs for the preparation thereof, nor procure or contract for services or supplies. Further, no reimbursable cost may be incurred in anticipation of a contract award.

Claims Against EBCE

Neither your organization nor any of your representatives shall have any claims whatsoever against EBCE or any of its respective officials, agents, or employees arising out of or relating to this RFP or these RFP procedures, except as set forth in the terms of a definitive agreement between EBCE and your organization.

Guarantee of Proposal

Responses to this RFP, including proposal prices, will be considered firm and irrevocable for one hundred eighty (180) days after the due date for receipt of proposals and/or one hundred eighty (180) days after receipt of a best and final offer, if one is submitted.

Basis for Proposal

Only information supplied by EBCE in writing by the Contact in connection with this RFP should be used as the basis for the preparation of Contractor's proposal.

Form of Proposals

Proposals must be submitted electronically by e-mail; submittal by US postal service is also an option.

Amended Proposals

Contractors may submit amended proposals before the Deadline to Submit Proposals. Such amended proposals must be complete replacements for previously submitted proposals and must be clearly identified in a written format. The Contact will not merge, collate, or assemble proposal materials.

Withdrawal of Proposal

Contractors may withdraw their proposals at any time prior to the Deadline to Submit Proposals. The Contractor must submit a written withdrawal request signed by the Contractor's duly authorized representative addressed to and submitted to the Contact.

Late Responses

To be considered, proposals must be received electronically by email and (optional) in person or via courier/mail or to the place specified by November 10, 2017, 5:00 PM PST.

No Public Proposal Opening

There will be no public opening for this RFP.

California Public Records Act (CPRA)

All proposals become the property of EBCE, which is a public agency subject to the disclosure requirements of the California Public Records Act ("CPRA"). If Contractor proprietary information is contained in documents submitted to EBCE, and Contractor claims that such information falls within one or more CPRA exemptions, Contractor must clearly mark such information "CONFIDENTIAL AND PROPRIETARY," and identify the specific lines containing the information. In the event of a request for such information, EBCE will make best efforts to provide notice to Contractor prior to such disclosure. If Contractor contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief, or other appropriate remedy from a court of law in Alameda County, before EBCE's deadline for responding to the CPRA request. If Contractor fails to obtain such remedy within EBCE's deadline for responding to the CPRA request, the EBCE may disclose the requested information.

Contractor further agrees that it shall defend, indemnify, and hold EBCE or its agents, harmless against any claim, action, or litigation (including, but not limited to, all judgments, costs, fees, and attorney's fees) that may result from EBCE's assertion of an exemption or privilege as a basis for withholding any information marked confidential by the Contractor.

Confidentiality

All data and information obtained from or on behalf of EBCE by the Contractor and its agents in this RFP process, including reports, recommendations, specifications, and data, shall be treated by the Contractor and its agents as confidential. The Contractor and its agents shall not disclose or communicate this information to a third party or use it in advertising, publicity, propaganda, or in another job or jobs, unless written consent is obtained from EBCE. Generally, each proposal and all documentation, including financial information, submitted by a Contractor to EBCE is confidential until a contract is awarded, when such documents become public record under State and local law, unless exempted under CPRA.

Electronic Mail Address

Most of the communication regarding this procurement will be conducted by electronic mail (e-mail). Potential Contractors agree to provide the Contact with a valid e-mail address to receive this communication.

EBCE Rights

EBCE and its Contact reserve the right to do any of the following at any time:

- a. Reject any or all proposal(s), without indicating any reason for such rejection;
- b. Waive or correct any minor or inadvertent defect, irregularity, or technical error in a proposal or the RFP process, or as part of any subsequent contract negotiation;
- c. Request that Contractors supplement or modify all or certain aspects of their proposals or other documents or materials submitted;
- d. Terminate the RFP, and at its option, issue a new RFP;
- e. Procure any equipment or services specified in this RFP by other means;
- f. Modify the selection process, the specifications or requirements for materials or services, or the contents or format of the proposals;
- g. Extend a deadline specified in this RFP, including deadlines for accepting proposals;
- h. Negotiate with any or none of the Contractors;
- i. Modify in the final agreement any terms and/or conditions described in this RFP;
- j. Terminate failed negotiations with any Contractor without liability, and negotiate with other Contractor(s);
- k. Disqualify any Contractor on the basis of a real or apparent conflict of interest, or evidence of collusion that is disclosed by the proposal or other data available to EBCE;

- l. Eliminate, reject, or disqualify a proposal of any Contractor who is not a responsible Contractor or fails to submit a responsive offer as determined solely by EBCE or its representative; and/or
- m. Accept all or a portion of a Contractor’s proposal.

EVALUATION CRITERIA

Evaluations will be based upon the information provided in the proposals and such other information requested by Contact or EBCE, or as deemed appropriate by EBCE. Proposals shall provide clear, concise information and sufficient detail to enable reviewers/evaluators to evaluate the responsiveness and quality of the proposals to all RFP requirements. Evaluators will also review the proposals for format to ensure conformance with the RFP requirements. Proposals that fail to meet RFP requirements could be rejected. The Contact or EBCE may waive minor irregularities in proposals if doing so would be in the best interest of EBCE. Evaluators may recommend discontinuing evaluation of any proposal that is considered not in compliance with all of the RFP requirements.

The review/evaluation team will select the proposal that offers the greatest value to EBCE based on an analysis of the following criteria:

| Evaluation Criteria | | Points |
|---------------------|--|------------|
| 1. | Understanding of the scope of work required by EBCE <ul style="list-style-type: none"> ● Quality, clarity and responsiveness of the proposal ● Proposed approach in providing services | 25 |
| 2. | Contractor’s capabilities <ul style="list-style-type: none"> ● Ability to provide required services ● Reliability and quality of client service ● Commitment to EBCE’s mission, goals and positive legislative outcomes | 25 |
| 3. | Management, personnel, and experience <ul style="list-style-type: none"> ● Demonstrated competence and professional qualifications necessary for successfully performing the work required by EBCE ● Recent experience in successfully performing similar services ● Background and related experience of the specific individuals to be assigned to this account ● Information provided by Contractor’s References | 25 |
| 4. | Cost <ul style="list-style-type: none"> ● Cost of proposed services ● Terms to defer payment until summer 2018 | 25 |
| TOTAL | | 100 |

As reflected in the Evaluation Criteria, contract award will not be based solely on cost, but on a combination of factors as determined to be in the best interest of EBCE. EBCE will not be bound to award the contract(s) based solely on the lowest bid submitted.

After evaluating the proposals and discussing them further with the Finalists or the tentatively selected Contractor(s), EBCE reserves the right to further negotiate the proposed work and/or method and amount of compensation.

INSTRUCTIONS TO BIDDERS

EBCE CONTACT

The evaluation phase of the competitive process shall begin upon receipt of bids until a contract has been awarded. Bidders shall not lobby evaluators or any member of the staff or Board of Directors during the evaluation process. Attempts by Bidder to lobby evaluators, staff or Board members may result in disqualification of bidder.

All questions regarding these specifications, terms and conditions are to be submitted in writing, via e-mail, by 5:00 p.m. PST on Monday, November 6, 2017 to:

Nick Chaset
East Bay Community Energy
E-Mail: nchaset@ebce.org

The EBCE website will be the official notification posting place of all Requests for Interest, Proposals, Quotes and Addenda. Go to <http://www.ebce.org> to view current contracting opportunities.

SUBMITTAL OF PROPOSALS

All bids must be received at East Bay Community Energy by 5:00 p.m. on November 10, 2017. Bids will be received only at the addresses shown below any bid received after said time and/or date or at a place other than the stated address may not be considered and will be returned to the bidder unopened. **Electronic bids must be submitted in a non-alterable format such as a .pdf.**

1. If mailing or hand delivering, bids are to be addressed and delivered as follows:

EBCE Legislative Advocacy and Advisory Services, RFP No. 17-4
Nick Chaset, Chief Executive Officer

East Bay Community Energy
222 W. Winton Avenue, Room 111
Hayward, CA 94544

Bidder's name, return address, and the RFP number and title must also appear on the mailing package.

2. Bidders **must** also submit an electronic copy of their proposal via email to the following:
 - a. Nick Chaset, Chief Executive Officer, EBCE: Nchaset@ebce.org
3. All costs required for the preparation and submission of a bid shall be borne by Bidder.
4. Only one bid response will be accepted from any one person, partnership, corporation, or other entity; however, several alternatives may be included in one response. For purposes of this requirement, "partnership" shall mean, and is limited to, a legal partnership formed under one or more of the provisions of the California or other state's Corporations Code or an equivalent statute.
5. All other information regarding the bid responses will be held as confidential until such time as the Review Committee has completed its evaluation, a recommended award has been made by the EBCE Board of Directors, and the contract has been fully negotiated.
6. California Government Code Section 4552: In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2, commencing with Section 16700, of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder.
7. Bidder expressly acknowledges that it is aware that if a false claim is knowingly submitted (as the terms "claim" and "knowingly" are defined in the California False Claims Act, Cal. Gov. Code, §12650 et seq.), EBCE will be entitled to civil remedies set forth in the California False Claim Act. It may also be considered fraud and the Contractor may be subject to criminal prosecution.
8. The undersigned Bidder certifies that it is, at the time of bidding, and shall be throughout the period of the contract, licensed by the State of California to do the type of work required under the terms of the Contract Documents. Bidder further certifies that it is regularly engaged in the general class and type of work called for in the Bid Documents.

9. It is understood that EBCE reserves the right to reject this bid and that the bid shall remain open to acceptance and is irrevocable for a period of one-hundred and eighty (180) days, unless otherwise specified in the Bid Documents.

RESPONSE FORMAT

1. Bid responses are to be straightforward, clear, concise and specific to the information requested.
2. Bid responses, in whole or in part, are NOT to be marked confidential or proprietary. EBCE may refuse to consider any bid response or part thereof so marked. Bid responses submitted in response to this RFP may be subject to public disclosure. EBCE shall not be liable in any way for disclosure of any such records.

REQUIRED DOCUMENTATION AND SUBMITTALS

All of the specific documentation listed below is required to be submitted in order for a bid to be deemed complete. Bidders shall submit all documentation, in the order listed below and clearly label each section with the appropriate title (i.e. Table of Contents, Letter of Transmittal, Key Personnel, etc.).

- Table of Contents:** Bid responses shall include a table of contents listing the individual sections of the proposal/quotation and their corresponding page numbers. Tabs should separate each of the individual sections.
- Letter of Transmittal:** Bid responses shall include a description of Bidder's capabilities and approach in providing its services to the EBCE, and provide a brief synopsis of the highlights of the Proposal and overall benefits of the Proposal to the EBCE. This synopsis should not exceed three pages in length and should be easily understood.
- Key Personnel:** Bid responses shall identify the lead contact and include a complete list of all key personnel associated with the RFP. This list must include all key personnel who will provide services/training to EBCE staff and all key personnel who will provide maintenance and support services. For each person on the list, the following information shall be included:
 - (a) The person's relationship with Bidder, including job title and years of employment with Bidder;
 - (b) The role that the person will play in connection with the RFP;
 - (c) Address, telephone, fax numbers, and e-mail address;
 - (d) Person's educational background; and
 - (e) Person's relevant experience, certifications, and/or merits.
- Overview of the Firm**
 - (a) Provide a brief description of your firm.
- Qualifications**
 - (a) Provide a description of your firm's experience in the government sector. What, if any, experience does your firm have with the members of EBCE?
 - (b) Provide a description of your firm's experience in the CCE sector.
 - (c) For firms without direct experience in the CCE sector please provide your experience in related sectors.
 - (d) Provide any other qualifications you believe are relevant to EBCE related to the Scope.

- **References:**

Bidders are to provide a list of current clients. References must be satisfactory as deemed solely by responsible EBCE staff. References should have similar scope, volume and requirements to those outlined in these specifications, terms and conditions.

Bidders must verify the contact information for all references provided is current and valid.

Bidders are encouraged to notify all references that responsible EBCE staff may be contacting them to obtain a reference.

EBCE staff may contact some or all of the references provided in order to determine Bidder's performance record on work similar to that described in this request. EBCE staff reserves the right to contact references other than those provided in the Response and to use the information gained from them in the evaluation process.

- **Exceptions, Clarifications, Amendments, and Requests for Waivers:**
 - (a) This shall include clarifications, exceptions, amendments, and requests for waivers, if any, to the RFP requirements and associated Bid Documents
 - (b) **EBCE IS UNDER NO OBLIGATION TO ACCEPT ANY EXCEPTIONS, AND SUCH EXCEPTIONS MAY BE A BASIS FOR BID DISQUALIFICATION.**

CURRENT REFERENCES

RFP No. 17-4

**East Bay Community Energy Authority: Legislative Advocacy and Advisory
Services for Community Choice Aggregation**

Bidder Name: _____

| | |
|---|-------------------|
| Company Name: | Contact Person: |
| Address: | Telephone Number: |
| City, State, Zip: | E-mail Address: |
| Services Provided / Date(s) of Service: | |

| | |
|---|-------------------|
| Company Name: | Contact Person: |
| Address: | Telephone Number: |
| City, State, Zip: | E-mail Address: |
| Services Provided / Date(s) of Service: | |

| | |
|---|-------------------|
| Company Name: | Contact Person: |
| Address: | Telephone Number: |
| City, State, Zip: | E-mail Address: |
| Services Provided / Date(s) of Service: | |

| | |
|---|-------------------|
| Company Name: | Contact Person: |
| Address: | Telephone Number: |
| City, State, Zip: | E-mail Address: |
| Services Provided / Date(s) of Service: | |

| | |
|-------------------|-------------------|
| Company Name: | Contact Person: |
| Address: | Telephone Number: |
| City, State, Zip: | E-mail Address: |

Services Provided / Date(s) of Service: