

REQUEST FOR PROPOSAL
FOR
RATE CONSULTING SERVICES

Long Island Power Authority
333 Earle Ovington Boulevard
Uniondale, New York 11553



Released on: June 22, 2017

TABLE OF CONTENTS

I. CALENDAR OF EVENTS 3

II. CONTACT INFORMATION..... 3

III. CONTRACT PERIOD..... 4

IV. BACKGROUND 5

V. SCOPE OF SERVICES 7

VI. THRESHOLD CRITERIA 8

VII. PROPOSAL REQUIREMENTS 8

 A. Management & Qualification 7

 B. Cost.....9

 C. Other.....11

VIII. EVALUATION AND SELECTION 12

 A. Evaluation Criteria..... 12

 B. Selection Process 12

IX. PROPOSAL CONDITIONS AND INSTRUCTIONS 13

 A. Limitations..... 12

 B. Proposal Submission..... 14

 C. Participation of Minority and Women-Owned Business Enterprises (MWBE) 14

 D. Participation of Service Disabled Veteran Owned Businesses (SDVOB)..... 15

 E. Administrative Specifications..... 15

 F. Addenda: Errors and Omissions 16

 G. Debriefing of Unsuccessful Proposers..... 16

X. CONTRACT APPROVAL..... 16

 1 – Cover Letter -RFP-Bond-Disclosure-Special Tax Counsel

 2 – RFP Exhibit A – Standard Consulting Agreement

 3 – Appendix A- Standard Clauses for LIPA Contracts

 4 – Appendix B – Participation by Minority Group Members and Women on State Contracts: Requirements and Procedures

 5 – Insurance

 6 – MWBE 100- EEO Policy Statement

 7 – MWBE 101 – Staffing Plan

 8 – Workforce Utilization Report 102

 9 – MWBE 103 – MWBE Utilization Plan

 10 – MWBE 104 – Waiver Request

 11 – MWBE 105 – Quarterly Contractor Compliance Report

 12 – SDVOB – Service-Disabled Veteran-Owned Businesses

 13 – SDVOB – Utilization Plan - 100

 14 – AC3290s – Vendor Responsibility Profile

 15 – Contingent Fee Certification

 16 – MacBride Fair Employment Principles

 17 – Non-Collusive Bidding Certification

 18 – Lobbying Guidelines Regarding Procurements

 19 – MWBE -Diversity Practices Questionnaire

The Long Island Power Authority (“Authority”) invites proposals from experienced rate consulting firms in response to this Request for Proposals (“RFP”) to provide rate consulting services referenced in Article V below, to the Authority and its wholly-owned subsidiary, Long Island Power Authority d/b/a LIPA (collectively referred to as “LIPA”). LIPA may select one or more law firms to provide the services requested herein but is not obligated to select any firms.

I. CALENDAR OF EVENTS

Issuance of RFP	June 22, 2017
Deadline for Questions	June 28, 2017, 3PM
Deadline for Posting Answers	July 5, 2017, 3PM
Proposal Due Date	July 20, 2017, 3PM

II. CONTACT INFORMATION

Pursuant to State Finance Law sections 139-j and 139-k, this RFP includes and imposes certain restrictions on communications between LIPA and Proposers during the procurement process. A Proposer is restricted from making “Contacts” (i.e., any oral, written or electronic communications which a reasonable person would infer as an attempt to influence the award, denial, or amendment of a contract) from issuance of the RFP through final award and approval of the resulting Procurement Contract by LIPA and the Office of the State Comptroller (“restricted period”) to any LIPA staff or Trustee (or consultants) other than as designated herein, unless it is a contact that is included among certain statutory exemptions as set forth in State Finance Law section 139-j(3) (a). LIPA’s designated contacts for this RFP, as of the date hereof, are Justin Bell, Director of Rates and Regulation, (516) 719-9886 and Maria Gomes, Director of Procurement, (516) 719-9235. LIPA staff and Trustees (and consultants) are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Proposer pursuant to statutory provisions. Certain findings of non-responsibility can result in rejection for contract award, and in the event of two findings within a four (4) year period, the Proposer is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found in the Authority’s Lobbying Guidelines Regarding Procurements, Rules, Regulations or Ratemaking which is posted on the web site for this RFP.

Questions regarding this RFP should be sent to procurement1@lipower.org on or before the Deadline for Questions noted in Article I above. Responses to any questions received will be posted on LIPA’s web site at <http://www.lipower.org/proposals/> the Deadline for Posting Answers noted in Article I above. No other communication of questions and answers will be made.

Other than as provided for in this RFP, any contact with LIPA Board members, staff or LIPA consultants during the pendency of this RFP may be grounds for disqualification from the RFP process.

Six (6) paper copies of your proposal and an electronic version on a flash drive or similar device are due no later than the Proposal Due Date noted in Article I above, in a sealed package or packages. *The cost portion of the proposal should be in a sealed envelope separate from the technical portion of the proposal, but may be contained in the same shipping package as the technical portion.* All proposals should be delivered to:

Long Island Power Authority
333 Earle Ovington Boulevard, Suite 403
Uniondale, NY 11553
Attention: Maria Gomes

Proposals received after the Proposal Due Date will not be considered, nor will faxed or e-mailed proposals, whenever received.

LIPA will not provide reimbursement for any costs or expenses incurred in connection with this RFP, including the costs of preparing and submitting a response, providing any additional information or attending an interview. All material that is submitted in response to this RFP will become the sole property of LIPA. LIPA expressly reserves the right to utilize any and all ideas submitted in the proposals received unless covered by legal patent or proprietary rights which must be clearly noted in the proposal submitted in response to the RFP.

Interviews of the top-qualifying firms may be conducted at LIPA's discretion on a specific day or days to be disclosed later in the RFP process. All top-qualifying Proposers will be notified of the exact interview date(s) in advance.

III. CONTRACT PERIOD

The term of the contract will be for a period of five years. LIPA may terminate the contract, or postpone or delay all or any part of the contract, at any time, in its sole discretion, upon written notice.

IV. BACKGROUND

LIPA's ratemaking process covers five distinct but inter-related areas: 1) the authority to set rates; 2) the determination of overall level of rates (revenue requirements); 3) establishing the level of base rates; 4) managing recovery riders; and 5) miscellaneous changes. Each of these areas will be addressed sequentially.

Rate Setting Authority. The Long Island Power Authority is a municipal instrumentality of the State of New York that is authorized by statute to establish its own rates and charges sufficient to

meet its fiduciary responsibilities. The Authority is not subject to rate regulation by the New York State Public Service Commission nor the Federal Energy Regulatory Commission (although the FERC can restrict other FERC-regulated entities from physical and financial dealings with the Authority if certain standards of comparability are not met by LIPA, e.g., participating in the several independent system operators and providing wholesale wheeling). The LIPA rate setting process is defined by the LIPA Act, as revised by the LIPA Reform Act, and can be summarized briefly as:

- LIPA's setting of rates is considered a rulemaking governed by the State Administrative Procedures Act, which requires among other things a notice to be filed in the State Register, a 45 day public notice period, and public hearings to be held in both Nassau and Suffolk Counties.
- The LIPA Reform Act requires the Department of Public Service to establish an evidentiary process for an initial Three Year Rate Plan (2016 – 2018) and any subsequent proposal that would increase delivery rates by more than 2% of total revenue. The Authority may place into effect any rate increase prior to or during the evidentiary process, pending the outcome of that evidentiary process.
- The Department's role in the initial Three Year Rate Plan and subsequent proposals to increase delivery rates by more than 2% of total revenue is to organize and hold the evidentiary process, participate in the evidentiary process as it deems appropriate and advisable, and provide to LIPA's Board of Trustees at the conclusion of the process a recommendation on the level of rates that are needed to provide safe and reliable service at the lowest possible cost that meets all of the Authority's contractual and fiduciary obligations.
- The Trustees must accept the recommendation of the Department unless, in the opinion of the Trustees, it contravenes an existing contractual obligation, fiduciary responsibility or the provision of safe and reliable service to the Authority's customers.

Determination of Revenue Requirements. The Authority determines its annual revenue requirements using the Public Power Model. The Public Power Model calculates revenue requirements by adopting the perspective of the major rating agencies who determine, to a great extent, LIPA's access to financial resources (debt and credit) and the cost that LIPA pays for those financial resources (interest rates). The Public Power Model indicates that public power utilities like LIPA need to recover their operating costs, their debt service costs, and a level of fixed obligation coverage.

Establishing the Level of Base Rates. Developing rates is the responsibility of PSEG Long Island with oversight from LIPA and the Department of Public Service. PSEG Long Island calculates the specific rates and provides a proof of revenue to ensure that the proposed rates produce the intended revenues. LIPA staff reviews the calculations to ensure LIPA's policies are being reflected properly and that computations are accurate. LIPA also reviews the tariff leaves incorporating the new rates for accuracy.

Rate Adjustment Mechanisms. LIPA's tariff contains several adjustment clauses to reflect actual costs in electric rates for certain pre-approved cost categories like power supply, debt, and taxes. PSEG Long Island is responsible for calculating these recovery riders and LIPA staff reviews the calculation to ensure they reflect the intended policy and are accurate. Specifically, the Power Supply Charge calculation is reviewed each month before the rate is entered into the billing system. The Revenue Decoupling Mechanism and the Delivery Service Adjustment are also reviewed each month to ensure they are accurate, even though the rates are only adjusted annually. Other adjustment clauses are reviewed as they change for tariff and billing purposes either monthly or as needed. For more information on LIPA's rate structure, see the description in LIPA's official bond statements (available at <http://www.lipower.org/financials.html>).

Miscellaneous Tariff Changes. Tariff changes are prompted by new policies at the State level or specific needs identified by LIPA or PSEG Long Island to promote customer satisfaction, bill stability or meet emerging financial needs. In all these cases, the basic process is the same. The opportunity is identified by either PSEG Long Island or LIPA staff. The proposed tariff change is then discussed between the LIPA staff and PSEG Long Island staff to see if it can be advanced. Ideas that offer potential are drafted in more detail, and additional analyses may be performed to evaluate the impact or range of outcomes as circumstances dictate. Proposals are then noticed in the State Register and the SAPA process is carried out (including public hearings) until the item is presented, typically along with a recommendation from the Department of Public Service, to the LIPA Board of Trustees for modification or approval.

V. SCOPE OF SERVICES

LIPA is seeking assistance in the related areas of rates, pricing and regulatory policy to support its evaluation of current and emerging trends in the electric utility industry and support its oversight of PSEG Long Island, the service provider, in designing and setting rates. The selected providers will, at the direction of LIPA, provide summary descriptions and supporting detailed assessments of the current state and expected future developments concerning specific topics of rate design and pricing options including time-based pricing, dynamic load response, electric vehicles and other emerging end-uses, distributed energy resources, green power resources, economic development rates and programs, rate affordability, retail competition, rate designs to promote fixed cost recovery and customer equity, customer billing and billing system alternatives, and other topics as the need arises. The selected providers will also be expected to provide detailed assessments of the specific practices at the other leading public power authorities and investor-owned utilities on these rate and regulatory topics as well as an understanding of the positions and recommendations of other industry stakeholders on each requested topic. In addition, the selected providers will need to be able to assist LIPA in preparing and supporting specific rate, pricing and regulatory initiatives for consideration by the LIPA Board and reviewing any proposals developed by PSEG Long Island on related topics, including supporting analyses and documentation.

The preferred attributes of the selected providers include:

- Familiarity and close working relationships with the larger public power authorities
- Familiarity and close working relationships with the larger investor-owned utilities or their regulators
- A recognized position as a thought leader to the electric utility industry
- A strong ability to respond quickly to a wide range of electric industry issues with good summary level and detailed understanding of the critical elements of the issue and the position of the various stakeholders
- A strong ability to provide both industry-leading expertise and detailed qualitative and quantitative analyses at a cost that is appropriate for the level of skills required

LIPA may select one or more Proposers for award of a contract in connection with this RFP. ***Selection and award of a contract as a result of this RFP does not guarantee firm(s) any work over the term of the contract.*** In the event more than one contract is awarded, when the need arises LIPA will provide each selected contractor with a description of the services required and/or project and the scope of services and experience necessary. Each contractor will be requested to provide resumes of available candidates, a plan for completing the work and an estimate of each consultant's time. LIPA will review the plan, the resumes and the estimated cost of the work (based on the estimate of consultant time multiplied by the hourly billing rate) to determine which contractor offers the most practical and economical solution. The work will be placed with the contractor offering the most practical, timely and economic solution.

VI. THRESHOLD CRITERIA

Only Proposals submitted from Proposers who meet the following minimum threshold requirements, will be considered by the Authority:

- At least ten (10) years of experience providing the type of rate consulting service(s) being proposed.

The above criteria must be met by either the firm, or the lead engagement partner assigned to the Authority's account.

VII. PROPOSAL REQUIREMENTS

The following is a list of the information to be provided by the Proposer for the legal services sought.

In setting forth its qualifications, each rate consulting firm shall provide, in concise but adequate detail, the information sought below. Responses shall be limited to ten **(10) single-sided pages** (not including the table of contents or resumes) and shall be prepared on 8 ½ x 11-inch paper using at least 12 point type with standard margins. Each firm is requested to provide a copy of its

Affirmative Action Policy as an appendix to its proposal. This appendix will not count against the page limit restriction.

A. Management and Qualifications

1. State the rate consulting services which your firm is proposing to provide to LIPA in response to this RFP. State whether your firm can provide all the services in the Scope of Service(s) being proposed and if not, clearly outline which portions you can provide services in. Provide information that demonstrates your firm or the lead engagement partner meets the threshold criteria of having ten years of experience providing the type of rate consulting services(s) being proposed in response to this RFP.
2. Please describe any of your firm's recent engagements involving time-of-use rates or electric vehicle rates. You are invited to share your thoughts regarding best practices for time-of-use rates and electric vehicle rates.
3. Please describe any of your firm's recent engagements related to the valuation of distributed energy resources. If you are familiar with recent Public Service Commission proceedings in New York regarding the valuation of distributed energy resources (or similar proceedings in other jurisdictions), please describe how you might approach valuing distributed resources consistent with those proceedings.
4. Please describe the three most innovative rate proposals your firm has worked on in the past five years, if not already described in response to an earlier question.
5. State the names of the partners and associates who would be initially assigned to LIPA's account, describe the qualifications and the expected services to be provided by each attorney, and provide their resumes. Identify the partner in charge and, for this partner, provide three (3) client references relating to engagements similar to the one described in this RFP.
6. Describe your firm's experience related to the Scope of Services, including a brief summary of any notable rate proceedings, rate initiatives, issues and/or matters handled by your firm which you feel demonstrate the nature and extent of your firm's expertise. As a separate appendix that does not count towards the page limit please include a listing of the public power and investor owned utilities to which you have provided services included in the Scope of Services over the last five years and three references.
7. Describe the billing system you utilize. Describe how time is tracked, e.g., increment of time tracked, tracking of time per person and per matter and the detail that will be provided in the monthly bills. As an appendix to the proposal (which will not count against the proposal page limit), firms should provide (1) a brief sample bill, and (2) a representative project profile that states the typical percentage contribution to hours by each member of the project team.
8. See Minority and Women Owned Business Enterprise ("M/WBE") and Service Disabled Veteran Owned Business ("SDVOB") participation goals in this RFP, Respondents are encouraged to use M/WBEs and SDVOBs in connection with their proposed project.

Provide your Minority Business Enterprise (MBE), Woman Business Enterprise (WBE) and SDVOB proposal data or good faith efforts put forth to include such entities in this RFP. The New York State Minority & Women Owned Businesses Searchable Database can be found at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp> . Information regarding New York State Service-Disabled Veteran-Owned Businesses can be found at the New York State Office of General Services webpage: <http://www.ogs.ny.gov/Core/SDVOBA.asp>.

9. Identify the nature of any potential conflict of interest your firm might have in providing services to LIPA:
 - (a) State whether your firm has ever represented or currently represents National Grid plc, Public Service Enterprise Group (PSEG), Lockheed Martin Corporation, or any of their respective affiliates or subsidiaries, and if so, in what capacity. Additionally, state whether your firm represents any publicly-owned or investor-owned electric utility, independent power producer, natural gas supplier, or natural gas transmission company. If so, state the name of each such client and the nature of your representation.
 - (b) Discuss fully any conflicts of interest, actual or potential, which might arise in connection with your firm's involvement with LIPA. If your firm believes that a conflict of interest might arise, please describe how such conflict would be resolved.

Each firm must certify in writing that its representation of LIPA will not create any conflict of interest involving that firm

- (c) Identify any past, pending or threatened litigation or administrative or state ethics board or similar body proceedings to which you or any of your partners are a party and which would either materially impair your ability to perform the services enumerated herein, or, if decided in an adverse manner, materially adversely affect the financial condition of your firm.

B. Cost

Proposals shall include the following:

1. A schedule of the proposed hourly rates at which the services of partners, associates, and other professionals would be provided to LIPA for the first **two years*** of the contract term.

***Any rate increase for years three through five of the contract shall not exceed the lesser of five (5%) percent or the percent increase in the “National Consumer Price Index for All Urban Consumers (CPI-U)”, as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington D.C. 2012, for each of the previous contract years (years 2, 3 and 4). The Proposer has the sole responsibility to submit to LIPA a service rate adjustment request thirty (30) days prior to the effective date**

of the price increase, providing a copy of the index and other supporting documentation necessary to support the request. Any rate increase will be granted at LIPA’s sole discretion.

2. The proposed hourly billing rates shall be inclusive of all auxiliary costs, such as printing, copying, secretarial, typing, program entry, etc. In addition, for resources provided to LIPA within a 100 mile radius of LIPA’s Offices, the hourly billing rates shall be inclusive of expenses for travel, meals and lodging. Reimbursement of travel, meals and lodging costs will be provided by LIPA in accordance with the GSA rates for Nassau and Suffolk Counties if the resource is located outside a 100 mile radius of LIPA’s Offices. Proposers are advised that consultants will not be reimbursed by the Authority for “commuting time”- time spent getting to and from the “work site”. All of the above costs, if applicable, will need to be factored into the proposed hourly billing rates.
3. In responding to this item, provide **the following fee structure using the table listed below:**

Rate Consulting Services	Rates
Single hourly rate- Partners	
Single hourly rate – Associates	
Single hourly rate for all other Professionals	

A schedule of all out-of-pocket disbursements which you anticipate would result in a charge to LIPA and the rate for each. Note that LIPA expects that disbursements would be charged at the firm’s actual out-of-pocket cost, without mark-up, and in accordance with LIPA’s policies and Article VI of the Standard Consulting Agreement.

NOTE: Failure to provide your cost proposal as requested in item VII.B.1. (i) above may be grounds for determining a proposal to be non-responsive.

4. State any special considerations with respect to billing or payment of fees and expenses that your firm offers and that you believe would differentiate it from other Proposers and make your firm's services more cost effective for LIPA.
5. **LIPA expects to receive the lowest rates charged by your firm for its governmental clients.** Please provide a statement affirmatively stating whether the rates proposed for the Authority are the lowest rates charged by your firm for its governmental clients. If for any reason your firm is not prepared to do so, please indicate your reasons.

Any contract(s) awarded pursuant to this RFP may have a Not-to-Exceed dollar cap as determined by LIPA, which may not be exceeded without the prior written authorization of LIPA.

C. Other

1. Provide a copy of your firm's affirmative action policy and submit the information requested in the Diversity Questionnaire posted on the RFP web site. These may be provided in an appendix that will not count against the page limit.
2. Proposers must either provide a statement accepting the terms and conditions in LIPA's Standard Consulting Agreement posted on the RFP web site, or must alternately identify any exceptions taken to the terms and conditions. If exceptions are taken, the Proposer must clearly identify the language that is being taken exception to and provide the suggested alternate language for each such exception. **The nature and extent of exceptions, if any, taken by the Proposer to LIPA's terms and conditions will be a factor considered in evaluating proposals. Proposers that demonstrate a willingness to accept LIPA's terms and conditions will be given more favorable consideration by LIPA.**
3. Proposers shall indicate in their proposals what information, if any, they consider to be proprietary and confidential. Proposers are hereby advised that LIPA is subject to the New York State Freedom of Information Law ("FOIL"). Material marked "Confidential and Proprietary" will be treated as such to the extent consistent with LIPA's obligations under FOIL, other applicable law, regulation or legal process, and will not be disclosed by LIPA except as necessary for the evaluation of proposals or as may be required pursuant to applicable law, including FOIL.

VIII. EVALUATION AND SELECTION

A. Evaluation Criteria

A Selection Committee consisting of LIPA staff will evaluate the proposals. This Selection Committee will make its recommendations to the LIPA Board of Trustees for final approval. The Selection Committee will consider the following factors, not necessarily listed in the order of importance:

1. The firm's experience providing the scope of services proposed in response to this RFP.
2. Qualifications of the consultants proposed to serve LIPA's account.
3. Cost of rate consulting services, including such factors as hourly rates, discounts and cost-effectiveness. (Although proposed cost will be given significant consideration in the selection process, LIPA reserves the right to negotiate lower fees with any firm selected, or a different fee structure than proposed.)
4. Overall organization, completeness, and quality of proposal, including cohesiveness, conciseness, clarity of response and demonstrated understanding of LIPA.

5. The firm's overall diversity and commitment to equal opportunity programs, MWBE and SDVOB.
6. Interviews, if conducted.

The non-cost criteria listed above will be given more consideration than the cost criteria in LIPA's evaluation of proposals.

B. Selection Process

The Selection Committee will initially review all proposals to determine responsiveness. Any proposal that does not address all requested requirements or is incomplete will be rejected.

The Selection Committee will evaluate all responsive and responsible proposals based on the criteria enumerated in Section VIII (A), as referenced above. The Selection Committee may, at its discretion, afford firms the opportunity to clarify proposals for the purpose of assuring a full understanding of their responsiveness to the RFP.

The Selection Committee may also conduct interviews of Proposers found to be most qualified to perform the services required, based upon the criteria listed in this RFP. If so, Proposers will be notified in advance of the exact interview date.

Prior to award of any contracts(s), the Selection Committee will conduct a vendor responsibility determination and may require eligible Proposers to answer questions and provide additional information to supplement the information provided in the NYS Vendor Responsibility Questionnaire to assist the Selection Committee in making such a determination.

All Proposers will be notified in writing once one or more firms have been selected.

IX. PROPOSAL INSTRUCTIONS AND CONDITIONS

A. Limitations

1. This RFP does not commit LIPA to award a contract, pay any costs incurred in the preparation of a response, or procure or contract for services of any kind whatsoever. LIPA reserves the right, in its sole discretion, to accept or reject any or all responses as a result of the RFP, to negotiate with any or all firms considered, or to cancel this RFP in whole or in part. LIPA reserves the right to request additional information from all Proposers.
2. Proposers may be requested to clarify the contents of their proposal. Other than to provide such information as may be requested by LIPA, no Proposer will be allowed to alter its proposal or to add new information after the RFP due date.

3. Proposers may be required to participate in negotiations and to submit any price, technical or other revisions to its proposal which may result from such negotiations.
4. Proposers must fully execute the following forms (posted on the RFP web site) and submit with its proposal: 1). MacBride Fair Employment Principles; 2). Non-Collusive Bidding Certification; 3). Contractor Disclosure of Prior Non-Responsibility Determinations; 4). Contingent Fee Certification; 5). NYS Vendor Responsibility Questionnaire (please find the form here <http://www.osc.state.ny.us/vendrep/> and include a copy in your firm's proposal); 6). MWBE Diversity Questionnaire and (7) Workforce Employment Utilization; 8) SDVOB Participation.
5. All material submitted in response to this RFP will become the sole property of LIPA, except as noted in Section II above.

B. Proposal Submission

1. Proposals must include a cover letter indicating the mailing address of the office from which the proposal is submitted, the name and email address of the individual who will represent the firm as the primary contact person for the proposal, and the telephone and facsimile numbers of the primary contact person.
2. Non-responsive proposals include, but are not limited to, those that:
 - (a) are not in conformance with RFP requirements and instructions;
 - (b) are conditional; or;
 - (c) contain a material omission(s).
3. Joint proposals will not be accepted.

LIPA reserves the right to waive non-material deviations in a proposal. Non-material deviations are deviations and/or omissions the waiving of which, at LIPA's sole discretion, do not disadvantage LIPA, do not provide a competitive advantage to the Respondent and/or will not prejudice other Respondents or potential Respondents.

C. Participation of Minority and Women-Owned Business Enterprises (MWBE)

The Authority is committed to diversity and equal employment opportunities among its contractors, including the attorneys it engages. The Authority encourages all firms, including firms that are MWBE certified, to submit proposals in response to this RFP.

Please note that all certified MWBE firms submitting proposals to this RFP, should be registered as such with the New York State Department of Economic Development. For

firms that are not certified but have applied for certification, please provide evidence of filing, including filing date.

For purposes of this solicitation, LIPA hereby establishes an overall subcontracting goal of 30%; 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation.

While there are no Minority and Women Owned Business Enterprise (“M/WBE”) participation goals in this RFP, Respondents are encouraged to use M/WBEs in connection with their proposed project.

For additional information regarding the instructions for the MWBE forms, requirements and procedures please see Standard Contract Clauses for LIPA’s Contracts, Attachment B PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO STATE CONTRACTS: REQUIREMENTS AND PROCEDURES.

D. Participation of Service Disabled Veteran Owned Businesses (SDVOB)

New York State has established a state-wide goal of 6% New York State Service-Disabled Veteran-Owned Business goal. Proposers should identify ways that they might be able to assist the Authority by subcontracting or other means to help achieve the New York State Service-Disabled Veteran-Owned Business goal of 6%. In addition proposers who are certified as a New York State Service-Disabled Veteran-Owned Business should include this information in their proposal. For more information regarding New York State Service-Disabled Veteran-Owned Businesses, please visit the New York State Office of General Services webpage <http://www.ogs.ny.gov/Core/SDVOBA.asp>.

For purposes of this solicitation, LIPA hereby establishes an overall subcontracting goal of 6%. Respondents are encouraged to use SDVOBs in connection with their proposed project.

E. Administrative Specifications

1. All proposals must be irrevocable for 180 days and signed by an authorized officer of the firm.
2. The successful Proposer(s) must agree to provide LIPA with audit access on request during the term of the contract and for 7 years thereafter.
3. LIPA at any time, in its sole discretion, may terminate its contract with the successful Proposer(s), or postpone or delay all or any part of the contract, upon written notice.
4. All Proposers are obligated to update any changes in their proposal prior to the proposal due date.

E. Addenda: Errors and Omissions

1. If a Proposer discovers any ambiguity, conflict, discrepancy, omission or other error in this RFP, immediately notify Justin Bell, LIPA's Director of Rates and Regulation, in writing, of such error and request clarification or modification to the document.
2. Should LIPA find it necessary, modification to the RFP will be made by addenda. Such modifications will be posted on the RFP web site.
3. If a Proposer fails to notify LIPA of a known error or an error that reasonably should have been known prior to the final filing date for submission, the Proposer shall assume the risk of such error. If awarded the contract, the Proposer(s) shall not be entitled to additional compensation or time by reason of the error or its later correction.

F. Debriefing of Unsuccessful Proposers

Upon written request, a debriefing will be scheduled with an unsuccessful Proposer after LIPA has provided notice of its selection of one or more successful Proposer(s). Discussion will be limited to a critique of the proposal submitted by the Proposer requesting the debriefing. Comparisons between proposals or evaluations of the other proposals will not be discussed. Debriefings may be conducted in person or by telephone, at LIPA's discretion.

X. CONTRACT APPROVAL

LIPA's selection of one or more successful Proposer shall not be binding until it has been approved by LIPA's Board of Trustees. In addition, any contracts issued pursuant to this RFP shall not be valid, effective or binding until approved by the New York Office of State Comptroller and filed in his office, in accordance with Section 112 of the New York State Finance Law.