

REQUEST FOR PROPOSAL
FOR
ACTUARIAL SERVICES
Long Island Power Authority
333 Earle Ovington Boulevard
Uniondale, New York 11553



July 16, 2020

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The Long Island Power Authority (“Authority”) hereby solicits proposals from experienced firms and individuals (hereinafter referred to as “firms”) in response to this Request For Proposals (“RFP”) to provide Actuarial Services to the Authority and its wholly-owned subsidiary, Long Island Power Authority d/b/a LIPA (collectively referred to as the “Authority”). The Authority intends to award one or more firms in connection with this RFP, and in its discretion, the Authority will use the services as necessary during the term of the contract.

I. CALENDAR OF EVENTS

Issuance of RFP	July 16, 2020
Deadline for Questions	July 23, 2020
Deadline for Answers	July 27, 2020
Submit Notice of Intent	July 28, 2020
Proposal Due Date	August 17, 2020, 3PM (EST)

II. CONTACT INFORMATION

Pursuant to State Finance Law sections 139-j and 139-k, this RFP includes and imposes certain restrictions on communications between the Authority and Proposers during the procurement process. A Proposer is restricted from making “Contacts” (i.e., an 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 the Authority and the Office of the State Comptroller (“restricted period”) to any Authority 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). The Authority’s designated contacts for this RFP, as of the date hereof, are Mujib Lodhi, Interim Chief Financial Officer, (516) 719-9865; Donna Mongiardo, Vice President - Controller, (516) 719-8619; Gerard Ring, Director of Budget and Financial Oversight (516) 719-9888 and Michael Howard, Director of Accounting, (516) 719-9834.

The Authority’s designated contact for this RFP is Maria Gomes, Director of Procurement, (516)719-9235. Authority 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 **July 23, 2020**. Responses to any questions received will be posted on the Authority's web site at www.lipower.org as they are received. No other communication of questions and answers will be made.

Each interested party should send a brief Notice of Intent by **July 28, 2020**. Such notice should contain the Proposer's name, address, phone number, e-mail address and contact person. Submission of a Notice of Intent is strongly encouraged, although not a pre-requisite for submitting a proposal.

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

PDF copies of the Proposals (one file containing the technical response, including forms, the other containing the cost proposal) should be emailed to Maria Gomes, Director of Procurement, email Procurement1@lipower.org no later than **3PM on August 17, 2020**.

Proposals received after the Proposal Due Date will not be considered. Failure to submit a proposal on time will not be waived by the Authority under any circumstances (e.g., email or network issues).

The Authority 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 the Authority. The Authority 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 Respondents may be conducted at the Authority's discretion on a specific day or days to be disclosed later in the RFP process. All top-qualifying Respondents 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 (5) years. The Authority may terminate the contract at any time, in its sole discretion, upon written notice.

IV. BACKGROUND

The Authority, acting through LIPA, provides electric service in its service area (the “Service Area”) which includes two counties on Long Island — Nassau County (“Nassau County”) and Suffolk County (“Suffolk County”) (except for the Nassau County villages of Freeport and Rockville Centre and the Suffolk County village of Greenport, each of which has its individually-owned municipal electric system) — and a portion of the Borough of Queens of The City of New York known as the Rockaways. The Authority is a corporate municipal instrumentality and a political subdivision of the State of New York (the “State”), exercising essential governmental and public powers. The Authority was created by the State Legislature under and pursuant to the Long Island Power Authority Act, being Title 1-A of Article 5 (§ 1020 et seq.) of the Public Authorities Law of the State of New York, as amended (the “Act”), including as amended by certain provisions of the LIPA Reform Act (defined below). LIPA is a stock corporation formed and existing under the Business Corporation Law of the State of New York and pursuant to LIPA’s organizational documents, the Authority conducts and manages LIPA’s business and affairs. Accordingly, LIPA is controlled by the Authority, which is governed by a Board of Trustees (the “Trustees”).

The Authority took over as the retail supplier of electric service in the Service Area on May 28, 1998 by acquiring LILCO as a wholly-owned subsidiary of the Authority through a merger (the “LIPA/LILCO Merger”). Since the LIPA/LILCO Merger, LILCO has done business under the name LIPA. Before the LIPA/LILCO Merger, LILCO was a shareholder-owned corporation that was the sole supplier of both retail electric and gas service in the Service Area. LIPA (LILCO) no longer provides gas service in the Service Area. As part of the LIPA/LILCO Merger, the remainder of LILCO’s electric service assets (including all of its then-existing fossil-fueled generating units), and its entire gas supply system, were transferred to certain wholly-owned subsidiaries of Keyspan Corporation. In August 2007, Keyspan Corporation was acquired by National Grid plc, a company organized under the laws of England and Wales (“National Grid plc”). Effective May 1, 2008, the subsidiaries of Keyspan Corporation which acquired the electric service assets of LILCO began doing business under the name “National Grid” (each such subsidiary a “National Grid Sub” and collectively the “National Grid Subs”).

In order to assist the Authority (acting through LIPA) in providing electric service in the Service Area, the Authority and LIPA have generally entered into operating agreements, the purpose of which is to provide the Authority and LIPA with the operating personnel and a significant portion of the power supply resources necessary for LIPA to continue to provide electric service in the Service Area. Up until December 31, 2013, the service providers have generally been National Grid Subs. As of January 1, 2014, the Authority has transitioned to a new business model first adopted by the Board in late 2011 and more recently modified in response to the requirements of the LIPA Reform Act. The Authority’s principal operating agreements now include:

T&D System management including, among other functions, the day-to-day operation and maintenance, customer service, billing and collection and meter reading:

- As of January 1, 2014, a wholly-owned subsidiary of Public Service Enterprise Group Incorporated (“PSEG”) dedicated to LIPA’s operations

(“PSEG Long Island”) is the service provider pursuant to a twelve-year Amended and Restated Operations Services Agreement (the “Amended OSA”).

Power Supply Management (including capacity and related energy) from the existing oil and gas-fired generating plants on Long Island owned by a National Grid Sub (“GENCO”) that were formerly owned by LILCO (“GENCO Generating Facilities”):

- Since the LIPA/LILCO Merger, GENCO has been the power supplier with respect to the GENCO Generating Facilities. The initial Power Supply Agreement (“PSA”) between LIPA and GENCO expired on May 28, 2013. In 2012, LIPA and GENCO entered into a new PSA that commenced in May 2013 for a term of 15 years, which provides for LIPA’s purchase of capacity and related energy from those facilities.

Energy and Fuel Management:

- Pursuant to the Amended OSA and in furtherance of the objectives of the LIPA Reform Act, beginning on January 1, 2015, affiliates of PSEG, PSEG Services and PSEG Energy Resource & Trade (“PSEG ER&T”) have entered into agreements with LIPA to provide all energy and fuel management services.

The LIPA Reform Act

The LIPA Reform Act, enacted on July 29, 2013, brings greater accountability and transparency to the delivery of electricity in LIPA’s Service Area by: (i) authorizing the reformulation of the relationship between LIPA and PSEG Long Island such that PSEG Long Island assumes more responsibility related to operations in the Service Area; (ii) creating a new Long-Island-based office in the Department of Public Service (“DPS”), which is the staff arm of the New York Public Service Commission; and (iii) authorizing the retirement of a portion of the Authority’s outstanding debt from the proceeds of the Utility Debt Securitization Authority’s Bonds at lower interest rates than existing indebtedness and capping or eliminating certain categories of payments in lieu of taxes (“PILOTS”), with savings passed onto ratepayers.

Amongst other things, the LIPA Reform Act addresses a variety of matters relating to the restructuring of the Authority and LIPA. It establishes a new office within DPS to review and make recommendations to the Authority and/or PSEG Long Island related to core utility functions including capital expenditures, the methods employed by PSEG Long Island for safe and adequate service and the emergency response plans of PSEG Long Island. The LIPA Reform Act gives DPS the responsibility to investigate and mediate customer complaints. Upon notification to the Authority, DPS may undertake a comprehensive and regular management and operations audit.

The Authority maintains the responsibility of contract oversight of PSEG Long Island and National Grid and maintains a staff devoted to this function. The Authority requires Actuarial Services as described in the scope of services to assist the Authority in its contract oversight responsibilities and

other areas that it may require. Under its contractual terms, the Authority has certain obligations for the pension and other post-employment benefit (“OPEB”) obligations of its service providers.

V. SCOPE OF SERVICES

A. Related to Authority’s Obligations to PSEG LI Servco Pension and OPEB Plans:

1. Periodically review the actuarial reports provided to the Authority from PSEG Long Island for PSEG Long Island Servco pension and OPEB plans.
2. Periodically review the ERISA funding reports for PSEG Long Island Servco pension plan.
3. Comment on issues or concerns that could be raised by management of the plans, selection of various alternative methods, or proposed funding relief.
4. Develop questions for the PSEG Long Island actuary to validate and support valuation results.
5. Demonstrate how alternative key assumptions could alter the future outcome of the plan.
6. Create and maintain models to allow the Authority to analyze the difference in GAAP expense and ERISA funding requirements for the PSEG Long Island Servco pension plan, understand the impact of key drivers (interest rates and investment returns) as well as understand the impact of funding relief (current and proposed versions). Model future outcomes if plan funding is set at a minimum level (with funding relief) or a funding policy is set ignoring funding relief.
7. Create and maintain models to allow the Authority to analyze the GAAP results for the PSEG Long Island OPEB plan and the impact to future costs of pre-funding the Authority’s tax-free OPEB Account to meet these future obligations. Illustrate the impact of a variety of key assumptions such as discount rates and medical inflation rates to permit the Authority to evaluate the current financial obligations of the OPEB plans as well future outcomes under a variety of scenarios.
8. Offer commentary and recommendations related to tracking assumptions against emerging experience.
9. Meet with the Authority’s staff to review analysis.
10. Develop written commentary or presentation materials as directed.

11. Address other issues that arise.

B. Services related to National Grid PSA Contractual Terms

1. Periodically review actuary reports for the National Grid PSA-related Pension and OPEB plans.
2. Periodically review the ERISA funding reports for the National Grid PSA-related pension plans and funding of National Grid VEBA OPEB trusts.
3. Comment on issues or concerns that could be raised by management of the plans, selection of various alternative methods, or proposed funding relief.
4. Develop questions for the National Grid actuary to validate and support valuation results.
5. Demonstrate how alternative key assumptions could alter the future outcome of the plan.
6. Develop models to understand National Grid's approach and sensitivity of computations.
7. Review expense and liability computations submitted by National Grid under the PSA contract based on actuary reports and funding reports to confirm method is in accordance with GAAP.
8. Consider other method and impact on results over PSA contract term.
9. Offer commentary and recommendations related to tracking assumptions against emerging experience.
10. Meet with the Authority's staff to review analysis.
11. Prepare written commentary or presentation materials as required.
12. Address other issues that arise.

C. Other Actuarial Services

1. Perform actuarial services to evaluate the Authority's pension and OPEB obligations for its employees.

2. Analyze funding requirements for the Authority's share of the Nine Mile Point 2 nuclear decommissioning fund.
3. Analyze funding requirements and expense projections for the Authority's Asset Retirement Obligations.
4. Perform actuarial services related to the Authority's insurance needs and risk management (hedging) programs.
5. Perform other actuarial services at the direction of the Authority.

VI. PROPOSAL REQUIREMENTS

The following is a list of the information to be provided in the Proposal. A proposal that does not include all the information requested below may be deemed non-responsive and subject to rejection. **Proposals should respond to all areas listed below, in the order listed.**

Respondents shall indicate in their proposals what information, if any, is proprietary and confidential. Respondents are hereby advised that the Authority 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 the obligations under FOIL, other applicable law, regulation or legal process, and will not be disclosed by the Authority except as necessary for the evaluation of proposals.

A. Management and Qualifications

In setting forth its qualifications, each Proposer shall provide, in concise but adequate detail, the information requested below, as appropriate. Responses to this Section A. Management and Qualifications should be limited to 20 single-sided pages in total (not including resumes) and shall be prepared on 8 ½ x 11-inch paper using at least 12-point type with standard margins no less than 1". Each Proposer 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.

Cover Letter (2 -page limit)

A cover letter, which shall be considered an integral part of the proposal, shall be bound with the proposal and signed by the individual or individuals authorized to bind the Proposer contractually. In signing the cover letter, the Proposer agrees to be bound by the terms of this RFP and its submission hereunder for 180 days. The cover letter shall contain a statement that the Proposer's work for the Authority will not create any conflict of interest. If your firm believes that a conflict may arise, the nature of the conflict should be described – see section VI.A.18.

General Information (18 -page limit)

- 1.** Provide the firm's legal name, address, tax ID number and State of Incorporation for the contracting entity submitting the proposal.
- 2.** Provide a brief description of your firm, its history and ownership structure and the number of employees in your firm. Also include any significant developments, or organization, ownership or financial structure changes that have occurred in the last three years, or that you anticipate in the future.
- 3.** Provide the name, title, address, telephone and fax number, and e-mail address of the individual the Authority should contact with respect to your proposal, if different than Engagement Leader. Make a statement regarding the availability of this individual as the primary contact to the Authority throughout this engagement.
- 4.** Provide a summary of your firm's experience as it relates to the Scope of Service in the electric utility industry and/or with public power authorities, investor-owned electric or other utilities or pertinent clients, including independent power producers, natural gas suppliers or transmission companies and municipalities or governments. Additionally, identify any previous experience providing actuarial services to entities like the Authority that outsource its operations to third party providers. Please state the nature of that experience (services provided, term of such services, etc.) and the name of each such client.
- 5.** Describe how you would staff the engagement, and indicate your understanding of the Authority and its contractual obligations (more information on the Authority's obligations can be found in the footnotes the Authority's financial statements available on its website). Discuss the issues that you feel are unique and important to managing pension and OPEB obligations in an outsourced operations model such as the Authority's.
- 6.** Discuss why your firm is well suited to provide services to the Authority.
- 7.** Identify all the individuals and provide resumes for those who will be involved in the services provided under this RFP and the primary role and responsibilities of each member, as well as the principal/senior officer who will serve as the Engagement Leader.
- 8.** Describe any areas or subjects related to the services to be provided in response to this RFP in which you feel your firm has special expertise and the nature of that special expertise.
- 9.** Identify any additional services not covered in the Scope of Service sections that your firm believes may be of particular value to the Authority. Please describe why you believe these services to be relevant.

10. Identify any services listed in the Scope of Services your firm is not able to perform and explain why you are not able to perform these services.
11. Provide a minimum of three recent clients (prefer utilities) that can be used as references that best represent Proposers ability to perform tasks described in this RFP. Provide the client name, contact person, title, address and telephone number. Please provide details on the work performed for each client, and any other pertinent information relevant to representing your qualifications to perform the work.
12. Explain how you will safeguard and keep confidential the data and information provided by the Authority to your firm.
13. Provide copies of your two (2) most recent audited financial statements. If audited financial statements are not available, please explain why and identify how the Authority can assess the financial condition of your firm.
14. Include your Minority Business Enterprise (MBE) and Woman Business Enterprise (WBE) proposal data, including a utilization plan detailing how the 15% MBE and 15% WBE participation goals will be met (see section VIII C). Include the names of MBE/WBE firms to be utilized and the scope of work each will be performing.

Provide a copy of arrangement made with the minority or woman-owned business enterprise (MWBE)- MWBE Form 103). Include the names of MBE/WBE firms to be utilized and the scope of work each will be performing. The New York State Minority & Women Owned Businesses Searchable Database can be found at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp> . Proposers who are certified as a New York State MBE or WBE Business should include this information in their proposal.

Please complete the Authority's Diversity Questionnaire which incorporates MWBE Form 101 and 102.

For additional information regarding the instructions for the MWBE forms, requirements and procedures please see, Exhibit C, Appendix B PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO STATE CONTRACTS: REQUIREMENTS AND PROCEDURES.

15. This RFP has a New York State Service-Disabled Veteran-Owned Business goal of 6%. Proposers should identify ways to assist LIPA to 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> .

16. Identify any sub-consultants or sub-contractors that you plan to utilize as part of your firm's proposed team. Provide comparable information as requested above in items for the proposed sub-consultants or sub-contractors. Please note as further detailed in RFP section VIII, C this RFP has 15% New York State Certified Minority Business Enterprise, 15 % Women-Owned Business Enterprise and 6% New York State Service-Disabled Veteran Owned Businesses subcontracting goals.

17. Identify the nature of any potential conflict of interest your firm or any proposed sub-consultants might have in providing consulting services under this RFP to the Authority.

(a) State whether your firm has ever represented or currently represents Public Service Enterprise Group (PSEG) or Lockheed Martin Corporation or any of their affiliates or subsidiaries, and if so, in what capacity. Please identify any public or investor-owned electric utility, independent power producer, natural gas supplier, or transmission companies. If so, state the name of each such client and the nature of your representation.

(b) Identify any conflicts of interest, actual or potential, which might arise during your firm's representation of LIPA given prior or existing representation of other utilities. Please describe fully how such conflicts would be resolved or mitigated.

(c) State whether your firm represents any party that, to your knowledge, is pursuing any judicial, administrative, regulatory or arbitral action against LIPA

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

16. Discuss any past or present civil or criminal legal investigations, pertinent litigation and/or regulatory action involving your firm or any of its employees that could impact your role or ability to serve as a consultant to LIPA. If none, include a statement that there are no past or present civil or criminal legal investigations, or pertinent litigation and or regulatory actions that could impact your firm's ability to serve in the required capacity.

B. Cost

Proposals shall include the following:

1. State the rates at which the services would be provided to the Authority by your firm and your firm's subcontractors for the first two years of the contract. In responding to this,

provide the individual hourly billing rate for each title listed in the table below Rates provided will apply to the firm and any potential subcontractor.

	Firm and Firm's Subcontractor's Titles	Firm and Firm's Subcontractor's Hourly Rates for the First Two Years of the Contract
1	Principal Consulting Actuary	
2	Consulting Actuary	
3	Senior Actuarial Analyst	
4	Legislative and Regulatory Advisor	
5	Associate Actuary	
6	Actuary Analyst	
Please provide a single hourly rate for each and every title.		

NOTE: Failure to provide your cost proposal as requested above (includes hourly rates for all titles) may be grounds for determining a proposal to be non-responsive. Answering “N/A” may also be considered non-responsive.

2. Affirm that normal billing rate increases will not apply to the Authority and that the rates proposed for this engagement shall remain fixed and firm for the first two years of the contract term and that 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. 20212, for each of the previous contract years (years 2, 3 and 4). The Proposer has the sole responsibility to submit to the Authority 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.

3. 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.

4. Provide a discussion of all anticipated out-of-pocket expenses associated with providing consulting services. Reimbursement of travel, meals and lodging costs will be provided by the Authority in accordance with the GSA rates for Nassau and Suffolk Counties if the consultant is located a 100-mile radius of the Authority's Uniondale office.
For further info, see (<https://www.gsa.gov/travel/plan-book/per-diem-rates>).
5. Note that the Authority expects that such expenses will be charged and reimbursed at the firm's reasonable, actual out-of-pocket cost, but in no event will reimbursement for out-of-pocket expenses exceed 10% of the total contract charges in any calendar year. All out-of-pocket expenses must be in accordance to Article V, Billing Policy of Schedule A of the Authority's Standard Consulting Agreement.
6. State whether the Authority is getting the lowest rates charged by your firm. If not, please explain why.

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. No modifications or exceptions will be considered to Appendix A - "STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS." Proposed exceptions to LIPA's Standard Consulting Agreement, which is posted on the RFP website, must include a concise suggested alternative as well as a basis for the proposed change. Absent a legal or professional standard basis for the change, LIPA reserves the right to reject an entire proposal as non-responsive if accompanied by exceptions or modifications to LIPA's Standard Consulting Agreement. Proposals accompanied by a written acceptance of all terms and conditions will receive more favorable consideration by LIPA.
3. Confidential, trade secret or proprietary materials as defined by the laws of the State of New York must be clearly marked and identified as such upon submission. If consultant intends to seek an exemption from disclosure of these materials under Freedom of Information Law, Consultant must request the exemption in writing, setting forth the reasons for the claimed exemption, at the time of submission or as required to address requests for materials under Freedom of Information Law. Acceptance of the claimed materials does not constitute a determination on the exemption request, which determination shall be made in accordance with statutory procedures. Nothing in this agreement is intended or shall be construed to waive any Party's right to claim that a communication or document is covered by a legally

recognized privilege, including but not limited to the attorney client privilege.

VII. EVALUATION AND SELECTION

A. Evaluation Criteria

A Selection Committee consisting of Authority staff will evaluate the proposals. This Selection Committee will make its recommendations to the Authority 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 previous experience providing the proposed services to electric utility, public power and other municipal clients.
2. The qualifications, expertise, prior experience and availability of the proposed team assigned to the Authority, including expertise and experience pertinent to the services requested in the RFP.
3. The competitiveness of the proposed hourly billing rates. Although proposed cost will be given significant consideration in the selection process, the Authority reserves the right to negotiate lower fees with any firm selected.
4. Overall organization, completeness, and quality of proposal, including cohesiveness, conciseness, clarity of response, demonstrated understanding of the Authority and degree of acceptance of the Authority's terms and conditions in the Authority's Standard Consulting Agreement.
5. The firm's overall diversity and commitment to equal opportunity programs MWBE (Diversity Practice Questionnaire) and SDVOB.
6. Interviews, if conducted.

The non-cost criteria listed above will be given more consideration than the cost criteria in the Authority'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 VII (A), as referenced above. The Selection Committee may 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 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.

VIII. PROPOSAL INSTRUCTIONS AND CONDITIONS

A. Limitations

- 1.** This RFP does not commit the Authority to award a contract, pay any costs incurred in the preparation of a response, or procure or contract for services of any kind whatsoever. The Authority 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. The Authority 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 required by the Authority, 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); and 6). Diversity Questionnaire; 7) Form 101, Workforce Employment Utilization-Form 103 and EEO forms- Form 102; 8) Sexual Harassment Policy Form.

5. All material submitted in response to this RFP will become the sole property of the Authority, 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).

The Authority may waive minor informalities or irregularities in a proposal that are merely a matter of form and not substance and the correction of which would not be prejudicial to other proposals.

3. Joint proposals from multiple prime contractors will not be accepted. Proposals that include subcontractors are acceptable and encouraged to meet the MWBE goals. The Authority's contractual relationship will be with the prime contractor.

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, the Authority 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.

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%. 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 the Authority with audit access on request during the term of the contract and for 7 years thereafter.
3. The Authority 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.

F. Addenda: Errors and Omissions

1. If a Proposer discovers any ambiguity, conflict, discrepancy, omission or other error in this RFP, immediately notify Maria Gomes, Director of Procurement, in writing, of such error and request clarification or modification to the document.
2. Should the Authority 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 the Authority 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. If awarded the contract, the Proposer(s) shall not be entitled to additional compensation or time by reason of the error or its late correction.

G. Debriefing of Unsuccessful Proposers

Upon written request to William Funk, Manager of Procurement, a debriefing will be scheduled with an unsuccessful Proposer after the Authority 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 on the telephone, at the Authority's discretion.

IX. CONTRACT APPROVAL

The Authority's selection of one or more successful Proposer shall not be binding until it has been approved by the Authority'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.