

February 5, 2016

RFP #2016-001

REQUEST FOR PROPOSALS

**NEW HAMPSHIRE NUCLEAR DECOMMISSIONING FINANCING COMMITTEE
PROPOSAL FOR A CONSULTANT TO PROVIDE LEGAL SERVICES**

To Prospective Bidder:

The New Hampshire Nuclear Decommissioning Financing Committee (Committee) is seeking proposals from qualified firms or individuals to provide legal services on behalf of the Committee.

Pertinent dates and information:

1. Proposals must be received by the Committee prior to 4:30 p.m. on March 7, 2016.
2. Proposals should be submitted to:

Martin P. Honigberg, Chairman
New Hampshire Public Utilities Commission
21 S. Fruit St., Suite 10
Concord, NH 03301-2429
RFP@puc.nh.gov

3. Bidders may submit written inquiries about this Request for Proposals by email to RFP@puc.nh.gov by 4:30 p.m. on February 16, 2016. Inquiries and written responses will be posted on the Commission's website at: www.puc.nh.gov/home/requestforproposal.htm. The subject line of the email must state the following: RFP #2016-001, LEGAL SERVICES.
4. Follow-up conferences/interviews will be scheduled as needed.
5. An Evaluation Team consisting of Committee members and/or other qualified personnel will be established to evaluate bidder responses to this bid proposal.
6. Contracts are awarded upon approval by the Committee.

I. BACKGROUND

The Committee was established by the New Hampshire Legislature in 1981 to provide assurance of adequate funding for the decommissioning of nuclear electric generating facilities. RSA 162-F:1. The Committee is composed of eight members: a resident of the town or city where the facility is located appointed by the selectmen or mayor and council, the chairman of the public utilities commission, one state senator, one house member, the state treasurer or designee, the commissioner of health and human services or designee, the commissioner of safety or designee, and the director of the office of energy and planning or designee. RSA 162-F:15. The Committee has held a number of proceedings over the years to establish and subsequently modify the amounts being set aside to decommission the Seabrook nuclear power facility. The Committee is authorized to hire the help that it needs and to charge those expenses to the owners of the facility. RSA 162-F:17 and 18. The Committee meets annually to review cumulative fund performance and it meets every four years to review the fund to determine whether to increase or decrease the projected cost of decommissioning the facility. RSA 162-F:22.

II. SCOPE OF SERVICES

The consultant chosen to perform this work will, at the discretion of the Committee, have several key tasks including, but not limited to, the following:

1. Provide legal advice to the Committee during hearings and meetings and on any appeals or other legal proceedings that arise from the Committee's business and otherwise as needed.
2. Draft reports and orders for the Committee.
3. Act as a hearing examiner for the Committee.
4. Respond to press inquiries concerning Committee matters.
5. Draft rules and assist the Committee in all processes necessary to have rules adopted or modified.
6. Review and, if necessary, draft legislation at the state and federal level.
7. Review relevant federal regulations.
8. Represent the Committee before state or federal courts or regulatory agencies as necessary.
9. Assist the Committee in hiring such other consultants as are necessary to carry out the Committee's business.
10. Provide administrative assistance to the Committee as needed to accomplish the tasks listed above.

The consultant will provide the required services in accordance with procedural schedules established by the Committee. The consultant must agree to maintain confidential all information to which it has access until it is instructed otherwise by the Committee. The consultant will be engaged for an initial period of three years, effective on or around May 2, 2016.

III. COMPONENTS OF THE PROPOSAL

Proposals shall include the following:

1. **Corporate/Company Information.** Information concerning its corporate/company history, i.e., how many years in business, corporate officers or company principals, location of branch offices, professional and business association memberships, etc.
2. **Personnel Assigned.** The consultant must submit a list of all personnel who will be assigned to the project, including resumes and the nature of their specific responsibilities. During the course of the work the Committee must be notified in writing of any substitutions or changes in personnel assigned to perform the work.
3. **References.** A list of up to three references for work performed which is similar in scope or content to the one being proposed, preferably within the past 5 years.
4. **A Detailed Budget Proposal.** A detailed cost proposal that identifies the hourly rate for personnel and estimated expenses.
5. **A Statement of Disclosure.** Any existing or potential conflicts of interest should be identified, including those that arise as a result of relationships or affiliations with owners of Seabrook Nuclear generating facility, which includes NextEra Energy Seabrook, LLC; Massachusetts Municipal Wholesale Electric Company; Taunton Municipal Lighting Plant; and Hudson Light and Power Department. The consultant must submit a listing of all work performed on behalf of these companies in the past 10 years.

IV. CRITERIA FOR SELECTION

Cost is an important consideration but it is not the sole determining factor in the Committee's decision. The Committee will consider the following criteria and assign the corresponding weights.

1. Specific experience and qualifications in providing services directly relevant to nuclear decommissioning and related financing. **30%**
2. Cost, including overall cost commitment and hourly rates. **30%**
3. General experience and qualifications in providing services of a similar nature to decommissioning, in the fields of energy law, utility regulation and financing. **20%**
4. Quality of written proposal. **10%**
5. Availability and accessibility of staff. **10%**

V. GENERAL BID CONDITIONS

- a. Bids must be typed and double-sided. An original and 3 copies of the bid must be submitted, along with an electronic copy in Portable Document Format (PDF). Bids that are incomplete or unsigned will not be considered.

- b. The deadline for submitting bids is 4:30 p.m. on March 7, 2016. Bids must be addressed to Martin P. Honigberg, Chairman, New Hampshire Public Utilities Commission, 21 S. Fruit St., Suite 10, Concord, NH 03301 and sent via email to RFP@puc.nh.gov.
- c. Bidders may submit written inquiries about this RFP by e-mail to RFP@puc.nh.gov no later than 4:30 p.m. on February 16, 2016. Inquiries and responses to them will be posted on the Commission's website as they are received.
- d. The Committee reserves the right to reject or accept any or all bids, to reject or accept all or any part of any bid, to determine what constitutes a conforming bid, to waive irregularities that it considers not material to the bid, to award the bid solely as it deems to be in the best interest of the State, to contract for any portion of the bids submitted and to contract with more than one bidder if necessary.
- e. All information relating to this bid and any resulting order (including but not limited to fees, contracts, agreements and prices) are subject to the laws of the State of New Hampshire regarding public information.
- f. The Committee plans to issue a contract for an initial period of three years with the potential for a single extension of one to three years, but reserves the right to modify the length of the contract in the first instance.

VI. CERTIFICATES

Bidders will be required to provide the following certificates prior to entering into a contract:

Secretary of State's Office Certificate of Good Standing ("CGS")	Individuals contracting in their own name do not need a CGS. Business organizations and trade names need a CGS, except for nonresident nonprofit corporations.
Certificate of Vote /Authority ("CVA")	Individuals contracting in their own name do not need a CVA. Business entities and trade names need a CVA.
Certificate of Insurance	Certificate of Insurance form attached with insurance coverage required under the contract. Modifications of insurance coverage required will be specified in the contract.
Workers' Compensation	Contractor must demonstrate compliance with or exception from RSA 281-A (and if applicable, RSA 228:4-b and RSA 21-I:80, and any other applicable laws or rules).

VII. FORM OF CONTRACT

1. The terms and conditions set forth in Form P-37 (v. 1/09) General Provisions Agreement (available at: <http://www.puc.nh.gov/Home/requestforproposal.htm>) are part of the proposal and will apply to any contract awarded the bidder.

2. Any contract resulting from this bid proposal shall not be deemed effective until it is signed by the Committee.
3. Any contract awarded from this Request for Proposals will expire on May 1, 2019. The Committee at any time, in its sole discretion, may terminate the contract, or postpone or delay all or any part of the contract, upon written notice.
4. When responding to this Request for Proposals, please include your ability to comply with Paragraph 14, Insurance, of the General Provisions Agreement. Please note that the Committee will allow substitution of professional liability insurance for part or all of the per occurrence comprehensive general liability insurance coverage. In addition, excess liability insurance in an equal amount may be substituted for up to \$1,000,000 of the per occurrence comprehensive general liability or professional liability insurance coverage. The State reserves the right to further waive or modify the insurance requirement in Paragraph 14 based on bids presented.