

**MOTION
(AS AMENDED)
M-14-302**

CITY HALL: JULY 10, 2014

BY: COUNCILMEMBERS WILLIAMS, HEAD, GUIDRY, BROSSETT, AND GRAY

WHEREAS, the exercise of the City Council's utility regulatory authority, pursuant to Section 3-130 of the Home Rule Charter, requires that the Council retain the services of highly qualified utility consultants; and

WHEREAS, consistent with the procedure established by Council Rule 45, the Council wishes to issue a Request for Qualifications to initiate the competitive selection of qualified professionals to advise and represent the Council on electric utility matters, specifically with regard to all issues associated with the implementation of renewable energy technologies in (i) Entergy New Orleans, Inc. (ENO) and Entergy Louisiana, LLC (ELL) supply portfolios, which include utility-scale renewables, and (ii) consumer-installed renewables resources, such as distributed generation, as well as the impact of renewable technologies on future integrated resource plan filings by the Companies; now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that in accordance with paragraph 1 of Rule 45, the Council determines that highly qualified and experienced technical and engineering professional regulatory advisors are required to effectuate the Council's powers of supervision, regulation and control set forth in Section 3-130 of the Home Rule Charter and directs that the attached Request for Qualifications be issued as soon as possible to begin the competitive selection process established by Council Rule 45.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREFORE AND RESULTED AS FOLLOWS:

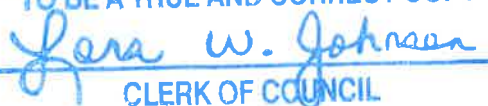
YEAS: Brossett, Cantrell, Gray, Guidry, Head, Ramsey - 6

NAYS: 0

ABSENT: Williams - 1

AND THE MOTION WAS ADOPTED.

G:\DoCS\NAOMI\COUNCIL\AMENDMENTS\2014\M-14-302.docx

**THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY**

CLERK OF COUNCIL

(AS AMENDED)
NEW ORLEANS CITY COUNCIL
REQUEST FOR STATEMENTS OF QUALIFICATIONS
FOR THE SERVICES OF A RENEWABLE ENERGY
TECHNICAL UTILITIES REGULATORY CONSULTANT
FOR COUNCIL UTILITY DOCKET NO. UD-13-02

I. PURPOSE

The Council of the City of New Orleans (Council), in accordance with the New Orleans Home Rule Charter and the Louisiana Constitution, acts as retail regulator for electric and gas utility services in Orleans Parish, Louisiana¹ and has the power of supervision, regulation and control over the public utilities providing those services. In its exercise of these powers the Council established Docket No. UD-13-02 through Resolution R-13-363 to examine all issues associated with the implementation of renewable energy technologies in (i) Entergy New Orleans, Inc. (ENO) and Entergy Louisiana, LLC (ELL), (collectively, the “Companies”) supply portfolios, which include utility-scale renewables, and (ii) consumer-installed renewables resources, such as distributed generation, as well as the impact of renewable technologies on future integrated resource plan filings by the Companies.

In the further exercise of the powers described above and in accordance with Rule 45 of the Council’s Rules and Regulations, the Council seeks the services of a qualified individual or firm with the requisite experience and capability to serve as a technical utilities regulatory consultant to advise and represent the Council in Council Docket UD-13-02.

Interested individuals and firms should review the scope of services appearing below and submit a response based on the requirements enumerated in this Request for Statement of Qualifications (RFQ).

II. BACKGROUND

In Resolution R-10-142 the Council adopted the Electric Utility Integrated Resource Plan Requirements of the Council of the City of New Orleans (“IRP Requirements” or “IRP Filing Requirements”), which clarified and expanded upon the IRP framework established in Resolution R-08-295, clarified the components required with respect to IRP filings, revised the reporting requirements filing periods and deadlines, and extended the IRP filing requirements to all electric utilities subject to the Council's jurisdiction.

Pursuant to Resolution R-10-142, ENO and ELL filed their first Triennial IRP Plans on October 19, 2010.

¹ See Home Rule Charter of the City of New Orleans, as Amended, through October 19, 2013, at https://library.municode.com/HTML/10040/level2/PAI_CH.html. Further, please see the Code of Ordinances of the City of New Orleans, Louisiana, Chapter 158 Utilities, at <https://library.municode.com/index.aspx?clientId=10040>.

In Resolution R-11-301, the Council rejected the October 2010 filings, finding the proposed resource plans by the Companies did not adequately integrate demand-side management (“DSM”) programs into their supply plans. The Companies were directed to make their next Triennial IRP Filing no later than October 30, 2012. The Council further directed its utilities regulatory consultants (collectively these consultants are commonly referred to as the “Advisors”) to hold quarterly technical conferences with the Companies and Interveners commencing in September 2011.

On October 30, 2012 ENO submitted its IRP Filing pursuant to Resolution R-10-142 and on April 1, 2013, ENO and ELL filed their Supplemental Implementation and Cost Recovery filing. Following a community hearing and the filing of comments by various parties, on September 6, 2013 the Council’s Advisors filed a report of their assessment of ENO’s and ELL’s 2012 IRP filings (“Advisors’ Report”).

The Advisors’ Report noted, among a number of other things, the public’s strong interest in renewable technologies.

In light of the strong interest in increased renewables in New Orleans expressed by the public, the Council established Docket No. UD-13-02 through Resolution R-13-363 to examine all issues associated with the implementation of renewable energy technologies in (i) ENO and ELL-Algiers supply portfolios, which include utility-scale renewables, and (ii) consumer installed renewables resources, such as distributed generation, as well as the impact of renewable technologies on future IRP Filings by the Companies.

In Resolution R-13-363 the Council directed that rate issues related to renewable energy, such as the rate impact on New Orleans ratepayers of increasing the amount of renewable technologies in the ENO and ELL-Algiers supply portfolios, the effects of feed-in tariffs on solar energy and net metering, as well as the effects on all participants and non-participants of the implementation of such rate policies should also be examined in this docket.

III. SCOPE OF SERVICES

Generally:

The key responsibilities of the technical utilities regulatory consultant (Consultant) will be to work together with the Council’s attorney and accountant utilities regulatory Advisors in Docket No. UD-13-02 while developing, formulating and supporting all Advisor engineering and economic technical positions in the docket, in any appeals of administrative orders in the docket or related litigation. The Consultant will advise and report to the Council on all engineering and economic issues in the docket. Consultant’s actions will be in furtherance of the Council’s ongoing efforts to bring meaningful levels of renewable energy technology sources on-line as part of the integrated resource plans of the Companies.

The responsibilities and activities associated with this role will include: review of all reports, testimony and exhibits introduced by the parties or their witnesses; consideration of public comments; review and research literature related to the issues in the docket as well as those issues which the Attorney Advisors determine should be considered in the docket; communicate with the Council, its support staff (Staff) and Attorney Advisors, prior to and while developing,

formulating and supporting all engineering and economic technical positions to be included in an Advisors' report or as otherwise may be needed in the docket, any appeals of administrative orders in the docket or related litigation; prepare for and participate in technical conferences or public hearings; prepare for and participate in administrative hearings in the docket, appeals or related litigation; and report on docket issues to Attorney Advisors, Councilmembers and Council Staff.

A. The Renewable Energy Technologies Expected to be Considered in this Docket:

It is expected that the Consultant will examine potential opportunities to deliver increased net benefits from renewable energy technologies in the Companies' supply portfolios. These opportunities may result from, but are not limited to, utility-scale renewables, consumer installed renewables, the impact of a Renewable Portfolio Standard (RPS) on the Integrated Resources Plan (IRP), and rate issues such as rate impacts, feed-in tariffs and net metering.

The renewable technologies to be considered in the Technical Conferences/Workshops and possibly at other stages of this docket are the following:

1. Biomass – any organic material not derived from fossil fuels, including agricultural crops, agricultural wastes and residues, waste pallets, crates, dunnage, manufacturing, and construction wood wastes, landscape and right-of-way tree trimmings, mill residues that result from milling lumber, rangeland maintenance residues, sludge derived from organic matter, and wood and wood waste from timbering operations.
2. Biodiesel – Biodiesel is a type of biofuel made by combining animal fat or vegetable oil (such as soybean oil or recycled restaurant grease) with alcohol and can be directly substituted for diesel.
3. Fuel cells using renewable fuels – electricity produced from the creation and breakdown of hydrogen. If the hydrogen source is a renewable fuel, this technology should be considered a renewable technology.
4. Digester gas – gas from the anaerobic digestion of organic wastes.
5. Geothermal – natural heat from within the earth, captured for production of electric power, space heating, or industrial steam.
6. Landfill gas – gas produced by the breakdown of organic matter in a landfill (composed primarily of methane and carbon dioxide), or the technology that uses this gas to produce power.
7. Municipal solid waste – As defined by City ordinance, solid waste is "garbage, rubbish, refuse, or other discarded solid or semisolid materials resulting from domestic, commercial, industrial, agricultural activities and governmental operations, excluding solids or dissolved material in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants."

8. Ocean wave – an experimental technology that uses ocean waves to produce electricity.
9. Ocean thermal – an experimental technology that uses the temperature differences between deep and surface ocean water to produce electricity.
10. Tidal current – energy obtained by using the motion of the tides to run water turbines that drive electric generators.
11. Solar Photovoltaic – a technology that uses a semiconductor to convert sunlight directly into electricity.
12. Small hydroelectric (30 megawatts or less) – a facility employing one or more hydroelectric turbine generators, the sum capacity of which does not exceed 30 megawatts.
13. Solar thermal – Use of concentrated sunlight to produce heat that powers an electric generator.
14. Wind – energy from wind converted into mechanical energy and then electricity.

B. Milestone Events in the Docket

It is currently anticipated that the procedural schedule adopted in the docket will include approximately three technical conferences, reports from the Advisors regarding the technical conferences, a plan to be proposed by the Companies upon the completion of the technical conferences, comments to be filed by intervenors on the proposed plan, responsive comments by the Companies, and a final report by the Advisors on the Companies' proposed plan and the comments filed regarding it.

IV. RFQ CONTENTS

Any response to this RFQ for the performance of the services of Consultant must include the following, at a minimum:

- A. A completed "Consulting Services Questionnaire" using the format that is contained in Attachment 2. Any subcontractors proposed to be used must also submit a completed Questionnaire that must be attached to the prime firm's Questionnaire. Include with Questionnaire:
 1. The professional experience and resumes of partners, principals and employees in the firm who will be responsible for, and actively involved in, the provision of professional services for the Council, including the appropriate evidence of accreditation, certification or licensing in the stated profession;
 2. A description of three or more assignments which best illustrate the respondent's current qualifications relevant to the areas requested in this RFQ;

- B. Demonstrated ability to provide coverage for City Council matters when the principal consultant is unavailable because of other assignments, illness, vacation or similar conflicting demands;
- C. A concise but detailed narrative indicating the proposed approach to providing the required services as described in the Scope of Services, including the detailed tasks, timelines, and stages involved;
- D. A sworn affidavit listing all persons with an ownership interest in the respondent. An "ownership interest" shall not be deemed to include ownership of stock in a publicly traded corporation or ownership of an interest in a mutual fund or trust that holds an interest in a publicly traded corporation. This affidavit is a public record;
- E. A sworn affidavit stating that no other person holds an ownership interest in the respondent via a counter letter;
- F. A list of all persons, natural or artificial, who are retained by the respondent at the time of the application and/or who are expected to perform work as sub-contractors in connection with the respondent's work. The Council of the City of New Orleans may require information on employees or sub-contractors of - or ownership interests in - the sub-contractor. This list is a public record; and
- G. A schedule of the respondent's professional service fees categorized by title and the respondent's expense reimbursement policy complete with a schedule of costs to be reimbursed.

V. CONFLICT OF INTEREST

Any firm or individual providing a response to the RFQ shall provide a clear and unambiguous indication of any potential or real conflicts of interest it may have with respect to performing work on behalf of the Council or its committees. For any such work performed, the respondent shall indicate the scope of the engagement, the time frame, the amount of compensation received and why the respondent deems such work to be or not to be in conflict with the interests of advising or representing the Council.

The Council shall make the final decision as to whether any potential or real conflict of interest exists.

VI. EVALUATION CRITERIA

Upon receipt by the due date of responses to this RFQ by qualified firms, the Council's staff Selection Review Committee will evaluate all responses received based upon the criteria listed hereinbelow and in Council Rule 45 (Attachment 1 to this RFQ).

- 1. Requisite capability, experience and ability of the professional personnel to perform the services required by the Scope of Services in the RFQ.

2. Capability of providing consistent, timely services, as determined by information requested from references or actual experience in performing such services for the City Council.
3. The applicant's fees and reimbursable expenses for performance of services required by the Scope of Services.
4. Demonstrated clear understanding by the applicant of work to be performed.
5. Participation by persons living and/or working in New Orleans at a professional level.
6. Involvement of certified disadvantaged business enterprises, as evidenced by government issued certification thereof.

VII. REQUEST FOR QUALIFICATION PROCESS

Except as provided hereinbelow, no written, electronic, or oral communications from potential applicants regarding the RFQ shall be made to any Councilmember, Council Staff, City employee, or Advisor to the Council during this RFQ solicitation process. Any inquiries shall be made in writing or by e-mail to the Director, City Council Utilities Regulatory Office, City Hall Room 6E07, 1300 Perdido Street New Orleans, LA 70112 or wtstrattonjr@nola.gov.

Fifteen (15) copies of the submission, including samples of work products, must be submitted in hardcopy format by 3:00 p.m., Wednesday, August 13, 2014 to the Director, City Council Utilities Regulatory Office, City Hall Room 6E07, 1300 Perdido Street New Orleans, LA 70112. Where possible, an electronic version of the proposal should also be submitted to wtstrattonjr@nola.gov.

An evaluation committee composed of the Council Chief of Staff, the Council Research Officer or the Council Fiscal Officer, and the Council Utility Regulatory Officer and/or additional knowledgeable persons will review and evaluate the submissions, and select qualified responses for referral to the City Council Utility, Cable, Telecommunications and Technology Committee (UCTT Committee). For each submission selected for referral, the staff committee will contact one or more of the persons suggested as references.

The City of New Orleans' Inspector General shall be notified in writing prior to any meeting of a selection or negotiation committee relating to the procurement of goods or services by the city, including meetings involving third party transactions. The notice required shall be given to the Inspector General as soon as possible after a meeting has been scheduled, but in no event later than twenty-four hours prior to the scheduled meeting. The Inspector General may attend all city meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the Inspector General. An audio recorder or court stenographer may be utilized to record all selection or negotiation committee meetings attended by the Office of the Inspector General.

The report of the evaluation committee will be provided to the UCTT Committee. The UCTT Committee may interview one or more of the respondents selected by the evaluation committee. The UCTT Committee may make a recommendation to the City Council. The contractor must

be selected by Motion of the Council. It is anticipated that the selection process will be completed in July 2014.

VIII. ADDITIONAL INFORMATION

The City of New Orleans is not liable for any costs incurred prior to entering into a formal written contract. Any costs incurred in the preparation of the response, interview, or other pre-contract activity are the responsibility of the respondent submitting the statement.

All submissions become the property of the City and as such are public information.

The contract shall contain a provision that:

1. Any subcontractor proposed to be retained by the respondent to perform work on the contract with the City Council must be approved by Motion of the Council. The Council may require information on ownership interests in the sub-contractor prior to approval of the sub-contractor's retention; and
2. The contractor will invoice the Council on a monthly basis during the term of the contract and work shall be detailed in increments of one-tenth of an hour.

Section 2-1120(20) (c) at Article XIII, Chapter 2 of the Code of the City of New Orleans, relative to the Office of Inspector General, provides in part as follows:

...every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain the following statement:

'It is agreed that the contractor or applicant will abide by all provisions of City Code § 2-1120, including, but not limited to, City Code § 2-1120(12), which requires the contractor to provide the Office of Inspector General with documents and information as requested. Failure to comply with such requests shall constitute a material breach of the contract. In signing this contract, the contractor agrees that it is subject to the jurisdiction of the Orleans Parish Civil District Court for purposes of challenging a subpoena.'