

State of Nebraska REQUEST FOR QUALIFICATIONS

RETURN TO:
Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508
Phone: (402) 471-3101
Fax: (402) 471-0233

SOLICITATION NUMBER	RELEASE DATE
RFQ 3101	August 2, 2012
OPENING DATE AND TIME	PROCUREMENT CONTACT
September 10, 2012 2:00 p.m. Central Time	Michael G. Hybl

This form is part of the specification package and must be signed and returned, along with information documents, by the opening date and time specified.

PLEASE READ CAREFULLY!

SCOPE OF SERVICE

The State of Nebraska, Nebraska Public Service Commission (Commission) is issuing this Request for Qualifications, RFQ Number 3101 for the purpose of gathering information to assist the Executive Director of the Commission in the selection and appointment of a qualified attorney to serve as the Nebraska Public Advocate.

Written questions are due no later than August 17, 2012, and should be submitted via e-mail to mike.hybl@nebraska.gov. Written questions may also be sent by facsimile to (402-471-0233).

Sealed information must be received in the Nebraska Public Service Commission on or before September 10, 2012 2:00 p.m. Central Time, at which time information will be publicly opened.

Bidder should submit one (1) original and one (1) copy of the entire RFQ response. RFQ responses must be submitted by the information due date and time.

RFQ RESPONSE MUST MEET THE FOLLOWING REQUIREMENTS TO BE CONSIDERED VALID.
RFQ RESPONSE WILL BE REJECTED IF NOT IN COMPLIANCE WITH THESE REQUIREMENTS.

1. Sealed RFQ response must be received by the date and time of RFQ opening indicated above. No late information will be accepted. No electronic, e-mail, fax, voice, or telephone information will be accepted.
2. RFQ response must meet all specifications of the RFQ
3. This form "REQUEST FOR QUALIFICATIONS" MUST be manually signed, in ink, and returned by the information opening date and time along with your information and any other requirements as specified in the RFQ.
4. It is understood by the parties that in the State of Nebraska's opinion, any limitation on the contractor's liability is unconstitutional under the Nebraska State Constitution, Article XIII, Section 3, and that any limitation of liability shall not be binding on the State of Nebraska despite inclusion of such language in documents supplied with the contractor's bid or in the final contract.

BIDDER MUST COMPLETE THE FOLLOWING

By signing this Request For Information form, the bidder guarantees compliance with the provisions stated in this Request for Information.

FIRM: _____

COMPLETE ADDRESS: _____

TELEPHONE NUMBER: _____ FAX NUMBER: _____

SIGNATURE: _____ DATE: _____

TYPED NAME & TITLE OF SIGNER: _____

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I. SCOPE OF THE REQUEST FOR QUALIFICATIONS

The State of Nebraska, Nebraska Public Service Commission is issuing this Request for Qualifications, RFQ Number 3101 for the purpose of gathering information to assist the Executive Director of the Commission in the selection and appointment of a qualified attorney to serve as the Nebraska Public Advocate

ALL INFORMATION PERTINENT TO THIS REQUEST FOR QUALIFICATIONS CAN BE FOUND ON THE INTERNET AT: <http://www.das.state.ne.us/materiel/purchasing/rfp.htm>

A. SCHEDULE OF EVENTS

The State expects to adhere to the tentative procurement schedule shown below. It should be noted, however, that some dates are approximate and subject to change.

	ACTIVITY	DATE/TIME
1	Release Request for Qualifications	August 2, 2012
2	Last day to submit written questions	August 17, 2012
3	State responds to written questions through Request for Information "Addendum" and/or "Amendment" to be posted to the internet at: http://www.das.state.ne.us/materiel/purchasing/rfp.htm	August 24, 2012
4	RFQ Opening Location: Nebraska Public Service Commission Attn: Executive Director 1200 "N" Street, Suite 300 Lincoln, Nebraska 68508	September 10, 2012 2:00p.m. Central Time

II. RFI RESPONSE PROCEDURES

A. OFFICE AND CONTACT PERSON

Responsibilities related to this Request for Qualifications reside with the Nebraska Public Service Commission. The point of contact for the procurement is as follows:

Name: Michael G. Hybl
Agency: Nebraska Public Service Commission
Address: 1200 "N" Street
Lincoln, Nebraska 68508

OR

Address: P.O. Box 94927
Lincoln, Nebraska 68509-4927
Telephone: 402-471-3101
Facsimile: 402-471-0233
E-Mail: mike.hybl@nebraska.gov

B. GENERAL INFORMATION

A subsequent Request for Proposal (RFP) may not be issued as a result of this RFQ. There will not be a contract as a result of this RFQ and the State is not liable for any cost incurred by vendors in replying to this RFQ. If an RFP is issued, the information provided will assist the State of Nebraska in developing the Request for Proposal. This RFQ does not obligate the State to reply to the RFQ responses, to issue an RFP, or to include any RFQ provisions or responses provided by vendors in any RFP.

C. COMMUNICATION WITH STATE STAFF

From the date the Request for Qualifications is issued and until RFQ opening (as shown in the Schedule of Events), contact regarding this RFQ between potential vendors and individuals employed by the State is restricted to written communication with the staff designated above as the point of contact for this Request for Qualifications.

The following exceptions to these restrictions are permitted:

1. written communication with the person(s) designated as the point(s) of contact for this Request for Qualifications;
2. contacts made pursuant to any pre-existing contracts or obligations; and
3. state-requested presentations, key personnel interviews, clarification sessions or discussions.

Violations of these conditions may be considered sufficient cause to reject a vendor's response to the RFQ. No individual member of the State, employee of the State, or member of the Interview Committee is empowered to make binding statements regarding this RFQ. The State of Nebraska will issue any clarifications or opinions regarding this RFQ in writing.

D. WRITTEN QUESTIONS AND ANSWERS

Any explanation desired by a bidder regarding the meaning or interpretation of any Request for Qualifications provision must be submitted in writing to the Commission and clearly marked "RFQ Number 3101; Nebraska Public Advocate Questions". It is preferred that questions be sent via e-mail to mike.hybl@nebraska.gov. Questions may also be sent by facsimile to 402-

471-0233, but must include a cover sheet clearly indicating that the transmission is to the attention of Michael G. Hybl, showing the total number of pages transmitted, and clearly marked "RFQ Number 3101; Nebraska Public Advocate Questions".

Written answers will be provided through an addendum to be posted on the Internet at: <http://www.das.state.ne.us/materiel/purchasing/rfp.htm> on or before the date shown in the Schedule of Events.

E. ORAL INTERVIEWS/PRESENTATIONS AND/OR DEMONSTRATIONS

The Executive Director reserves the right to conduct oral interviews/presentations if required at the sole invitation of the State.

Any cost incidental to the oral interviews/presentations and/or demonstrations shall be borne entirely by the vendor and will not be compensated by the State

F. SUBMISSION OF RESPONSE

The following describes the requirements related to the RFQ submission, handling and review by the State.

To facilitate the response review process, one (1) original, clearly identified as such, and one (1) copy of the entire RFQ response should be submitted. The copy marked "original" shall take precedence over any other copies, should there be a discrepancy. RFQ responses must be submitted by the RFQ due date and time.

A separate sheet must be provided that clearly states which sections have been submitted as proprietary or have copyrighted materials. RFQ responses must reference the request for information number and be sent to the specified address. Container(s) utilized for original documents should be clearly marked "ORIGINAL DOCUMENTS". Please note that the address label should appear as specified on the face of each container. Rejected late responses will be returned to the bidder unopened, if requested, at bidder's expense. If a recipient phone number is required for delivery purposes, 402-471-3101 should be used. The request for qualifications number must be included in all correspondence.

G. PROPRIETARY INFORMATION

Data contained in the response and all documentation provided therein, become the property of the State of Nebraska and the data become public information upon opening the response. If the vendor wishes to have any information withheld from the public, such information must fall within the definition of proprietary information contained within Nebraska's public record statutes. All proprietary information the vendor wishes the state to withhold must be submitted in a sealed package, which is separate from the remainder of the response. The separate package must be clearly marked PROPRIETARY on the outside of the package. Vendor may not mark their entire Request for Qualifications as proprietary. Failure of the vendor to follow the instructions for submitting proprietary and copyrighted information may result in the information being viewed by other vendors and the public. Proprietary information is defined as trade secrets, academic and scientific research work which is in progress and unpublished, and other information which if released would give advantage to business competitors and serve no public purpose (see Neb. Rev. Stat. §84-712.05(3)). In accordance with Attorney General Opinions 92068 and 97033, vendors submitting information as proprietary may be required to prove specific, named competitor(s) who would be advantaged by release of the information and the specific advantage the competitor(s) would receive. Although every effort will be made to withhold information that is properly submitted as proprietary and meets the State's definition of proprietary information, the State is under no obligation to maintain the

confidentiality of proprietary information and accepts no liability for the release of such information.

H. REQUEST FOR QUALIFICATIONS OPENING

The sealed responses will be publicly opened and the responding entities announced on the date, time and location shown in the Schedule of Events. Responses will be available for viewing by those present after the opening.

I. LATE REQUEST FOR QUALIFICATIONS RESPONSES

RFQ responses received after the time and date of the RFQ opening will be considered late responses. Rejected late responses will be returned to the bidder unopened, if requested, at bidder's expense. The State is not responsible for responses that are late or lost due to mail service inadequacies, traffic or any other reason(s).

III. PROJECT DESCRIPTION AND SCOPE OF WORK

The Executive Director of the Nebraska Public Service Commission is seeking qualified individuals with an interest in being selected and appointed as the Nebraska Public Advocate for a term to commence November 2012. The Executive Director wishes to determine the level of qualified candidates prior to making a determination as to the selection process to be used to appoint the Public Advocate. Following the review of the responses received to this Request for Qualifications the Executive Director may issue a Request for Proposal, interview selected respondents, or re-appoint the current Public Advocate to a new term.

A. PURPOSE AND BACKGROUND

The Office of Public Advocate is established as a separate and independent division within the Commission. The duty of the Public Advocate is to represent the interests of Nebraska citizens and all classes of natural gas jurisdictional ratepayers, other than high volume ratepayers, in matters involving natural gas jurisdictional utilities and also acts as trial staff before the Commission. The Public Advocate is required to be an attorney, licensed to practice before the courts in Nebraska, and must have experience in consumer-related issues or in the operation, management, or regulation of utilities. The Public Advocate is appointed by the Executive Director, following consultation with the Commission, for a four (4) year term and may only be removed for cause. No person owning stocks or bonds in a corporation subject in whole or in part to regulation by the Nebraska Public Service Commission or who has any pecuniary interest in such corporation is eligible for appointment as the Public Advocate. The current Public Advocate term ends November 2012.

B. CURRENT ENVIRONMENT

The Office of Public Advocate was established in 2003. The Commission and the Executive Director have determined that the State of Nebraska and the ratepayers of jurisdictional utilities are best and most economically represented by contracting the services of the Public Advocate to an outside attorney. It is the intent of the Executive Director that for the term which will begin in November 2012 the contracted Public Advocate model will continue to be utilized to represent and advocate on the behalf of the interests of the ratepayers of jurisdictional utilities.

The existing agreement between the Public Advocate and the Commission provides for compensation for the work of the Public Advocate to be paid on an hourly rate basis.

The agreement provides for a discounted hourly rate for defined "Base Public Advocate Services" (See Appendix 1- Agreement for Base Public Advocate Services) and another non-discounted hourly rate for other Public Advocate services beyond those listed in the Base Public Advocate Services appendix. The provision of "non-base services" are provided pursuant to a specific engagement agreement. Examples of such "non-base services" include:

1. Any natural gas rate cases initiated before the Commission
2. Any gas supply cost adjustment schedule proceedings initiated before the Commission
3. Any proceeding in which the Public Advocate may file a petition for relief, a protest or petition to intervene
4. Any other proceeding requested or initiated by the public Advocate, including proceedings to address consumer complaints made to the Commission.

C. SCOPE OF WORK

Neb. Rev. Stat. § 66-1831 sets forth the power and authority of the Public Advocate:

1. Investigate the legality and reasonableness of rates, charges, and practices of jurisdictional utilities;

2. Petition for relief, request, initiate, and intervene in any proceeding before the Commission concerning such utilities;
3. Represent and appear for ratepayers and the public in proceedings before the Commission and in any negotiations or other measures to resolve disputes that give rise to such proceedings;
4. Represent and appear for ratepayers and the public in any negotiations or other measures to resolve disputes that give rise to proceedings before the Commission and make and seek approval of agreements to settle such disputes: and Make motions for rehearing or reconsideration, appeal, or seek judicial review of any order or decision of the Commission regarding jurisdictional utilities.
5. The Public Advocate's responsibility regarding rates, as described in subsection (1) above, has historically represented a majority of the work in terms of time and resources, and is generally triggered by a jurisdictional utility filing an application to increase rates. As an example of the progression of a rate case, respondents may refer to Commission Docket NG-0067, which can be found at: http://www.psc.nebraska.gov/home/NPSC/natgas/orders_natgas/orders_natgashtml The Commission's Planning Conference Order and Hearing Notice entered November 8, 2011, sets forth case progression, and its order Granting Application, in Part entered May 22, 2012 delineates issues presented.

D. RESPONSE DELIVERABLES

Individuals/entities responding to this RFQ should set forth qualifications possessed to represent the interest of jurisdictional utility ratepayers in matters that come before the Nebraska public Service Commission.

Respondents should describe prior work experience in consumer-related issues or in the operation, management, or regulation of utilities, including specific examples of prior experience in the successful representation of consumer-related issues before regulatory bodies or the courts.

Form A

Vendor Contact Sheet

Request for Information Number 3101

Form A should be completed and submitted with each response to this solicitation document. This is intended to provide the State with information on the vendor's name and address, and the specific persons who are responsible for preparation of the vendor's response.

Preparation of Response Contact Information	
Vendor Name:	
Vendor Address:	
Contact Person & Title:	
E-mail Address:	
Telephone Number (Office):	
Telephone Number (Cellular):	
Fax Number:	

Each vendor shall also designate a specific contact person who will be responsible for responding to the State if any clarifications of the vendor's response should become necessary. This will also be the person who the State contacts to set up a presentation/demonstration, if required.

Communication with the State Contact Information	
Vendor Name:	
Vendor Address:	
Contact Person & Title:	
E-mail Address:	
Telephone Number (Office):	
Telephone Number (Cellular):	
Fax Number:	