

# Request for Qualifications

## Accounting Services

*For Communities, By Communities*



# COMMUNITY POWER COALITION OF NEW HAMPSHIRE

RFQ RELEASE DATE: October 6<sup>th</sup>, 2022

SUBMITTAL DEADLINE: October 27<sup>th</sup>, 2022

CONTACT: [FINCOM@CPCNH.ORG](mailto:FINCOM@CPCNH.ORG)



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## GENERAL INFORMATION

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The Community Power Coalition of New Hampshire (CPCNH) is issuing this Request for Qualifications (RFQ) for an Accounting Firm (Consultant) to advise on, design, implement, and manage a complete accounting system with strict controls of processes for our new startup power enterprise.

CPCNH anticipates a contract term extending three years past the launch of all-requirements electricity supply service for our Member service territories in April to May 2023.

### About Community Power Aggregation (CPA)

New Hampshire's updated Community Power law is a bipartisan policy designed to further evolve and enhance the economic efficiency of the State's electric power industry. The Legislature's intent was to encourage voluntary, cost effective and innovative solutions to local needs.

To achieve this goal, the law authorizes local governments (cities, towns, and counties) to launch Community Power Aggregation (CPA) programs that:

- ✦ Serve as an alternative default electricity supplier for residents and businesses, on an opt-out basis for customers on local distribution utility default energy service and on an opt-in basis for those already on competitive supply.
- ✦ Secure and provide the electricity that existing franchised utilities will deliver via existing distribution facilities to consumers in the CPA's territory.
- ✦ Additionally provide voluntary opt-in services and new retail rates and products, and exercise various authorities related to expanding customer choice and animating the retail market in New Hampshire (e.g., various metering, billing, energy efficiency and local renewable projects).

### About Community Power Coalition of New Hampshire (CPCNH)

CPCNH is an all-requirements Joint Powers Agency incorporated as a government instrumentality and non-profit on October 1st, 2021, to provide for the launch and operation of CPA programs on behalf of participating Members.

CPCNH is overseen by a Board of Directors and committees composed of the representatives appointed by participating local governments and governed in accordance with our [Joint Powers Agreement](#). Relevant to the scope of services requested under this RFQ:

- ✦ The Treasurer is broadly responsible for supervising CPCNH's finances, by:
  - Overseeing the collection and receipt of all money, deposits, expenditures, and investments (according to the direction of the Board), as well as the full and accurate recordation of receipts, deposits, investments, and expenditures in a regular book of accounts.



- Submitting periodic reports of financial transactions to the Board (at least quarterly, and more often if requested).
- Working in conjunction with the CEO (which CPCNH anticipates hiring in Q1 2023) to prepare and present the annual budget for approval of the Board.
- ✦ The Finance Committee is responsible for advising the Treasurer and the Board as to the investments, budget, and general fiscal policy of CPCNH.
- ✦ The Audit Committee (which CPCNH intends to form in April to May 2023) is responsible for commissioning an independent financial report of the accounts and records of CPCNH each fiscal year, by a certified public accountant, which must be provided to our Directors and Members at our Annual Meeting (which is held every April).
- ✦ The Risk Management Committee is responsible for commissioning an Independent audit to assess CPCNH's compliance more broadly with our Enterprise Risk Management Policy (which is scheduled for adoption in December 2022), and general operational performance, at least semi-annually beginning within three years of launching service.

Refer to [Attachment C: Community Power Coalition of New Hampshire](#) for additional summary context and status updates regarding our:

1. Governance Structure.
2. Member Service Territory.
3. Organizational Capacity.
4. Staffing Strategy.
5. Regulatory and Legislative Engagement.
6. Purpose, Mission, Values & Power Enterprise Objectives.

## RFQ PROCESS

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CPCNH seeks responses from qualified Accounting Firms to provide the services described herein. CPCNH anticipates that qualified Accounting Firms will have the experience and expertise necessary to implement and manage an accounting system and process controls prior to the launch of all-requirements electricity supply service for our Member service territories in April to May 2023.

### How to Apply

Responses must be sent electronically in a single PDF file to: [fincom@cpcnh.org](mailto:fincom@cpcnh.org)

**Responses must be submitted by 5:00 PM ET October 26<sup>th</sup>, 2022.** Late or incomplete submissions may not be considered. Please reference your transmission as: *“Accounting Services for CPCNH – [Name of Respondent]”* in the subject line.



By submitting a response, the respondent authorizes CPCNH to contact references to evaluate respondent's qualifications for this project.

## Solicitation Schedule

The expected schedule for the solicitation and contracting process is provided below:

ACTIVITY	DATE
RFQ Released	10/06/22
<b>Responses Due</b>	<b>10/27/22 (5PM ET)</b>
Scheduling and Completion of Interviews	10/31/22 to 11/11/22
Finance Committee Public Meeting and Vote to Recommend	11/14/22
Board Reviews and Votes to Enter Contract Negotiations	11/17/22
General Counsel Contract Review and Finalization	11/17/22 to 12/03/22
Finance Committee Votes to Recommend Contract to Board	12/05/22
<b>Board Approval, Contract Execution, and Start Date</b>	<b>12/15/22</b>

## Questions and Notification Process

Specific RFQ questions or general requests for information must be made in writing to [fincom@cpcnh.org](mailto:fincom@cpcnh.org). CPCNH will endeavor to answer all questions received prior to the submittal deadline in a timely fashion and will post responses online to ensure a fair and transparent process.

This RFQ, any questions and answers, addenda, and any other updates in the RFQ timeline or process will be posted to CPCNH's website on the Solicitations page:

✈ <https://www.cpcnh.org/solicitations>

It is the responsibility of the potential offerors to monitor the site for additional information pertaining to the RFQ.

Interested parties may request to receive direct notification of the questions and answers as well as any addenda. Notifications will be provided via email to any interested party that submits electronic contact information to [fincom@cpcnh.org](mailto:fincom@cpcnh.org).

## Scope of Services

Consultant will be relied upon to advise on, design, implement, and manage a complete accounting system with strict controls of processes for CPCNH.

## CPCNH Start-Up Phase

Consultant will gather information, determine the unique accounting needs of CPCNH, and subsequently ensure that:



- ✦ Internal controls are defined and addressed through policies and procedures that maintain the proper segregation of duties, documentation of review of transactions, analyses and reconciliations of critical general ledger accounts and analytical review of financial statements.
- ✦ A chart of accounts and general ledger is set up to provide financial reporting, using both the full-accrual accounting method required under generally accepted accounting principles and the modified accrual method commonly used for budgets of local governments.
- ✦ Financial analysis and accounting tools are deployed and configured to meet the accounting and reporting objectives of CPCNH and its Members.
- ✦ Records are kept in accordance with Generally Accepted Accounting Principles (GAAP) as prescribed by the Governmental Accounting Standards Board (GASB).

This will involve discussions and collaborative activities with CPCNH's Treasurer, Directors, advisors and/or staff ("CPCNH Management"), as well as CPCNH's bank, secure revenue account custodian, Electronic Data Interchange (EDI) customer data and billing manager, portfolio manager and/or other contractors ("CPCNH Team").

### **Consultant Responsibilities**

Consultant will design and implement a structure that facilitates a smooth accounting process between all input sources and be responsible for the following tasks:

1. Consult with CPCNH Management and Board regarding budget policy, including budget structure (categories, level of detail, etc.), accounting basis, reporting frequency and amendment protocols.
2. Discuss financial information requirements and establish information sharing protocols with CPCNH Management and CPCNH Team.
3. Create an internal controls framework that meets CPCNH's requirements and work with CPCNH Management to assign responsibilities to provide for appropriate segregation of duties and supervisory review.
4. Set up and configure a chart of accounts and general ledger software to accommodate information required for financial reporting, budget compliance and contract financial management.
5. Enter CPCNH's historical transactions in the accounting system.
6. Select and configure the payroll accounting system.
7. Work with CPCNH Management and provide consultation regarding employee benefit programs to be selected and assist with implementation.

### **CPCNH Responsibilities**

1. Participate in discussions with Consultant regarding financial requirements and policies.
2. Review and adopt recommended policies.



3. Provide Consultant with full disclosure and access to all relevant historical and prospective financial information.
4. Determine the level of involvement of CPCNH Management in the accounting function. It is anticipated that shortly prior to or after launch, CPCNH will hire internal staff to support certain bookkeeping and accounting responsibilities.

## Implementation and Operational Phase

Leading up to and continuing after CPCNH commences operation of Member CPA programs, Consultant will assume responsibility for conducting or supporting various accounting and treasury-related functions and for maintaining CPCNH's records.

Consultant will do so with the mindset and general objective of providing timely and accurate financial information to CPCNH's Board, Management, Team, and third parties.

### Consultant Responsibilities

Consultant will be responsible for the following ongoing tasks:

1. Support CPCNH Treasurer and manage treasury-related functions.
2. Collaborate with CPCNH Treasurer, Management and Team to develop and maintain CPCNH's Annual Budget.
3. Provide regularly scheduled reports (including monthly, quarterly, and year-to-date accrual basis and modified accrual basis financial statements of actuals in comparison to the budget), as well as special interim and supplementary reports as needed.
4. Present and discuss financial information as needed with the CPCNH Board, Finance Committee, and Audit Committee.
5. Assist with financial covenants with counterparties and lenders.
6. Manage and maintain CPCNH's chart of accounts and general ledger in accordance with GASB requirements as it applies to CPCNH and CPA programs:
  - a. Post billings, accrued revenue, cash receipts, accounts payable, cash disbursements, payroll, accrued expenses, etc.
  - b. Prepare or maintain the following monthly analyses regarding general ledger account balances:
    - i. Reconcile to CPCNH's EDI customer data and billing manager reports of customer activity and accounts receivable.
    - ii. Estimated user fees earned but not billed as of the end of the reporting period.
    - iii. Reconcile to statements from CPCNH's financial institution(s) for cash activity and balances.
    - iv. Record estimated allowance for uncollectible customer accounts.



- v. Schedule of depreciation of capital assets.
  - vi. Aged schedule of accounts payable.
  - vii. Schedules of details regarding all remaining balance sheet accounts.
- 7. Verify invoices, monitor budget, and manage bill pay system
- 8. Utilize a cloud-based accounts payable document management system to provide for documentation of CPCNH Management review, proper segregation of duties, and access to source data.
- 9. Before submitting invoices received for CPCNH Management approval:
  - a. Verify invoices comply with contract provisions regarding time periods, rates / expenses / costs, and financial limits.
  - b. Verify that there is budget available and make timely suggestions for any necessary budget amendments.
  - c. Ensure that required authorization is documented and that account coding is correct.
  - d. Facilitate CPCNH Management authorization of release of payment by an independent payment service (to provide an additional safeguard) and/or set-up wire transfers.
- 10. Process payroll, including managing and reporting payroll taxes.
- 11. Compile, prepare and file other tax filings/remittances, various compliance reports for state and local agencies, annual informational returns (Forms 1099/1096), and business license filings as needed.
- 12. Prepare for and assist in the annual financial statement audit process, including by providing an annualized auditable report in collaboration with CPCNH Management, and by drafting other financial statements and preparing supporting schedules to minimize audit cost and CPCNH internal resource requirements.
- 13. Provide services to meet the requirements of applicable laws and regulations relating to the provisions of accounting services, and perform other financial duties as needed based on contingency.

### **CPCNH Responsibilities**

- 1. Develop Annual Budget in collaboration with Consultant.
- 2. Authorize the release of payments in a timely fashion.
- 3. Review monthly, quarterly, and year-to-date financial statements and comparisons to projections; request supplemental reports as needed.
- 4. Provide Consultant with full disclosure and access to all relevant financial information, such as bank statements, bank login authority, service contracts, PPA contracts, loan covenants and agreements, etc.





## Response Contents

Responses must contain the following information and should be no more than thirty (30) pages, not including the appendices listed below:

- 1. Cover Letter:** Responses must include a cover letter that includes the following: (1) Respondent name, legal form, address, telephone number, and email address of Respondent's primary contact person and (2) a statement that the Respondent has reviewed and agrees to the requirements as described in this RFQ, its enclosures, and all addenda, if any. The cover letter must be signed by an officer or agent of the Respondent authorized to bind the Respondent.
- 2. Executive Summary:** Respondents should summarize their qualifications, experience, description of the firm and its history, and indicate the firm's expertise and intended approach in providing the services as outlined in this RFQ.
- 3. Statement of Qualifications:** Respondents should detail their qualifications and anticipated approach in providing the requested services, including by addressing the subjects of interest listed below.

### **a. General Qualifications:**

- i.** The size of the firm, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement.
- ii.** Narrative about the history of the firm, including date of inception.
- iii.** Experience providing accounting services to joint action agencies and/or municipal power aggregations, utilities, other power enterprises, or municipalities, along with relevant experience regarding New Hampshire non-profit, municipal, state, and federal law.

### **b. Provision of Services:**

- i.** Describe the firm's anticipated approach and timeline for fulfilling the scope of services as described in this RFQ.
- ii.** Provide an anticipated fee structure, and indicative pricing, for the Firm's services. Include a table of hourly billing rates, if applicable. Discuss whether CPCNH should anticipate additional out-of-pocket expenses.
- iii.** Identify and describe the qualifications of the person(s) proposed to work directly with CPNH, including:
  - iv.** Accounting/CPA training, years of practice, area of specialization.
  - v.** Years of municipal, nonprofit, joint action agency, tax, and/or energy accounting practice.
  - vi.** Any professional affiliations relevant to the scope of service.
- c.** Describe the additional the resources of the firm, such as clerical and support staff and research capabilities, and other relevant information.

### **d. Legal and Financial Considerations:**



- i. Describe the level of coverage for insurance the firm carries, including whether coverage on a per client basis or is applied to the firm as a whole.
- ii. Identify whether, in the last five years, the firm, its officers, partners, employees, shareholders, or principals been a party in any litigation other legal proceedings as a defendant relating to the services provided by your entity, not limited to those identified in the [Litigation Statement](#). If so, provide an explanation and indicate the current status or disposition of any such situation.
- iii. State whether the firm, its officers, partners, principals, agents, or employees that are expected to perform services pursuant to this engagement have been disciplined, admonished, warned, or had any license, registration, charter, certification, or any similar authorization to engage in the legal profession suspended or revoked for any reason.
- iv. State whether the firm been in bankruptcy, reorganization, or receivership in the last five years. If so, explain current status.
- v. State whether the firm been disqualified or terminated by any public agency, municipality, or county in the last five years. If so, explain under what circumstances this disqualification or termination occurred.
- vi. Describe the resources of the firm to address cybersecurity and data confidentiality, particular regarding the protection of individual customer data.
- vii. Disclosure of any actual or potential conflicts of interest, not limited to those identified in the [Conflict-of-Interest Statement](#), that may limit the type of services and engagement provided beyond the immediate tasks at hand.

#### 4. Appendices:

- a. **Client References:** Responses must include at least three (3) client references and contact information, including:
  - i. Client firm name and address.
  - ii. Description, year, and duration of engagement.
  - iii. Client contact name, title, telephone number; and email address.
- b. **Accounting Services Agreement:** Responses must include a proposed services agreement or form of agreement that substantially reflects the terms respondent would propose for the services proposed.
- c. **Non-Collusion and Conflict of Interest Statement:** Attached hereto as [Exhibit A](#). Must be filled out, signed by an authorized signatory of Respondent, and submitted with response.
- d. **Litigation Statement:** Attached hereto as [Exhibit B](#). Must be filled out, signed by an authorized signatory of Respondent, and submitted with response.



## Review and Selection Process

CPCNH's Finance Committee will oversee the review and recommendation process. The Finance Committee will evaluate all timely received responses and may request Interviews with and clarifications from short listed firms.

The responses will be comparatively evaluated based upon the requirements and terms stated in this RFQ, subject to CPCNH's discretion, including:

- ✓ Demonstrated ability and prior experience of the firm and the personnel to be assigned to this type of project.
- ✓ Experience with similar projects in New Hampshire or elsewhere.
- ✓ Clarity and thoroughness of the response.
- ✓ Reasonableness of proposed approach, timeline, indicative compensation, and any proposed engagement terms.
- ✓ Responsiveness during the interview and clarification process.

While the order of these factors does not generally denote relative importance, the purpose of the evaluation is to assess the qualifications, competence, capabilities, reasonableness, and responsiveness of the firms seeking to provide accounting services as described herein.

The Finance Committee will publicly deliberate and may vote to recommend one or more recommended responses to the Board of Directors for review and approval to enter into contract negotiations with the selected firm(s).

After negotiations conclude, a final contract will be presented to the Board of Directors for approval. Prior to commencing work, the selected firm will need to be registered with the New Hampshire Secretary of State and authorized to do business in the State of New Hampshire.

## RFQ CONSIDERATIONS

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### Nature of RFQ

This RFQ is not a commitment or contract of any kind. This RFQ is issued to attract responses for the scope of work outlined herein. CPCNH will be evaluating the qualifications of respondents and may select the best respondent at its sole discretion. CPCNH reserves the right to pursue any, or none, of the responses or ideas generated by this request, and to revise or reissue the RFQ at any time, in which case all known parties will be notified.

### Representations and Warranties

CPCNH assumes no liability for any errors or omissions in this RFQ or any statement made, or documentation issued or referenced by CPCNH, in connection with this solicitation process.



## Rights of CPCNH

CPCNH's rights include, but are not limited to, the following, at its sole discretion and without liability to persons or entities receiving or responding to this RFQ:

- ⚡ Reissuing or modifying the RFQ, and or issuing addenda to the RFQ, including extending or revising the timeline for submittals.
- ⚡ Revising, suspending, or terminating the RFQ at any time during the procurement process with or without award of a Contract for Services.
- ⚡ Requesting clarification or additional information from Respondents (individually or collectively) at any time during the procurement process.
- ⚡ Execution of an Agreement with the successful Respondent on the basis of the original responses and/or any other information submitted by the Respondents during the solicitation process.
- ⚡ Rejection of any or all responses, waiving irregularities in any responses, accepting or rejecting all or part of any responses, requesting clarification or resubmission of select or all responses, and waiving any requirements of the RFQ, as may be deemed in the best interest of CPCNH.
- ⚡ Conducting simultaneous negotiations with multiple Respondents or entering into negotiations with other firms for the services.
- ⚡ Discontinuing negotiations after commencing negotiations with any selected Respondent(s) if progress is unsatisfactory in the sole judgment of CPCNH, and commencing negotiations with other qualified Respondent(s).

## Code of Conduct

### Prohibition on Ex Parte Communications & Lobbying

From the date of release of this solicitation until award of the contract, Respondents should direct all communications to [fincom@cpcnh.org](mailto:fincom@cpcnh.org).

No ex parte communication is permitted with CPCNH Board or committee members, contractors, personnel, or volunteers. Further, no ex parte communication is permitted with elected officials of CPCNH Member governments regarding any responses or other matter related to this RFQ.

Any attempt at engaging in ex parte communications must be reported to CPCNH immediately. Unauthorized communications may result in the disqualification of the respondent's submittal.

### Prohibition on Collusion

No Respondent, including any member of a response development team, may collaborate or discuss with other Respondents the contents of the response or rates proposed or otherwise collude with other parties submitting responses, outside of the submission of a joint response to which Respondent is a party, which shall be confirmed by the required Anti-Collusion Statement.



This statement is required as evidence in the event that collusion or bid rigging is discovered at a later date. Collusion or bid rigging is grounds for cancellation of any contract that arises from this RFQ as well as legal action by CPCNH. Anyone with knowledge of possible bid rigging, collusion, or other fraudulent activities should report these activities to CPCNH and/or the Department of Justice Antitrust Division's Citizen Complaint Center at: [antitrust.complaints@usdoj.gov](mailto:antitrust.complaints@usdoj.gov) or 1-888-647-3258.

## **Ethical Requirements**

No Respondent, including any member of a response development team, may give any non de minimis gift or monetary compensation to an CPCNH Board member, CPCNH staff member or agent, or response reviewers.

Further, from the time this RFQ is published until a contract is awarded, no Respondent shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined in RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded this RFQ, or similar submission. Any Respondent that violates RSA 21-G: 38 shall be subject to prosecution for an offense under RSA 640:2. Any Respondent who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from responding to this RFQ or similar request for submission, and every such Respondent shall be disqualified from responding on any RFQ or similar request for submission issued by CPCNH, unless such Respondent was disqualified because of a pending criminal charge which was subsequently dismissed, resulted in an acquittal, or was annulled.

## **Non-Discrimination**

Respondents may not engage in any discriminatory hiring or employment practices and shall make personnel policies available to CPCNH upon request. Respondents shall ensure equal employment opportunity based on objective standards of recruitment, selection, promotion, classification, compensation, performance evaluations, and management relations, for all employees under any contract that may result from this submittal. No person shall, on the grounds of race, color, creed, national origin, religious affiliation or non-affiliation, sex, sexual orientation, marital status, age, disability, medical condition (including but not limited to AIDS, HIV positive diagnosis or cancer), political affiliation or union membership be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any contract that may result from this submittal.

## **Consequence of Submission of Response**

Submission of a response to this RFQ constitutes an incontrovertible representation and warranty by Respondent that the Respondent has investigated all aspects of this RFQ, Respondent is aware of the applicable facts pertaining to the RFQ process, its



procedures and requirements, Respondent has read and understands the RFQ and complied with every requirement.

Without exception, the response is premised upon performing and furnishing the services required by this RFQ and as such means, methods, techniques as may be indicated or required by this RFQ.

All responses shall remain valid for a period of not less than 60 days from the date of submission.

The submission of a response shall not be deemed an agreement between the Respondent and CPCNH, and the following conditions apply:

- ✦ CPCNH shall not be obligated to respond to any response submitted, nor is bound in any manner by the submission of a response by a Respondent.
- ✦ Selection of consideration by CPCNH obligates the Respondent to enter into good faith agreement negotiations on the response submitted.
- ✦ The Agreement shall not be binding or valid against CPCNH unless and until it is executed by the CPCNH Board, or its designee, and the selected Respondent.

This RFQ constitutes part of each response and includes the explanation of CPCNH's needs, which must be met. This RFQ and all materials submitted in response to this RFQ will become the property of CPCNH.

## Response Costs

Costs of investigating, preparing, and submitting a response is the sole responsibility of the Respondent and shall not be chargeable in any manner to CPCNH. CPCNH will not reimburse any Respondent for any costs associated with the preparation and submission of responses or expenses incurred in making an oral presentation, participating in an interview, or negotiating an Agreement with CPCNH regardless of whether CPCNH discontinues negotiations at any time or if negotiations result in a final Agreement.

## Public Nature of Response Material

All responses to this RFQ, including pre-submittal and post-submittal communications with CPCNH, will become the exclusive property of CPCNH that, in the first instance, will determine the proper use and disclosure of such RFQ material.

Responses and communications with CPCNH may be subject to disclosure in accordance with [NH RSA 91-A](#), known as NH's "Right-to-Know" (RTK) law.

**Proprietary information that constitutes "confidential, commercial, or financial information... whose disclosure would constitute invasion of privacy" of the Respondent, pursuant to RSA 91-A:5, IV, may be protected from disclosure, but should be minimized and must be clearly identified.**

CPCNH asserts that its interest in securing the best and most competitive responses to this RFQ, and hence the public interest, will be best served if submitted responses





are not made available for review by other companies participating in the competitive selection process or otherwise made publicly available during the procurement process. **Reinforcing this point, companies submitting responses are waiving their right to request competitors' responses to this RFQ as a condition of submitting a response.**

At this time CPCNH further asserts that its interest in possible future competitive procurements, as well as this one, will be best served by not disclosing responses that are not selected for contractual engagement. However, the winning Respondent(s) response(s) to this RFQ are likely to be made publicly available in accordance with NH RSA 91-A and it is possible that CPCNH may receive requests to disclose responses that are not selected for contract negotiation as well.

In response to any such Right-to-Know request, CPCNH will need to undertake a balancing test to consider if the public's interest in disclosure outweighs CPCNH's interest in non-disclosure and/or the Respondent's privacy interest in "confidential, commercial, or financial information" provided by them.

To aid CPCNH in responding to any such request, the Respondent should explain the nature of its privacy interest and the potential harm that would result from public release of such information, as well as the factual basis for claiming the exemption and clearly mark the pages or portions of the response that the Respondent asserts should not be disclosed due to its privacy interests. **A redacted and non-redacted version of the response may be submitted.<sup>1</sup>**

In all cases the main non-confidential sections of the response should contain adequate detail to characterize the Respondent's approach and qualifications without the need to reference information the Respondent believes to qualify for confidential treatment.

The Respondent is solely responsible for identifying and labeling any information contained within a response that may be subject to an exemption from public disclosure, although CPCNH does not intend to publicly release responses that are not selected for contract negotiation. For the selected responses **only those portions of a response that are determined by CPCNH or a NH court to be exempt from disclosure under state law will be withheld from disclosure, regardless of whether labeled by the Respondent as exempt.**

Prior to the date on which the recommended response(s) are included in the packet for the CPCNH Board of Directors to select its preferred Respondent(s), CPCNH will limit the release of selected response contents as described above. The names of qualified Respondents (those responses accepted as meeting RFQ requirements), and the ranking of those responses, may also be released at the time of selection.

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<sup>1</sup> For guidance on how to redact confidential information please refer to PUC administrative rule Puc 201.04 found here: <https://www.puc.nh.gov/Regulatory/Rules/Puc200.pdf>. Puc 201.07 also provides an example of the balancing test that is used under NH case law for Right to Know requests.



If at any time CPCNH receives a RTK request for one or more responses to this RFQ CPCNH will notify the affected Respondent(s) and will not oppose a motion by such Respondent(s) to intervene in any legal action initiated by the requester. The Respondent(s) must either intervene or agree to pay CPCNH and its agent(s) legal expenses in defending such action, including fees, if any, awarded to the plaintiff. Absent such an agreement, CPCNH will have no obligation to defend the action and may release the information sought without any liability whatsoever.

**BY SUBMITTING A RESPONSE, RESPONDENTS AGREE TO HOLD HARMLESS AND NOT SEEK DAMAGES AGAINST CPCNH, ITS OFFICERS, EMPLOYEES AND AGENTS, OR ANY MEMBER GOVERNMENT OR RECOVERY OF ITS ATTORNEYS' FEES AS A RESULT OF ANY DISPUTE RELATED TO THE RELEASE OR WITHHOLDING OF INFORMATION SUBMITTED IN RESPONSE TO THIS RFQ.**





## **EXHIBIT A: Anti-Collusion and Conflict of Interest Statement**

The undersigned Respondent has not divulged to, discussed, or compared his/her response with other Respondents and has not colluded with any other Respondents whatsoever outside of the submission of a joint response to which Respondent is a party.

The undersigned Respondent additionally asserts and certifies that, to the best of the undersigned's knowledge, no person involved in the development of this response has divulged to, discussed, or compared this response with other Respondents and has not colluded with any other Respondent whatsoever on the submission of a response.

The undersigned Respondent additionally asserts and certifies that, to the best of the undersigned's knowledge, this statement discloses all contractual or business relationships that currently exist between (1) the undersigned Respondent, or a predecessor organization of the Respondent, and (2) one or more of the parties listed in the tables completed and appended to this statement.

The undersigned Respondent acknowledges that (1) failure to disclose any relationships as described above may result in disqualification of the response and that (2) CPCNH will make the final determination regarding the existence of a conflict of interest.

I certify that the above statements are true and complete, to the best of my knowledge, and that this response is (1) made without prior understanding, agreement or connection with any corporation, firm or person submitting a response for the same service and (2) is in all respects fair and without collusion. I agree to abide by all conditions of these response specifications, and I certify that I am authorized to sign this response.

*(Please type or print below)*

Executed under penalty of perjury on this \_\_\_ day of \_\_\_\_\_, 2022.

COMPANY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**This form is accompanied by tables on the proceeding pages, which must be completed and submitted with the executed form. Failure to submit provide to provide documentation of a possible conflict of interest may result in disqualification of your response.**



<b>DISCLOSURE OF EXISTING CONTRACTUAL OR BUSINESS RELATIONSHIPS</b>	
<b>Entity</b>	<b>Relationship (Y/N)</b>
<b>Cheshire County</b>	
<b>City of Dover</b>	
<b>City of Lebanon</b>	
<b>City of Nashua</b>	
<b>City of Portsmouth</b>	
<b>Town of Durham</b>	
<b>Town of Enfield</b>	
<b>Town of Exeter</b>	
<b>Town of Hanover</b>	
<b>Town of Harrisville</b>	
<b>Town of Hudson</b>	
<b>Town of New London</b>	
<b>Town of Newmarket</b>	
<b>Town of Pembroke</b>	
<b>Town of Plainfield</b>	
<b>Town of Peterborough</b>	
<b>Town of Rye</b>	
<b>Town of Walpole</b>	
<b>Town of Warner</b>	
<b>Town of Webster</b>	
<b>CPCNH Directors, Alternate Directors and Volunteers (list online at: <a href="https://www.cpcnh.org/about">https://www.cpcnh.org/about</a>)</b>	
<b>Community Choice Partners, Inc.</b>	
<b>Duncan Weinberg Genzer &amp; Pembroke, P.C.</b>	
<b>Primmer Piper Eggleston &amp; Cramer</b>	
<b>Herndon Enterprises, LLC</b>	





## EXHIBIT B: Litigation Statement

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Check One:

The undersigned firm has had no litigation and/or judgments entered against it by any local, state or federal entity and has had no litigation and/or judgments entered against such entities during the past five (5) years.

or

The undersigned firm, by attachment to this form, submits a summary and disposition of individual cases of litigation and/or judgments entered by or against any local, state or federal entity, by any state or federal court, during the past five (5) years.

Executed under penalty of perjury on this \_\_\_ day of \_\_\_\_\_, 2022.

COMPANY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Failure to check the appropriate blocks above may result in disqualification of your response. Likewise, failure to provide a summary of past litigation and/or judgments, may result in disqualification of your response.**



## **EXHIBIT C: Community Power Coalition of New Hampshire**

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The Community Power Coalition of New Hampshire (CPCNH) is an all-requirements Joint Powers Agency incorporated as a government instrumentality and non-profit on October 1st, 2021, to provide for the launch and operation of Community Power Aggregation (CPA) programs on behalf of our Members throughout the state. CPCNH intends to launch power supply services in April to May 2023.

CPCNH's participating local governments Members have agreed to share the administrative and general costs of CPCNH on a pro-rata basis, and to elect to share costs, on an individual basis, for operational services, pooled power purchases, and energy project development contracts. CPCNH also engages at the Legislature and Public Utilities Commission on behalf of its members on matters related to energy and Community Power.

CPCNH intends to benefit participating communities by providing for the delivery of cleaner and more locally produced electricity, innovative retail distributed energy and demand flexibility programs, policy engagement and public advocacy, competitive rates for residents, businesses, and municipal facility customers, and economic investment through the development of local programs, projects, and energy infrastructure.

Most, if not all, members anticipate relying on CPCNH as an energy services provider, for the provision of all-requirements electricity and retail customer services on behalf of their CPA programs, which will operate across all four distribution company service territories in the state: Eversource, Unitil, Liberty Utilities and the New Hampshire Electric Co-Op.

CPCNH is locally controlled, governed by Board of appointed community representatives, and will be funded through customer revenues, with no taxpayer subsidies. By law, each member's CPA program is funded through program revenues; CPCNH's budget is completely separate from the general funds of participating local governments.

CPCNH's Board and committees have held ~80 meetings since incorporation last October. Board and committee meetings are open to the public and subject to New Hampshire's Right to Know Law.

### **Governance Structure**

CPCNH is governed in accordance with our [Joint Powers Agreement](#), and overseen by a Board of Directors composed of the representatives appointed by participating local governments.

- ✦ Going forward, the Board will be elected by vote of at the Annual Meeting of the Members, which is held every April, and will be composed of between eleven and twenty-one Directors elected from amongst the member representatives.
- ✦ At present, the Board of Directors is currently composed of 39 representatives (elected officials, municipal staff and volunteers serving on local energy committees) appointed by each of our local government Members to serve as either a Director or Alternate Director (each member has only one vote):



## CPCNH Board of Directors

	Director	Alternate
City of Lebanon	Chair Clifton Below	Greg Ames
City of Dover	Vice Chair Christopher Parker	Jackson Kaspari
Town of Enfield	Treasurer Kimberly Quirk	Jo-Ellen Courtney
Cheshire County	Terry Clark	Chris Coates
City of Nashua	Doria Brown	
City of Portsmouth	Kevin Charette	Peter Rice
Town of Durham	Mandy Merrill	Nat Balch
Town of Exeter	Nick Devonshire	Julie Gilman
Town of Hanover	April Salas	Peter Kulbacki
Town of Harrisville	Andrea Hodson	Andrew Maneval
Town of Hudson	Craig Putnam	Kate Messner
Town of New London	Jamie Hess	Tim Paradis
Town of Newmarket	Toni Weinstein	Steve Fournier
Town of Pembroke	Matthew Miller	Jackie Wengenroth
Town of Peterborough	Steve Walker	Danica Melone
Town of Plainfield	Evan Oxenham	Steve Ladd
Town of Rye	Lisa Sweet	Howard Kalet
Town of Walpole	Paul Looney	Dennis Marcom
Town of Warner	Clyde Carson	George Packard
Town of Webster	Martin Bender	David Hemenway

CPCNH also conducts its business through the committees, each of which is composed of Member representatives drawn from across the state:

- 1. Executive Committee:** bi-weekly and as-needed meetings of CPCNH’s Chair, immediate past-chair, Vice Chair, Treasurer, and Secretary. Authorized to act on behalf of the Board, on most matters, in instances where decisions may not wait until the next meeting of the Board.
- 2. Finance Committee:** bi-weekly and as-needed meetings of 3 members. Responsible for advising the Treasurer and the Board as to the investments, budget, and general fiscal policy of CPCNH.
- 3. Member Operations & Engagement Committee:** bi-weekly and as-needed meetings of 8 members representing Dover, Durham, Hanover, Pembroke, Rye and Walpole, with additional advisors based in Peterborough and Hanover. Responsible for (1) assisting Members’ Electric Aggregation Committees through the Electric



Aggregation Plan drafting and local approval process, and (2) recruiting new CPCNH Members by engaging with interested communities

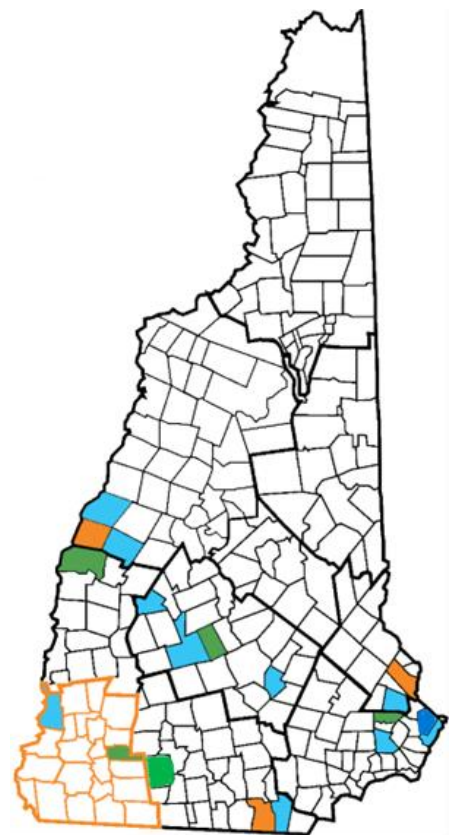
4. **Risk Management Committee:** bi-weekly and as-needed meetings of 8 members. Responsible for overseeing CPCNH’s competitive solicitation for services and credit support, for overseeing energy portfolio risk management procurement decisions, and for understanding and advising upon enterprise risk factors and mitigating strategies more broadly.
5. **Regulatory and Legislative Affairs Committee:** as-needed meetings of 4 members, Responsible for monitoring and advising CPCNH and its Members regarding regulatory and legislative engagement, and for appointing representatives of the Corporation to serve on statutory commissions, study commissions, and other boards and commissions created by the state legislature.
6. **CEO and Staff Search Committee:** as-needed meetings of 4 members. Responsible for developing a solicitation and hiring process for Board review and approval in preparation for hiring a CEO and key staff.

Additionally, prior to the launch of CPA programs, the Board will create an **Audit Committee** and **Governance Committee**, as required standing committees per our Joint Powers Agreement.

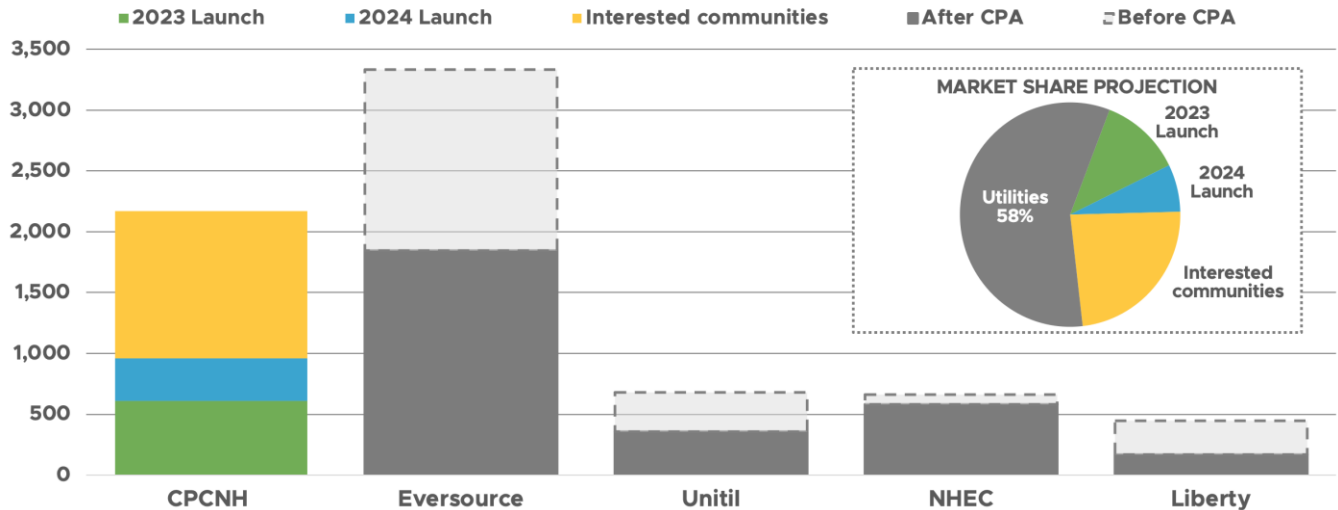
## Member Service Territory

CPCNH’s twenty current municipal members, which represent approximately 20% of New Hampshire’s population, intend to launch CPA programs in the next one to two years.

- ⚡ The first wave of CPA programs is slated to launch between April and May of 2023, with service expansion to all current member territories thereafter (likely Q2 2024).
- ⚡ At this point, CPCNH will serve ~110,000 customer accounts, provide ~900,000 MWh of electricity, and produce revenues of up to ~\$365 million per year (assuming retail pricing based on default utility rates in the current year).
- ⚡ Over 30 additional local governments have expressed interest in joining CPCNH, which would increase representation to ~50% of New Hampshire’s population. CPCNH subsequently expects relatively robust member recruitment, and the launch of dozens of new CPA programs in next two to three years.



Consequently, as shown in the graph on the next page, CPCNH is positioned to become the largest default supplier of electricity in New Hampshire:



## Organizational Capacity

The [Board, committees, and executive team](#) bring a great breadth and depth of experience to the organization with professional backgrounds that support CPCNH's mission.

CPCNH is also supported by outside General Counsel ([Michael Postar](#) of [DWGP, P.C.](#) with NH advice from [Eli Emerson](#) of [Primer Piper, P.C.](#)) and two professional consultants ([Henry Herndon](#), of Herndon Enterprises, for member services, and [Samuel Golding](#) of Community Choice Partners, for technical advice and support).

Most recently, CPCNH has concluded a [competitive solicitation for services and credit support](#) and is now negotiating contracts for \$750,000 in startup funding, \$9.5 million in credit support, and ~\$8 million to ~\$9 million in professional services to operate our power agency and expand CPCNH's membership over the next three years:

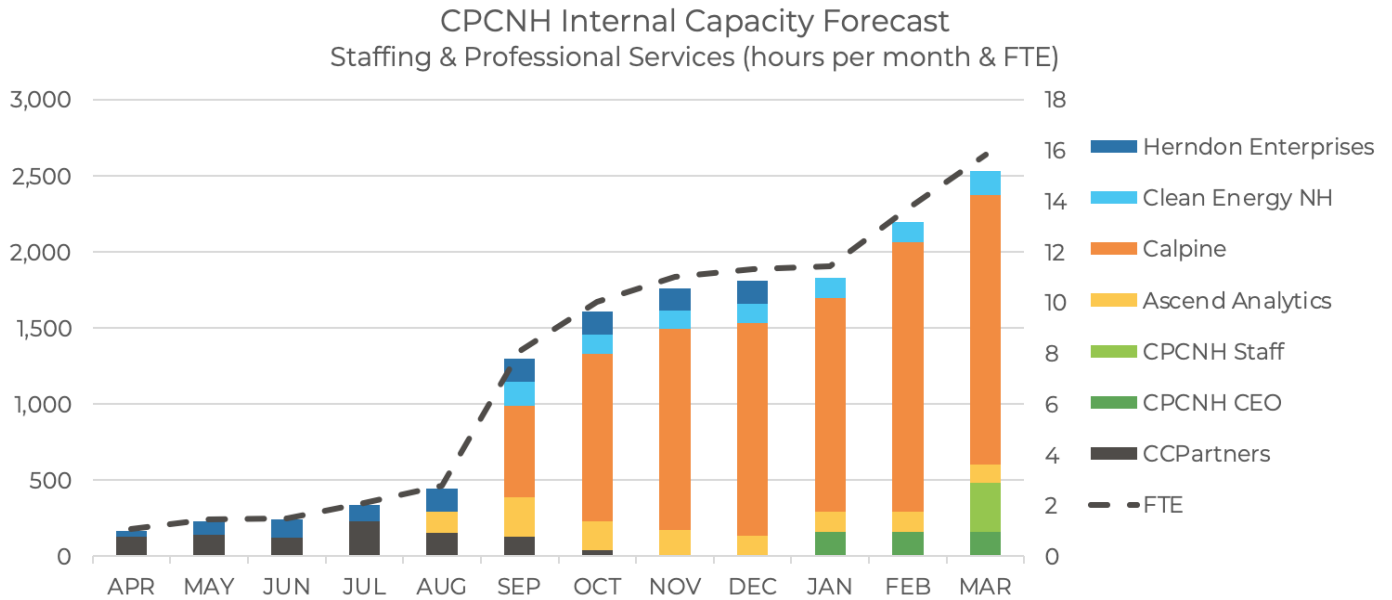
1. [Ascend Analytics](#): for Load Serving Entity (LSE), energy portfolio risk management and procurement services, credit support (three lines of credit providing \$6 million for LSE and wholesale requirements, \$2.5 million for Ascend's invoices, and \$1 million for non-Ascend third-party invoices), and overall implementation management and oversight (CPCNH's critical path analysis is [online here](#); refer to pp. 37-54).
2. [Calpine Energy Solutions](#), for \$750,000 in startup funding and retail customer services: utility electronic data interchange (EDI), retail data management, and call center operations.
3. [River City Bank](#), for secure revenue "lockbox" account administration and various commercial banking services.
4. [Clean Energy New Hampshire](#) for member and community relations, media strategy and engagement, and related administrative services.

CPCNH's committee award reports and winning response materials are [online here](#). The Board has also authorized the issuance of an RFQ for accounting service, to implement an accounting system and controls for CPCNH.





The chart below shows CPCNH's current and forecasted internal professional services and staffing capacity:



## Staffing Strategy

CPCNH currently has no staff and recently issued an [RFP for an Executive Search Firm](#) to expedite hiring a CEO between November 2022 and February 2023. The Board will support the CEO in filling key functional roles with highly qualified staff in managerial positions to provide oversight and initiative that guide's the evolution of the agency.

Expediting the CEO's hiring process for remaining staff positions is a strategic priority for CPCNH in the period leading up to the launch of Member CPA programs, likely after initial customer notifications have been sent in March 2023.

CPCNH anticipates that the CEO will recommend prioritizing staff capacity in the follow areas of expertise:

1. Financial Management: Treasury support, budgeting, cash flow analysis, rate setting, financial controls and compliance, and reserve management.
2. Retail Services: retail customer products and services, key account management and retention, and local programs.
3. Energy Portfolio Management: contract valuation, procurement, power purchase agreements, portfolio strategy, and energy risk management analytics and reporting.
4. Information Technology: enterprise data management and analytics.
5. Regulatory and Legislative Affairs: engagement with the Legislature, NH Department of Energy, Office of the Public Advocate, Public Utility Commission, distribution utilities, and other stakeholders on energy policy and market issues impacting CPAs.



## Regulatory and Legislative Engagement

CPCNH carries out public information campaigns and routinely engages at the Legislature and Public Utilities Commission, often alongside the NH Office of Consumer Advocate, to advance consumer interests and protect and expand the authorities of our Members. [Board Chair Clifton Below](#), Assistant Mayor of the City of Lebanon, often leads the agency's regulatory and legislative engagement activities. Recent initiatives include:

- ✦ Authoring the Community Power Aggregation Act, [Senate Bill 286](#) (2019).
- ✦ Leading the informal rule drafting process for CPA administrative rules at the Public Utilities Commission by providing initial and subsequent draft rules for discussion, arranging bilateral meetings with utilities and other stakeholders, and helping to lead stakeholder workshops at the request of Commission staff.
- ✦ Negotiating amendments to [House Bill 315](#) (2021), which would have substantially changed and weakened CPA authorities as-introduced, to instead clarify and expand key CPA authorities — including by authorizing a Purchase of Receivables program. (Refer to CPCNH.)
- ✦ Authoring CPCNH to commence the CPA administrative rulemaking process, which was endorsed by a coalition of public stakeholders — including the NH Office of the Consumer Advocate — and adopted by the Commission as their initial and final proposed rules ([docket DRM 21-135](#)).
- ✦ Intervening to advocate for the creation of a Statewide Data Platform to enable Green Button access to electricity and natural gas retail customer data, and to negotiate a settlement — recently adopted by the Commission — under which the platform would be governed by a Governance Council of representatives that includes Chair Below on behalf of CPAs and municipalities across the state ([docket DE 19-197](#)).
- ✦ Advancing legislation, through multiple legislative sessions, that would properly credit CPAs sourcing power from DER under 5 MW for avoiding not only energy charges, but also transmission and capacity charges ([SB 321](#), 2022).
- ✦ Engaging on CPCNH's behalf in [Docket IR 22-053](#) regarding the evaluation of default utility procurement requirements and the potential impact due to CPAs, among other matters.

## Purpose, Mission, Values & Power Enterprise Objectives

CPCNH is guided by the requirements and processes provided for under our Joint Powers Agreement, the decisions of our Members and Board of Directors, and the considerations that operating a competitive power enterprise entails.

### Purpose of CPCNH

The overarching objective of CPCNH is provided for in our [Joint Powers Agreement](#):

*The purpose of CPCNH is to promote the common good and general welfare by supporting the economic vitality and prosperity of local communities by enabling municipalities and counties to support and jointly exercise authorities granted to them pursuant to NH RSA 33-B, NH RSA 53-E, NH RSA 53-F, and NH RSA 374-D, all*



*in accordance with NH RSA 53-A; to assist member municipalities and counties in complying with the provisions of NH RSA 53-E in developing and implementing Electric Aggregation Plans and Programs known as Community Power Aggregations (“CPAs”); to provide supportive services and technical assistance to community power aggregations serving member towns, cities, counties, unincorporated places, and village districts; and to support and promote public education and civic engagement by the residents and businesses of member communities in developing and implementing energy and climate policies and actions and the role of CPAs in advancing such policies and actions for the common good.*

## **Mission and Values**

CPCNH’s Board of Directors has subsequently adopted the mission and values below:

*Our mission is to foster resilient New Hampshire communities by empowering them to realize their energy goals. CPCNH will create value for our Community Power member municipalities by jointly contracting for services, developing projects and programs together, educating and engaging the public, and advocating for communities and customers at the Legislature and Public Utilities Commission.*

*In carrying out its activities, CPCNH is guided by the following values:*

- 1. Embody an inspiring vision for New Hampshire’s energy future.*
- 2. Support communities to reduce energy costs and pursue economic vitality by harnessing the power of competitive markets and innovation.*
- 3. Support communities to implement successful energy and climate policies and to promote the transition to a carbon neutral energy system.*
- 4. Balance the interests of member communities who are diverse in demographics, geography and their energy goals.*
- 5. Use our shared expertise, leadership and skills to educate, empower and build the capacities of our members.*
- 6. Help communities demystify the power sector to make informed decisions.*
- 7. Facilitate collaboration and teamwork by championing diversity, equity and inclusion of people and communities of all kinds.*

## **Power Enterprise Objectives**

CPCNH’s immediate objectives in implementing CPA supply service in April to May 2023 were summarized in our prior solicitation for services and credit support:

*While many of the broader benefits that CPCNH intends to create will be developed over time, the agency’s immediate objectives are to:*

- 1. Procure a reliable supply of all-requirements electricity, inclusive of Renewable Portfolio Standard requirements, and satisfy all load-serving entity obligations on behalf of participating customers.*



2. *Launch with default supply rates that “meet or beat” utility default service rates and maintain competitive default supply rates thereafter.*
3. *Accrue reserve funds sufficient to ensure Members’ long-term financial stability.*
4. *Offer voluntary products that retail customers may opt-up to receive as well as Net Energy Metering supply rates that allow customer-generators to participate in the program.*
5. *Ensure individual customers have excellent customer service experience every time they interact with CPCNH regarding their electric service and all account transactions.*
6. *Guarantee that individual customer data is secure and protected against third party attacks, data breaches and inappropriate use.*

CPCNH understands the need to balance customer rate levels, renewable power content, and the accrual of program reserves to meet our objectives and is incorporating these considerations and trade-offs regarding the prudent allocation of revenues into Energy Risk Management, Rates, and Reserves policies.



**COMMUNITY  
POWER COALITION  
OF NEW HAMPSHIRE**  
*For communities, by communities.*

<https://www.cpcnh.org>  
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