

STATE OF VERMONT REQUEST FOR PROPOSALS

**REGISTERED ENGINEER**  
Experienced in  
**Design & Investigation of Dams**

RFP RELEASED ON February 12, 2019

PROPOSAL DUE DATE: March 12, 2019, 2:00 pm

**This RFP is issued by:**

**The State of Vermont  
Public Utility Commission**

**Proposals must be delivered to:  
Vermont Public Utility Commission**

Via email: [puc.businessmanager@vermont.gov](mailto:puc.businessmanager@vermont.gov)

**OR**

**U.S. Mail to: ATTN: Business Manager  
112 State Street, 4th Floor  
Montpelier, VT 05620-2701**

## **Request for Proposals**

The Vermont Public Utility Commission is soliciting proposals from registered engineers experienced in the design and investigation of dams.

The engineer will need to review and report to the Commission on two related cases involving the Molly's Falls Hydroelectric Facility (two dams and a hydroelectric power plant) in Cabot, Marshfield, and Peacham, Vermont. This facility is owned and operated by Green Mountain Power Corporation ("GMP"). One case involves a petition for physical and operational changes to the facility. The other case involves reviewing potential safety concerns of one of the dams that is a part of the facility.

The engineer will need to complete the following tasks:

**Task A.** In the "Petition" case, provide a report evaluating whether the proposed operational and physical changes to the Molly's Falls Hydroelectric Facility adequately provide for public safety.

**Task B.** In the "Investigation" case, provide an independent assessment of the safety of the Marshfield #6 dam and the safety concerns raised by the Town of Plainfield, Vermont.

Tasks A and B are related because they both involve the Marshfield #6 dam and potential safety-related concerns, such as downstream flooding.

## **Scope of Work**

The Scope of Work for Tasks A and B are described below. Each task requires preparing a report. Additional work may also be required, including appearing as a witness at an evidentiary hearing.

***Task A.*** Provide a report evaluating whether GMP's proposed operational and physical changes to the Marshfield #6 dam and Molly's Falls Hydroelectric Facility adequately provide for public safety.<sup>1</sup>

The proposed physical changes include replacing the service spillway stoplogs and flashboards with vertical slide gates, installing handrails and fall protection at the service spillway, installing an emergency generator for the gates, increasing the height of the service spillway sidewalls, armoring the emergency spillway channel, and evaluating the emergency spillway gate system to determine if replacement or upgrade to a sliding gate is warranted. The proposed operational changes include establishing minimum flows, installing a minimum bypass flow pipe, reducing the facility's winter drawdowns, installing aeration equipment to meet downstream dissolved oxygen requirements, and implementation of ramping protocols to stabilize downstream flows.

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<sup>1</sup> Under 10 V.S.A. § 1087, "[the Commission] shall employ a registered engineer experienced in the design and investigation of dams to investigate the property, review plans and specifications, and make additional investigations as it considers necessary to ensure that the project adequately provides for the public safety. The engineer shall report his [or her] findings to the Commission."

The following subtasks are anticipated to be completed under Task A:

- Subtask A.1. Review approximately 450 pages from GMP's Petition, Prefiled Testimony, and Exhibits. We will provide these documents to the engineer. All of these documents are also accessible in Case 18-2549-PET in our electronic database, ePUC (<https://epuc.vermont.gov/>). They include project descriptions, plans, and related engineering analyses.
- Subtask A.2. Review GMP's 2018 Dam Safety Inspection Report for the Marshfield #6 dam (accessible in Case 18A-4289 in ePUC).
- Subtask A.3. Provide a list of questions for GMP and any other parties that need to be answered to complete the engineer's report.
- Subtask A.4. Provide a Report of Conclusions and Recommendations on the Petition.

Schedule: Task to commence upon contract award. Assume a four-week response time for answers to the engineer's questions in Subtask A.3. Provide the report in Subtask A.4 to the Commission within 6 months of contract award.

***Possible additional tasks.*** If an evidentiary hearing is required, the engineer may need to appear as a witness if the Commission or any parties wish to question the engineer about their report. In that event, the following subtasks are anticipated for preparation for and participation in the evidentiary hearing:

- Subtask A5. Review GMP's rebuttal testimony, and relevant portions of any other parties' testimony and exhibits. This may include testimony from the Vermont Agency of Natural Resources, the Vermont Department of Public Service, the Vermont Natural Resources Council, and the towns of Marshfield, Cabot, Montpelier, and Plainfield. Assume 24 hours will be required to review evidence in preparation for the hearing.
- Subtask A6. Attend the Commission's evidentiary hearing and appear as a witness to testify regarding the engineer's report. The evidentiary hearing will be held in one of the towns in which the facility is located. The engineer would be required to attend for a portion of one hearing day in accordance with a pre-determined schedule of witnesses. Assume a four-hour time period of attendance at the hearing.

Schedule: Schedule for all tasks to be determined, to occur after completion of Task A.

***Task B.*** Provide an independent assessment of the safety of the Marshfield #6 dam and the safety concerns raised by the Town of Plainfield, Vermont.

The Town of Plainfield has raised concerns about the safety of the Marshfield #6 dam that include concerns with the physical condition of the dam, the analytical assumptions and conclusions in GMP's Emergency Action Plan for the dam, the extent of flooding of downstream communities in the event of a dam failure, and dam monitoring and communication protocols.

The following subtasks are anticipated to be completed under Task B:

- Subtask B.1. Review approximately 400 pages of background material. We will provide these documents to the engineer. All of these documents are also accessible in Case 18A-4289 in our electronic database, ePUC (<https://epuc.vermont.gov/>). They include the Town of Plainfield's comment letters, GMP's responses, and the 2009 and 2013 safety inspection reports for the Marshfield #6 dam.
- Subtask B.2. Provide a list of questions for GMP and the Town of Plainfield that need to be answered to complete the engineer's report.
- Subtask B.3. Provide a Report of Conclusions and Recommendations on the Investigation that evaluates whether GMP has adequately addressed the safety issues raised by the Town of Plainfield, and if not, recommendations for how they should be addressed.

Schedule: Task may commence upon contract award. Assume a four-week response time for answers to the Independent Engineer's questions in Subtask B.2. Provide the Report in subtask B.3 within 6 months of contract award.

Possible additional tasks. If an evidentiary hearing is required, the engineer may need to appear as a witness if the Commission or any parties wish to question the engineer about their report. In that event, the following tasks are anticipated for preparation for and participation in the evidentiary hearing:

- Subtask B4. Review GMP's rebuttal testimony and the Town of Plainfield's testimony and exhibits. Assume 16 hours will be required to review evidence in preparation for the hearing.
- Subtask B5. Attend the Commission's evidentiary hearing and appear as a witness to testify regarding the engineer's report. The evidentiary hearing will be held in the Commission's hearing room in Montpelier, Vermont. The engineer would be required to attend for a portion of one hearing day in accordance with a pre-determined schedule of witnesses. Assume a four-hour period of attendance at the hearing.

Schedule: To be determined based on the outcome of the evidentiary hearing in Task A and completion of Task B.

### Schedule

It is anticipated that the Independent Engineer will commence work upon contract award, which is anticipated to be in April 2019. The total duration of the contract will be one year. If a respondent

anticipates that it would be unable to achieve the deadlines provided in the task descriptions above, they should provide alternative proposed deadlines and the rationale.

### **Cost**

There is no prescribed budget range for this project. Cost is one of the evaluation factors (see Basis for Selection, below). However, the contract award will be a time and materials contract, with a maximum contract amount that is not to be exceeded. The maximum contract amount will be based on the proposal of the selected firm following negotiations with that firm based on its proposal.

### **Required Information for Proposals**

Proposals must include the following:

- 1) Qualifications. Provide information addressing your overall experience and capabilities to accomplish the Scope of Work. Provide details concerning the form of business organization, company size and resources; describe particular experience relevant to the proposed project and list all current or past State projects.
- 2) Staffing. Identify all personnel who will work on the contract and provide their qualifications to accomplish the required work.
- 3) Technical Proposal. Work plan with deliverables, assumptions, and discussion of schedule (ability to meet Commission deadlines where provided, or alternative schedule proposals and rationale), for each subtask.
- 4) Cost Proposal. Describe the appropriate level of staffing, hourly rate, and anticipated number of hours to accomplish each subtask.
- 5) References. Provide the names, addresses, and phone numbers of at least three companies with whom you have transacted similar business in the last 12 months. You must include contact names who can talk knowledgeably about performance.

### **Conflict of Interest**

GMP and the Vermont Agency of Natural Resources (“ANR”) developed a Memorandum of Agreement in 2012 regarding the Project, and GMP and ANR have coordinated since development of the Memorandum regarding necessary studies and specific details of the proposed physical and operational improvements. To avoid any conflict of interest, any engineer or engineering firm that has participated in part efforts pertaining to the Memorandum of Agreement, related investigations, and GMP’s Petition in this case, on behalf of GMP or ANR, is precluded from serving as the Commission’s engineer in this matter.

Any firm that submits a proposal should inform the Commission of the nature of any other potential conflict of interest in their response to this request for proposal.

### **Basis for Selection**

Proposals will be evaluated on the basis of their responsiveness to the requirements of this Request for Proposals, the experience and qualifications of the staff to be employed, and the reasonableness of the overall proposed cost of services for all tasks.

The Independent Engineer must be a registered engineer, but need not be registered in the State of Vermont.

### **Attachments**

- a. Standard State of Vermont Contract for Services
- b. Attachment C: Standard State Provisions

### **Deadline for Responses**

Responses to this RFP shall be submitted to Vermont Public Utility Commission, Business Manager, via email ([PUC.BusinessManager@vermont.gov](mailto:PUC.BusinessManager@vermont.gov)) or mail no later than March 12, 2019 @ 2:00PM.

Responses received shall be public records, available for public inspection, after a final contract for these services has been executed.