AMERICAN SAMOA POWER AUTHORITY
OFFICE OF PROCUREMENT

REQUEST FOR PROPOSAL

Electric Rate Study

July 13, 2015

RFP NO. ASPA15.1267.Electric Rate Study

Utu Abe Malae
Chief Executive Officer
# Table of Contents

- Title Page ........................................................................................................................................... 1
- Table of Contents ................................................................................................................................. 2
- Notice to Offerors ................................................................................................................................. 3
- Proposal Invitation ............................................................................................................................... 4
- Special Reminder to Prospective Offerors ............................................................................................ 5
- Significant Dates .................................................................................................................................... 6
- General Terms and Conditions ............................................................................................................ 7-19
- Proposal Transmittal Form (Attachment A) ......................................................................................... 21
- Offeror’s Qualifications Sheet (Attachment B) .................................................................................... 22-23
NOTICE TO OFFERORS

REQUEST FOR PROPOSAL

ISSUANCE DATE: July 13, 2015

RFP #: ASPA15.1267.Electric Rate Study

PROJECT: ASPA Electric Rate Study

CLOSING DATE/TIME: August 13, 2015 @ 2:00 p.m. American Samoa Time

The American Samoa Power Authority (ASPA) issues a request for proposal to evaluate, negotiate, and contract a professional consulting firm to conduct a cost of services study and provide associated recommendations for user rates in electric services provided by ASPA to its customers.

Qualified Offerors must submit proposals and forms in a sealed envelope, box, or other enclosure addressed to the ASPA Procurement Manager. An original and five (5) copies of the Offeror's proposal must be received at the ASPA Procurement Office no later than 2:00 p.m. on or before August 13, 2015. The sealed envelope or box must be labeled "RFP NO. ASPA15.1267.Electric Rate Study” Attention Nancy Mauga, ASPA Procurement Manager and showing date and time of proposal opening. Late submittals will not be opened or considered and will be determined as non-responsive. All Offerors shall provide sufficient written and verifiable information that responds to the requirements set forth herein, the Contract Documents, and the Scope of Work.

Complete proposal (RFP) package may be picked up from the ASPA, Procurement Office in Tafuna. You may also view this on ASPA Website: www.aspower.com. For more information about this RFP, you may contact: Nancy Mauga, Procurement Manager @ (684) 699-3057 or at bids@aspower.com.

The American Samoa Power Authority reserves the right to:

1. Reject all proposals and reissue a new or amended RFP.
2. Request additional information from any submitting a proposal.
3. Select a firm for award based on other than "least cost" (e.g. capability to complete work in a timely fashion or proven technical capabilities).
4. Negotiate a contract with the firm selected for award.
5. Waive any non-material violations of rules set up in this RFP at its sole discretion.

__________________________________________ Date: __________
UTU ABE MALAE, Executive Director
PROPOSAL INVITATION

AMERICAN SAMOA POWER AUTHORITY:
OFFICE OF PROCUREMENT
P.O. BOX PPB
PAGO PAGO, AS 96799
684-699-3057
www.aspower.com
bids@aspower.com
Nancy Tinitali-Mauga
MANAGER, PROCUREMENT OFFICE

DATED ISSUED: July 13, 2015
PROPOSAL INVITATION NO: RFP NO. ASPA15.1267.Electric Rate Study

INSTRUCTIONS:
1) This REQUEST FOR PROPOSAL shall require a Cost Proposal to be submitted in a sealed envelope, box, or other enclosure addressed to Nancy Mauga, ASPA Procurement Manager, P.O. Box PPB, Pago Pago, AS 96799. An original and five (5) copies must be received at the ASPA Procurement Office no later than 2:00 p.m. on Thursday, August 13, 2015. The envelope or box must be labeled “ASPA15.1267.Electric Rate Study “ELECTRIC RATE STUDY”. Late submittals will not be opened or considered and will be determined as non-responsive. All Offerors shall provide sufficient written and verifiable information that responds to the requirements set forth herein, the Contract Documents, and in the Scope of Work.

PRE-PROPOSAL QUESTIONS
1) Any pre-proposal questions and/or clarifications shall be submitted in writing to Procurement Manager Nancy Tinitali-Mauga by email at bids@aspower.com or in hard copy to:
   ASPA Procurement Manager
   P.O. Box PPB
   Pago Pago, American Samoa 96799

2) Pre-proposal questions must be received no later than July 24, 2015 at 4:00 P.M. American Samoa Time. ASPA will then issue addenda to address any questions and/or clarifications as may be necessary.

A Tour of ASPA Facilities

A one-time tour of the ASPA Facilities with Four Utility Services will be scheduled at 8:00 a.m. on July 20, 2015 for all prospective Offerors.

NOTE TO OFFERORS:
This proposal is subject to the attached General Terms and Conditions of the Request for Proposals for the ELECTRIC RATE STUDY.

The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective terms listed on the schedule provided, unless otherwise specified by an Offeror. In consideration to the expense of the American Samoa Power Authority in opening, tabulating, and evaluating this and other proposals, and other considerations such as the schedule, the undersigned agrees that this proposal shall remain firm and irrevocable within One Hundred Eighty (180) calendar days from the date opening to supply any or all of the items which prices are quoted.

SIGNED: ___________________________ DATE____________________
SPECIAL REMINDER TO PROSPECTIVE OFFERORS

Offerors are reminded to read the Sealed Proposal Solicitation Instructions and General Terms and Conditions attached to a Proposal Invitation to ascertain that all of the following (see boxes checked) requirements of the proposal are submitted in the proposal envelope in single at the date and time for proposal opening.

[X] 1. **Proposal Forms**
   a. Proposal Invitation Form (Page 4)
   b. Proposal Transmittal Form (Attachment A)
   c. Offerors Qualification Sheet (Attachment B)

Statement of Qualifications (as prescribed here-in), as well as experience and identity (name and functional capacity of lead technical staff member).

[ ] 2. **Bond Forms (non-applicable)**

[X] 3. **Business License**
Offerors must submit a business license as stated in Section XVI.

[X] 4. **TECHNICAL PROPOSAL**
The Technical Proposal shall follow the Technical Plan - refer to Section V-Part 2.

[X] 5. **COST PROPOSAL**
The Offeror shall submit a contract price as stated in Section VI Part 5

This reminder must be signed and returned in the Technical proposal envelope. Failure to comply with requirements will mean disqualification and rejection of the proposal.

I, ________________________, authorized representative of ___________________________, acknowledge receipt of this special reminder to prospective Offerors together with Proposal Invitation Number ASPA15.1267.Electric Rate Study this date of ________________, 2015.

_____________________________________
Offeror’s Representative's Signature
SIGNIFICANT DATES

The following are the significant dates for the RFP and the Anticipated Contract and Scheduling Dates:

- **July 13, 2015**  
  RFP Issuance

- **July 20, 2015 at 9:00 am**  
  Voluntary ASPA Facility & Operation Site Visit
  Meet at Material/Procurement Conference Office-Tafuna at 9:00 a.m., visit site at 9:30 am. Required safety wear (closed-toe shoes). All potential Offerors are encouraged to attend or send a representative to this site visit. However, this is a courtesy of ASPA at the offeror’s expense and will not be part of the evaluation criteria.

- **July 24, 2015 at 4 pm**  
  Deadline for submitting questions/inquiries/clarifications

- **July 30, 2015**  
  Issue addendums to address questions and or clarifications as necessary.

- **August 13, 2015**  
  Closing Date (2:00pm American Samoa time)

- **August 14, 2015**  
  Procurement to review proposals for completion & compliance

- **Week of August 17, 2015**  
  Source Evaluation Board (SEB) 1st meeting to review proposals

- **Week of August 24, 2015**  
  SEB submit recommendations to Procurement Manager

- **Week of August 31, 2015**  
  Inform Successful Offeror/proposal

- **Week of September 3, 2015**  
  Contract Award

- **2nd week of September 2015**  
  Notice to Proceed (send to Offeror)

- **3rd week of September 2015**  
  Execution and commencement of Contract

ASPA reserves the right to make any changes to the dates from July 13, 2015 to 3rd week of September 2015.
I. INTRODUCTION: The American Samoa Power Authority (ASPA) in order to sustain and maintain its mission statement while to the best extent possible minimize the impact on the ratepayers of American Samoa, seeks a Request for Proposal (RFP). The RFP would evaluate, negotiate and contract a professional consulting firm to conduct a cost of services study and provide associated recommendations for user rates in electric services provided by ASPA for its customers.

The American Samoa Power Authority (ASPA) invites professional consulting firms to submit formal, written proposals to conduct a cost of services study and provide associated recommendations for electric rates. The complete description of required services and deliverables is listed in the attached Scope of Work, which is incorporated herein as if fully set forth.

In order to ensure an open and competitive process ASPA hereby invites sealed proposals from qualified Offerors.

II. BACKGROUND:

The territory of American Samoa, an insular possession of the United States, is the only United States territory south of the equator. It consists of seven tropical islands in the South Pacific 2,579 miles (4,151 km) southwest of Hawaii and 2,034 miles (3,274 km) northeast of New Zealand. Of the seven islands in the group, six are populated, with a total of 55,519 people (April 1, 2010), with the main island of Tutuila as the most populated. The Manu’ā island group consists of three remote islands located about 65 miles east of Tutuila. The island of Aunu’u is located about a mile off the southern coast of Tutuila.
The remote location of this US Territory poses logistical challenges in providing goods and services to its residents. Its economy is largely dependent on imports, thus the cost of goods is higher than most regions in the United States. The government's ability is limited when trying to develop a broader economy by the islands' remote location, limited transportation, land alienation system and natural disasters such as tropical cyclones that frequent the islands.

The economic base of the Territory mostly consists of trade with the United States through the Tuna fishing and processing industry. The 2011 Government statistics year book shows that American Samoa had a work force of 18,024 employees, with the American Samoa Government employing 34.3%, the tuna cannery 10.1% and the other/private sector employing 55.6% of the work force. In September 2009, one of the two canneries shut down, which resulted in the loss of jobs for about 2,500 people, thus creating a negative rippling effect in the Territory. As of 2014, however, another cannery has setup operations in Tutuila and is expected to go into full production by early 2016.

Electricity generation in American Samoa is reliant on the use of diesel generators. As fuel prices continue to rise coupled with the desire to preserve the environment, American Samoa is challenged to find alternative sources of energy for its residents. In line with the world's efforts to embark on renewable energy solutions and increase energy efficient programs, the American Samoa Power Authority continues to aggressively pursue renewable energy programs.

With the exception of a few renewable projects, American Samoa is completely dependent on fossil fuels for meeting its energy generation needs. No natural oil reserves exist on the island, forcing the island to import all of its fuel oil at high shipping rates and prices. ASPA is consistently challenged to find ways to conserve energy and explore alternative energy sources. So far, the most promising among the alternative energy sources is the Photo Voltaic Solar system with a total installed capacity of 2.5 MW (AC) connected to the grid. An additional of 1.0 MW PV is under construction and will be commissioned by September 2015. Two by 100 kW wind turbines will be installed by November, 2015. Other promising feasible renewable technology ASPA is looking at are Wind energy, Geothermal and Waste Conversion.

The American Samoa Power Authority (ASPA) is the only utility operating in American Samoa. It is an entity of the government and serves about 12,400 customers. There are five power plants. The main island of Tutuila has two power plants, the Satala and Tafuna power plants with installed capacity of 15 MW and 21 MW respectively. The island of Aunu’u has an installed capacity of 0.39 MW while the two islands of Manu’u Ofu has 0.76 MW and Tau has 1.1 MW.

The ASPA electrical distribution system on Tutuila operates at a nominal 13.2 kilovolts (kV). ASPA services two substations, approximately 170 miles of 13.2-kV lines, and 1,560 miles of low-voltage lines. There are a few underground feeders on the island, but most are overhead. Because of the relatively small size of the island, there is no transmission system per se, but there is a single 34.5-kV tie line between the Tafuna and Satala power plants. The tie line is 9.5 miles long with 4/0 gauge copper underground cable in duct. The Tafuna plant is located on the western side of the island and mainly manages airport and residential loads. The Satala plant is located among the more industrial (tuna canneries) and commercial (government building) loads along Pago Pago Harbor.

III. **AUTHORITY:** ASPA, which generates and distributes electrical power and provides water, wastewater and solid waste services for the islands of American Samoa, was formally established through legislative act by the American Samoa Government (ASG) as of October 1, 1981. Prior to that
date, ASPA was operated as a division of ASG’s Department of Public Works. The separate, semi-autonomous power authority was established to provide better accountability for the utility’s operations and cost of service.

ASPA is governed by a five-member Board of Directors appointed by the Governor and confirmed by the legislature. The first three members serve four-year staggered terms, and the fourth and fifth members serve four-year concurrent terms. All rates charged by ASPA are developed and promulgated in accordance with ASG Administrative Procedures Act 4.1001 and the Public Utility Regulatory Policies Act (PURPA) for electricity.

ASPA operates a relatively well developed utility and employs approximately 430 staff amongst several divisions including Electric, Water, Wastewater, Solid Waste. Operated as a non-profit entity, ASPA generates most of its income from user fees and also relies on federal grants for capital improvements except for those related to electricity, which are funded through loans. With electricity provided by diesel powered generation plants, which use approximately 12,000,000 gallons of fuel per year, ASPA’s electric rates are highly affected by fluctuating fuel prices. From its inception, ASPA has continued to expand its customer base while making improvements to all utility components. For the most part, U.S. standards and regulations apply to the operation of the utility including but not limited to the Safe Drinking Water Act (SDWA), the Clean Water Act (CWA), the Clean Air Act (CAA) and the Resource Conservation and Recovery Act (RCRA). ASPA is a member of the American Public Power Association (APPA), National Rural Electric Cooperative Association (NRECA), American Water Works Association (AWWA), Pacific Power Association (PPA), Pacific Water Association (PWA) South Pacific Geoscience Commission, (SOPAC), American Public Works Association (APWA) and other organizations associated with federal, international and state regulations.

The electric rate study recommendation was implemented in 1986 through the Administrative Procedures Act (APA) and officially added in the ASAC Title 12, in 1987. In July 2005, D. Hittle & Associates completed a cost of service study for the ASPA Electric Division that recommended alternative electric charges as well as establishment of new water, wastewater and solid waste service fees to allow these divisions to become self-sufficient. In 2009, another electric rate study was conducted by Economists.com to review the cost of service for electric, water, wastewater and solid waste services.

IV. **SCOPE OF WORK:** The Offeror shall be responsible for the following scope of services and any and all requirements specified in this RFP and the Contract Documents, as that term is defined herein.

(A) The Offeror shall present a methodology for ASPA approval for conducting the study and rate design. The methodology shall be in accordance with American Public Power Association or other acceptable methodology.

(B) The Offeror shall determine revenue requirements for operation and maintenance expenses, capital outlays, emergency reserves, equipment replacement, debt service and debt coverage for a five-year period into the future.

(C) The Offeror shall identify, classify, and document actual operation and maintenance costs for services including distribution, collection, billing, administration and related costs for a 5-year period into the future.

(D) The Offeror shall provide rate structures under different scenarios and make recommendations regarding rates that are most advantageous to ASPA and its customers. The Offeror must also outline advantages and disadvantages.

(E) The Offeror shall review the references noted in the this RFP for data on proposed rates, capital improvements, population projections, staffing levels, and any other information that is relevant and will aid the consultant in establishing accurate costs and the most advantageous rates for ASPA and
its customers. Review of the references, in addition to any other material the consultant deems necessary, will require a comparison of various data and selection of values that will result in maximum benefit to ASPA. Verify accuracy of data in consultation with ASPA.

(F) The Offeror shall review, classify and document lease payments for land where ASPA has power facilities.

(G) The Offeror shall identify and document legal costs for the past 5 year period related to crop damage, property damage settlements and similar obligations to assist with establishing cash reserves.

(H) The Offeror shall review, classify and document contract purchase agreement costs over the past five years for equipment and cinders.

(I) The Offeror shall compare current year budgets to budgetary needs identified in the study.

(J) The Offeror shall review billing software, billing procedures and practices for capabilities and suitability.

(K) The Offeror shall review and recommend best method to prorate ASPA’s overhead costs for General Administration and others amongst ASPA’s operating divisions (Electric, Water, Wastewater, and Solid Waste).

(L) The Offeror shall identify, classify and document all service contract costs over the past 3 years including those for training, maintenance, and technical support.

(M) The Offeror shall identify, classify and document costs for regulatory compliance

(N) The Offeror shall classify and document personnel labor costs, including overtime, and staffing levels for the utility to include data for all departments and their major components. Compare the size of the total workforce to utilities of similar size in the Pacific Territories and the U.S. mainland.

(O) The Offeror shall participate in formal public meetings to obtain input, make recommendations and present findings and answer inquiries regarding the consultant’s work. A minimum of three formal meetings are expected to address initiation of the study, progress at the 50-75% stage; and presentation of the final study.

**ELECTRIC:** In July 2009, Economists.com completed the consolidated costs of service study for the Electric Utility, Water, Waste Water and Solid Waste services of ASPA. The successful Offeror is required to review and make recommendation on a revised electric user rates based on the user rates recommended by Economists.com. ASPA staff will provide the latest available data and assist the consultant with additional information deemed necessary to ensure that the Electric user rate is fair to all customer classes of the utility:

The Offeror shall be responsible for reviewing the data that ASPA staff will provide and analyze its validity on the methodology used. The following scope of services will be addressed by the Offeror.

(A) The Offeror shall perform a cost of service study for different customer classes. There are four different customer classes; residential, small general service, large general services, and industrial. There are also different flat monthly charges for different size street lights used on the main highway and side roads. The American Samoa Government pays for all public street lights installation and monthly charges. Private street lights are paid by customers who want street lights installed on their property.

(B) The Offeror shall review present electric rates and costs of providing different services such as installation of new electric services. Only industrial customers (canneries) supply transformers needed for their services. For the rest of the customers, ASPA supplies the transformer.

(C) The Offeror shall review and recommend any changes to the fuel surcharge formula and rate based on improvements on efficiencies to the electric system.
(D) The Offeror shall review and recommend changes to each of the electric rates for different customer classes.

(E) The Offeror shall review and recommend changes to industrial rates for the two canneries. Taking into consideration; they are regular paying customers; and their total electric usage amounts to about 20% of ASPA’s total revenue; they are located close to the power plant in Satala, so line loss associated with supplying them is low; if canneries have its own standby generators, a credit on maximum demand charge up to available monthly capacity should be considered. ASPA and/or canneries may offer to build a co-generation plant in Satala to supply both canneries with high pressure hot water for their boiler requirements, with ASPA/canneries to pay their prorated share of project’s overhead costs.

(F) The Offeror shall review and recommend an appropriate amount to be included in the electric rates for electric capital improvements for equipment replacement program and other improvements to the electric system.

(G) The Offeror shall review and recommend the best method to prorate ASPA’s overhead costs (for General Administration) amongst the four divisions.

(H) The Offeror shall develop a computer model of electric rates that ASPA will own and use to adjust the electric rates in the future.

(I) The Offeror shall recommend rates and fees for net-metered customers and recommended Feed in Tariffs (consultant must be thoroughly familiar with Federal laws re such matters);

(J) The Offeror must be knowledgeable of changes in the business model of utilities; utility scale RE installations, customer self-generation and make recommendation on likely impacts to ASPA revenue and likely fix costs increases to other customers who do not have the ability to install renewable systems.

(1) ASPA will install and own rooftop and community-based model solar PV and batteries systems. The Offeror will recommend measures of affordability of utility rates; low level of household income in AS versus US.

(L) The Offeror shall recommend new customer class rates for PV rooftop customers and PV community-based customers.

(M) The Offeror shall recommend rates and methodology for billing Electric Vehicle customers who will be charging their vehicles from charging stations owned by ASPA (ASPA will be installing electric vehicle charging stations).

(N) The Offeror shall review the impact on revenue to ASPA with customers installing their own Distribution Generation system through self-investment or a third party investor. Should ASPA lose 10%, 20%, 30% or 40% of its customers, ASPA will need to understand how this would impact its ability to run the utility.

DELIVERABLES

1. A schedule outlining submittal dates for 25%, 50%, 75%, 90% and Final (100%) Documents.
2. A 100% completed bound document, along with 20 bound copies, entitled ASPA Electric Rate Study, addressing all items within the Scope of Work.
3. Ten (10) electronic copies on CD of the Electric Rate Study in Microsoft Word/ Excel.
4. A computer generated power point presentation for use in each presentation made by the consultant to ASPA and the public.
5. Summary reports of public meetings.
6. A Cost of Service and Rate Setting Model, in an agreed upon software and format, with instructions, to allow ASPA to adjust costs and rates in the future.

ADDENDA
ASPA reserves the right to issue an addendum for any changes to this RFP. The consultant shall send ASPA a signed form confirming receipt of each addendum.

Consultant shall allow at least two weeks for ASPA to review the proposal before responding to consultant regarding a course of action.

V. **DATE/TIME/PLACE FOR PROPOSAL SUBMITTAL:** Each Offeror must submit their proposals in a sealed envelope addressed to the Procurement Manager. An original and five (5) copies of the Offeror’s proposal must be received at the ASPA Procurement Office no later than **2:00 p.m. on August 13, 2015 (American Samoa Time).** Late submittals will not be opened or considered and will be determined as non-responsive. All Offerors shall provide sufficient written and verifiable information that responds to the requirements set forth herein and in the **Scope of Work.**

VI. **PRE-PROPOSAL QUESTIONS:** Any pre-proposal questions and/or clarifications shall be submitted to bids@aspower.com Attention: Procurement Manager in writing (through electronic mail or hard copy) prior to the closing date set forth above. Questions and/or clarifications are welcome and should be submitted by the due date listed in this RFP documents. ASPA shall issue addenda to address any questions and/or clarifications as necessary.

VII **PROPOSAL PREPARATION INSTRUCTIONS:** The proposal must contain four (4) parts. Offerors shall prepare their proposals in detail accordingly.

a. **Technical.** Offeror must describe its approach to accomplishing the duties set forth in the **Scope of Work.** This includes listing of specific actions the Offeror will undertake to achieve the goals and objectives outlined in the **Scope of Work.** It also includes a time line schedule of work, including but not limited to, site visits, public meetings, draft reports and final report.

b. **Prior Related Experience/Past Performance.** Offeror must describe its related experience, background, past performance and credentials. This shall include a dossier of personnel qualifications. Offeror should provide references (3 or more) and a project history that verifies a minimum of three (3) years of specific or related experience. Offeror must hold appropriate and current business licenses/certificates/etc. for these services. See also the section entitled **Offeror’s Qualification Data** for further requirements under this subsection.

c. **Subcontractors.** Offeror must state whether it intends to use any subcontractors in the performance of the Electric rate study. Where use of a subcontractor is intended, the Offeror shall identify the tasks to be subcontracted and supply the complete name, business address, and license classification of the subcontractor. Where the Offeror has not specified a subcontractor for any part or portion of the work to be performed, the Offeror warrants that such work shall be performed entirely by the Offeror.

d. **Contract Price.** Offeror must include its lump sum price for conducting cost of services study for electric.

e. **Offerors may submit their proposals through three (3) means:**

i. **Electronic File Transfer.** The Offeror may submit the Proposal using the electronic mail facility (email). This will enable the Bidders to upload Proposal file by email attachment. The Proposal must be uploaded no later than 2:00 p.m. on Thursday, August 13, 2015 American Samoa Time.
ii. **In Person Delivery.** Offerors may deliver the proposal in person to the Materials Management offices at the Tafuna Power Plant Compound (Security Guard at the main gate will direct Offerors and/or Representative to the Materials Management Office inside the compound) in Tafuna. Proposals must be received no later than **2:00 pm on August 13, 2015, American Samoa Time.**

iii. **Mail Option.** The Offeror may elect to transmit the Proposal by Express Mail or USPS. If the Proposal is to be submitted via Express Mail or USPS, then the Proposal must be received in the Materials Management no later than **2:00 pm on August 13, 2015, American Samoa Time.** The Offeror must also include an Electronic File Transfer submittal before the due date as listed above item (i).

VIII. **CONTRACT TERM:** Contract term for this contract shall not exceed six (6) months. ASPA will determine the option to renew or extend. That Contract term shall be initiated by issuance of a Notice to Proceed by ASPA and a completion date of the contract will be provided.

IX. **TYPE OF CONTRACT:** Services provided by the successful Offeror will be under a negotiated firm fixed price contract for services agreement. The successful Offeror shall be an independent Offeror and not an agent or employee of the American Samoa Power Authority. The successful Offeror shall furnish the necessary personnel, materials, insurances, licenses, equipment, ground transportation to and from work areas, required materials or services, and otherwise do all things necessary to perform the work and services specified in the **Scope of Work** and to the satisfaction of the Executive Director (ED).

The Offeror must at all times comply with all applicable workman’s compensation, occupational disease, and occupational health and safety laws, statutes, and regulations to the full extent applicable. ASPA will not be held responsible in any way for claims filed by the successful Offeror or its employees for services performed under the terms of this RFP or the contract.

The Offeror shall be an independent Offeror and not an agent or employee of the American Samoa Power Authority. ASPA will not be held responsible in any way for claims filed by the Offeror or its employees for services performed under the terms of this RFP or the contract.

X. **MONTHLY REPORTS:** In addition to any requirements specified in the **Scope of Work,** the Offeror shall also provide a monthly report of services completed. Reports shall be submitted directly to the Project Manager, for verification prior to sending any reports to the Procurement Manager.

XI. **BASIS FOR SELECTION:** Proposals will be evaluated by a Source Evaluation Board (SEB). Submission of a proposal shall constitute a waiver of any challenge or dispute of the SEB members, as well as the choice of methodology set forth on the SEB score sheets. The award will be made by ASPA in accordance with the evaluation criteria set forth herein and with ASPA’s Procurement Rules.

A determination shall be made by the SEB of those responsible Offerors whose proposals may be selected for award. The determination shall be included in the contract file. Discussions may be conducted by the SEB with those responsible Offerors whose proposals are determined to have reasonable chance of being selected for award. These discussions shall only be conducted through the Procurement Manager and for the purpose of obtaining clarification from the offeror on its proposal to ensure full understanding of and responsiveness to the RFP requirements. Discussions shall be conducted individually with each offeror and care shall be exercised to ensure that no information derived from competing offeror’s proposals is
disclosed. All Offerors with whom discussions are conducted shall be accorded an opportunity to revise their proposals in response to specific clarifications based on the discussions. Unless the Procurement Manager determines that satisfactory evidence exists that a mistake has been made, as set forth in Procurement Rule § 3-114, Offerors will not be permitted to revise their proposals after proposal opening.

The results of the evaluation will be documented, and a written recommendation by the SEB will be sent to the Procurement Manager.

ASPA reserves the right to make the award to the offeror that submits the proposal, which meets the requirements set forth herein and is in the best interests of ASPA after taking into consideration the aforementioned factors. ASPA also reserves the right to select portions of a proposal, or to reject any and all proposals.

**XII. EVALUATION CRITERIA:** The Offeror's proposals will be evaluated and ranked by the Source Evaluation Board by the following point system:

- Technical: 0-20 points
- Experience: 0-20 points
- Contract Price: 0-60 points
- Total: 100 points (best possible score)

**XIII. ASPA-FURNISHED MATERIALS:** ASPA will provide office space for the consultant to use while conducting work in American Samoa. ASPA will make available on its website (www.aspower.com) the following materials to assist Offerors with the preparation of the RFP: The reference materials below were used in compiling this RFP. Additional information as it is available will be provided upon request.

- a. Cost of Service Analysis and Retail Rate Study, D Hittle & Associates, July 2005
- b. Electric, Water, Wastewater and Solid Waste study by Economists.com,

**XIV. QUALIFICATION OF OFFERORS:** ASPA may make such investigations as it deems necessary to determine the ability of the Offeror to perform the work and the Offeror shall furnish to ASPA such information and data for this purpose as ASPA may request, or the Offeror may be deemed non-responsive. The Offeror shall submit at least that information required by the section entitled "Offeror's Qualification Data."

**XV. MULTIPLE PROPOSALS – COLLUSION:** If more than one Proposal is offered by any one party or in the name of its clerk, partner or other person, all Proposals submitted by said party may be rejected by ASPA. This shall not prevent an Offeror from submitting alternate Proposals when called for. A party who has quoted prices on materials to an Offeror is not thereby disqualified from quoting prices to other Offeror or from submitting a Proposal directly for the materials or work.

If ASPA believes that collusion exists among the Offeror, none of the participants in such collusion will be considered. Proposals in which the prices are unreasonable or unrealistic may be rejected at ASPA's sole discretion.
XVI. BUSINESS LICENSE: Offerors from off-island shall be licensed in accordance with the provisions of its state and country and shall be skilled and regularly engaged in the general type and size of work called for under this RFP. All Offerors shall have an American Samoa Business License prior to the execution of contract.

XVII. CONTRACT DOCUMENTS: The contract documents (the “Contract Documents”) governing the work consists of the following:

a. This RFP;
b. Any addendums to this RFP;
c. And submissions pursuant to any issued addendums;
d. Any clarifications as may result from Proposal evaluations; and
e. The Contract (or the “Agreement”).

XVIII. OFFEROR’S UNDERSTANDING: Each Offeror must inform itself of the conditions relating to the execution of the work and it is assumed that it will make itself thoroughly familiar with all the Contract Documents prior to execution of the Agreement.

Each Offeror shall inform itself of, and the Offeror awarded the Contract shall comply with, federal and territorial statutes and ordinances relative to the execution of the work. This requirement included, but is not limited to, applicable regulations concerning wage rates, nondiscrimination in the employment of labor, protection of public and employee safety and health, environmental protection, historic preservation, the protection of natural resources, fire protection, burning and non-burning requirements, permits, fees and similar subjects. The Offeror agrees to a proposal by the requirements under Executive Order No. 11246, as amended, including specifically the provisions of the equal employment opportunity clause.

XIX. AMERICAN SAMOA LICENSES, PERMITS, TAXES AND IMPORT DUTY: Offeror shall be cognizant of and the Offeror shall comply with all American Samoa Government (“ASG”) laws and ordinances pertaining to licenses, permits, the American Samoa Government tax structure and import duty.

a. Business License and Offeror’s License. The Offeror shall have an ASG Business License in order to perform the required contractual work.

b. Taxes. When necessary, the Offeror must pay income taxes to the American Samoa Government based on the profit made on the study.

c. Import Duties and Excise Taxes. American Samoa is a protectorate of the United States lying outside the jurisdiction of the U.S. Customs and U.S. Immigration Department. Because of this, the Offeror’s equipment that will be returned to the United States will be subjected to customs or import duty unless properly manifested before shipment from the United States. Excise Tax on equipment to be incorporated into the project or used on this project may be waived upon written request. Should the Offeror elect to sell the equipment locally upon completion of the contract or uses the equipment for other than this project rather than shipping the equipment away from American Samoa, the equipment will then be subject to the appropriate duty. Equipment imported for use other than on this project is also subject to local tax.

XX. WITHDRAWAL OF PROPOSAL: Any Proposal may be withdrawn prior to the scheduled time for the opening of Proposals by notifying ASPA in a written request. No Proposal may be withdrawn after the time scheduled for opening of Proposals.
XXI. OPENING AND EVALUATION OF PROPOSALS: In accordance with Procurement Rule § 3-110, Proposals will be opened and recorded as part of the record for the Source Evaluation Board on the date and at the time indicated above at the Procurement Office in Tafuna or in another place designated by the ASPA Procurement Manager in writing.

XXII. Mistakes in bid detected during or after opening: Bidder mistakes in a bid detected during or after bid opening may be corrected. If the bidder submits evidence in writing satisfactory to the Purchasing agent that a mistake has been made by the bidder in the calculation of the bid, the bid may be corrected or withdrawn; provided, that the claim of mistake and the evidence in support thereof must be made and provided within three (3) business days after the bid must be made and has been opened.

XXIII. EXECUTION OF CONTRACT: The Offeror shall, after receiving the Notice of Award, sign and deliver to ASPA the Contract, together with other documents as required by ASPA.

XXIV. ASSIGNMENT: The Offeror shall not assign, transfer, convey or otherwise dispose of the Contract, or his right, title or interest therein, or his power to execute such Contract, to any other persons, firm or corporation without previous consent in writing of ASPA.

XXV. TIME IS OF THE ESSENCE: The time is of the essence in completing the work to be performed under the Contract. Delays and extensions of time may be allowed only in writing signed by both parties as in accordance with the provisions of the Agreement.

XXVI. RFP CONDITIONS: This RFP does not commit ASPA to award a contract or to pay any cost incurred in the preparation of a proposal. The American Samoa Power Authority reserves the right to:

a. Reject any Offeror for being non responsive to Proposal requirements contained in this RFP;

b. Reject all proposals and reissue an amended RFP;

c. Request additional information from any Offeror submitting a proposal;

d. Select an Offeror for award based on other than "least cost" (e.g. capability to complete work in a timely fashion or have good work experience);

e. Negotiate a contract with the Offeror selected for award; and

f. Waive any non-material violations of rules contained in this RFP.

ASPA reserves the right to issue any addenda for any changes to this RFP. OFFERORS will be requested to send a signed Receipt of Addenda to ASPA for each addendum that may be issued and shall submit supporting/additional information as required by any addendum. In the event that any Offeror fails to acknowledge receipt of any such Addendum in the space provided, his Proposal shall be considered irregular and will be accepted by ASPA only if it is in ASPA's best interest. In the event that Addenda are not received until after the Offeror has submitted his Proposal, a supplementary Proposal may be submitted revising the original Proposal. Such supplementary Proposals must be received by ASPA prior to the scheduled time for opening of Proposals.
XXVII. INDEMNITY PROVISION: The Offeror shall indemnify and hold harmless the American Samoa Power Authority and the American Samoa Government from and against any and all claims, damages, losses, and expenses including attorney's fees arising out of or resulting from the performance of the consolidated rate study, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease, death or damage to property of whatsoever nature, including the loss of use resulting therefrom, and whether or not is caused in whole or in part by any negligent act or omission of the Offeror, its subcontractors, or anyone employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by the negligence of ASPA and/or the strict liability of ASPA, its agents and employees.

XXVIII. OFFEROR’S QUALIFICATION DATA: It is the intention of ASPA to award a Contract only to an Offeror who is able to furnish satisfactory evidence that it has the requisite experience and ability and that it has sufficient capital, facilities and plant to enable it to prosecute the work successfully and promptly and to complete it within the term set forth in the Contract.

The Offeror shall submit as part of the total Proposal package, the following information:

a. Name of organization;

b. Address and phone number of home office, principal place of business and locations and contact information for any branch offices;

c. Type of business structure, e.g., corporation, partnership, joint venture, proprietorship;

d. Place of organization or state of incorporation;

e. Names and addresses for all owners for businesses other than corporations;

f. For corporations, list the names and addresses of directors, officers and stockholders with twenty (20) percent ownership interest or greater;

g. Places, including individual states and territories of the United States, where registered as a foreign corporation;

h. List all countries and all states, territories and possessions of the United States in which similar consulting work has been performed in the last three (3) years, including:

i. Name of awarding agency or owner for which work was performed;

ii. Nature and scope of contract, including total dollar value;

iii. Dates of performance;

iv. Whether performance was completed within the specified time under the contract and, if not, why not; and

v. Whether contract was performed under joint venture, and if so, with whom and under what arrangement.
i. The name or names of supervisory personnel employed on the work under this Contract, including the experience record for each that indicates the degree of responsibility and type of work supervised;

j. The names and addresses of three references, at least one of which should be a bank or other lending institution, governmental agency or bonding company.
Attachment A

Proposal Transmittal Form

Date: _______________

AMERICAN SAMOA POWER AUTHORITY
American Samoa Government

Gentlemen:

The undersigned (hereafter called an Offeror), a

_____________________________________, organized and/or
(Corporation, Partnership or Individual)

hereby proposes and agrees to furnish all the necessary information to

RFP # ASPA15.1267.Electric Rate Study

in accordance with the Technical Specifications, General Terms and Conditions, and other procurement requirements specified in this document for the prices stated in the itemized proposal form(s) attached hereto, plus any and all sums to be added and/or deducted resulting from all extra and/or omitted work in accordance with the unit and/or lump sum prices stated in the itemized Proposal form attached hereto.

The undersigned has read and understands the proposal requirements, and is familiar with and knowledgeable of the local conditions at the place where the Electric rate study is to be performed. We have read the Invitation for Proposal Instructions and General Terms and Conditions attached to a Proposal Invitation to ascertain that all of the following (see boxes checked) requirements of the proposal are submitted in the proposal envelope in single at the date and time for proposal opening.

_______________________________________
Signed

_______________________________________
Seal

_______________________________________
Date
ATTACHMENT B

OFFEROR’S QUALIFICATIONS SHEET
(Please Print or Type and Complete All Sections. An incomplete section will be considered non-responsive)

1. Name of Offeror ____________________________________________

2. Name of Official Representative ________________________________

3. Business Address/email address: ________________________________
   __________________________________________

4. Telephone, Fax and Official Contact Person _________________________

5. Type of Business Structure (Please check):
   ___ Corporation      ___ Partnership      ___ Joint Venture
   ___ Proprietorship

   NOTE: Corporations must complete the recordation of their Articles of Incorporation, which is evidenced by the Certificate of Incorporation issued by the Treasurer of the American Samoa Government. Copies of partnership agreements and articles of incorporation should be submitted to the Revenue Branch along with this application form and relevant documents. Aliens cannot operate sole ownership enterprises, and partnerships with aliens are subject to review by the Immigration Board.

6. Number of years the Offeror has been engaged in its current company business under the present firm name indicated ______________________

7. Type of work generally performed by Offeror

8. List four major rate studies of a similar nature, which have been completed by the Offeror within the last three (3) years, the total dollar amount of each project and the owner/contract person as a reference.

   - Order Name ____________________________________________
     Date Completed_________________ Total Order Cost $__________
     Name of Owner___________________
     Owner’s phone number________________________

   - Order Name ____________________________________________
9. Offeror has how many employees working for his or her company?

10. Have you ever sued or been sued by any Government Agency?

11. If so, name the agency and reasons thereof

12. If so, state case settlement, if settled

13. What type of equipment does your company own and which equipment will you utilize for this project:

14. Business License must be submitted with proposal.