

4.09.000-P Rules to Assure Balanced Competition for Energy Trust Program Management Contracts

History			
Source	Date	Action/Notes	Next Review Date
Board Decision	August 7, 2002	Approved (R122)	August 2005
Board	December 15, 2004	Waived two-program limit for Efficient Facility Operations RFP (R305)	December 2007
Board	April 9, 2008	Amended (R470)	March 2011
Policy Committee	March 8, 2011	Reviewed, no changes	March 2014
Board	May 23, 2012	Amended (R630)	May 2015
Board Decision	May 20, 2015	Amended (R744)	May 2018
Board Decision	October 17, 2017	Amended (R851)	October 2021

1. *Arrangements for regulated utility information and referrals.* Energy Trust will arrange directly with regulated utilities for information and referrals that help Energy Trust reach the public, and come as a byproduct of the regulated role. Energy Trust and utilities will work together to determine what activities and information will be made available with or without a fee. Examples:
 - Coordination of 1-800 response for household and business efficiency inquiries
 - Qualification of leads coming from utility/customer relationships and referral to programs
 - Access to historic energy usage data as requested by utility customers
 - Access to utility-generated consumer demographic information for evaluation and/or marketing purposes
 - Utility customer representative role in marketing

These capabilities will not influence selection of program management contractors.

Rationale

- *These are services that stem from the natural monopoly role of the utility.*
 - *They are unique and real assets, but not appropriate for the competitive bid.*
2. *Limitation on number of program management contracts awarded to a single contractor.* No single firm, including other companies under the same ownership and affiliates, will be a prime contractor for more than three concurrent program management contracts.

This limitation does not apply to subcontracts for installation or technical work (studies, commissioning, etc.) that are awarded to multiple contractors as part of implementation of a single program.

Rationale

- *Energy Trust needs to maintain a competitive market for program management. If one competitor wins all slots, others will not develop the skills, nor are they likely to bid in the future.*

3. *Limitations on participation of regulated personnel in competitions for program management contracts.* With the exception of utility work, for which Energy Trust contracts in connection with supplemental energy efficiency activities pursuant to the 2007 Renewable Energy Act, an individual within a regulated utility cannot perform work under an Energy Trust contract for program management *and* perform work as part of the regulated utility (i.e., functions billed to ratepayers) in Oregon.

Rationale

- *Regulated utilities have their own objectives, which in some cases include maintaining and building load. It would be difficult to manage employees who also report to a regulated utility and its objectives as “first boss.”*
- *To have ratepayers pay for part of the cost of an FTE that was used for competitive Energy Trust work would make it difficult for others to compete.*

4. *No review of own work or work of related companies.* Program management contractors must demonstrate to Energy Trust that they have appropriate controls in place to independently verify projects and energy savings that they review in their role as program management contractor for Energy Trust. This includes work done by the program management contractor or its affiliate under a separate contract, such as recommendation of efficiency measure brands, models or performance, technical analysis of savings, or equipment installation or commissioning.

Rationale

- *Avoids having program management contractors review their own work.*
- *Reduces consumer confusion about roles.*