



Division of Purchases

One Capitol Hill | Providence, RI 02908 | (401) 574-8100
Jay Hauser, State Purchasing Agent

Procurement Determination Form

Req. #: 1841705 Bid #: RFQ25005145 MPA #: N/A PO #: N/A
1841716 QLV24003654

Procurement Title: Phase 1 / Phase 2 Energy Efficiency Administrator

Agency: OER

Name of Procurement Specialist/APS: Max Righter

Name of Vendor(s): N/A

Award Amount: (may be approximate) N/A

R.I. Gen. Laws § 37-2-6 requires:

“Every determination required by this chapter shall be in writing and based upon written findings of fact by the public official making the determination. These determinations and written findings shall be retained in an official contract file in the office of the chief purchasing office, the using agency, or public agency administering the contract.”

This form provides a format for written determinations under the State Purchases Act (R.I. Gen. Laws § 37-2-1, *et seq.*):

Determination Type (Multiple Determinations May Apply)

- Award after Competitive Procurement (§ 37-2-18) Choose an item.
- Award for Construction-Manager-at-Risk after Competitive Procurement (§ 37-2-27.3)
- Waiver of Twenty-Eight Day Posting Requirement (§ 37-2-18(c)) (must specify the reason why the twenty-eight (28) day limitation is being waived and shall state the number of days, giving a minimum and maximum, before the date set for the opening of bids when public notice is to be given (less than 7 days or greater than 28 days))
- Multi-Year Contract Approval (§ 37-2-33(b))
- Cancellation of Invitation of Bids or Request for Proposal (§ 37-2-23)
- Non-Competitive Procurement - Single/Sole Source (§ 37-2-21(a)) (justification attached)
- Non-Competitive Procurement - Emergency (§ 37-2-21(b)) (justification attached)

- Non-Competitive Procurement - Noncompetitive Negotiation After Competitive Solicitation** (§ 37-2-21(c))
- Competitive Negotiation** (§ 37-2-19) (Requests for Proposals and 37-2-18 not practicable)
- Negotiations after Unsuccessful Sealed Bidding** (§ 37-2-20)
 - Excess of funds available (§ 37-2-20(a))
 - Best & Final: Two (if only two) or three lowest responsive and responsible bidders (§ 37-2-20(b))
 - Prices not reached in open competition (§ 37-2-20(c))
 - Only one responsive bidder (§ 37-2-20(d)) (see § 37-2-28 for requirements)
- Reverse Auction** (§ 37-2-18.1)
- Cost Reimbursement Contract** (§ 37-2-30) (**Chief Purchasing Officer**)
- A & E Committee Process Final Selection** (§ 37-2-69) (**Chief Purchasing Officer**)
(Less than \$20,000.00)
- A & E Committee Process** (§ 37-2-59)
(Greater than \$20,000.00)
- Request for Legal Services** (§ 37-2-70)
- Request for Professional Services - Medical and Dental Consultant Services** (§ 37-2-70)
- Bid Protest - Continuation of Procurement (Chief Purchasing Officer)** (§ 37-2-53)
(The Bid would not be awarded until protest is resolved.)
- Bid Protest Decision** (§ 37-2-52) (**Chief Purchasing Officer/Designee**)
- Contract or Breach of Contract Resolution (Chief Purchasing Officer)**
- Vendor Sanctions** (220-RICR-30-00-14) (suspended / debarred)
- Master Price Agreement Award** - No other determination needed
- Other/Miscellaneous:** Choose an item.

Reason for Determination (attach separate memo if necessary):

QLV24003654 opened on 4/3/2024 with responses received from four vendors. Proposals were forwarded to and reviewed by the evaluation committee, who found on 10/30/2024 that two vendors, i.e. The Narragansett Electric Company d/b/a Rhode Island Energy (RIE) and Vermont Energy Investment Corporation (VEIC) met the minimum technical threshold required to advance to the interview component. Interviews were conducted by the evaluation committee, who found on 12/18/2024 that both vendors met the minimum combined technical and interview scores required to advance to the Phase 2 cost component of the procurement.

RFQ25005145 (Phase 2) was posted on 2/7/2025, with proposals received from the two qualified vendors on 3/14/2025. At the time of bid opening, it was noted that VEIC did not utilize the cost proposal template as provided in the solicitation, which included a “thousands multiplier” intended to abbreviate figures provided. In order to equitably compare the two cost proposals received, VEIC was contacted to provide their cost proposal on the template, with no other substantive changes to be allowed. Upon receipt of the VEIC cost proposal on the solicitation template, cost proposals were forwarded to the evaluation committee for review.

On 4/7/2025, the evaluation committee presented clarifying questions to be asked of the submitting vendors to assist with their review of the information provided. The clarifying questions were reviewed, modified, and sent to the vendors on 4/28/2025 with responses due no later than 5/5/2025. Once responses were received, they were forwarded to the evaluation committee to continue their cost proposal evaluation.

On 7/18/2025, the evaluation committee returned their review memo, identifying both vendors submitted cost proposals that were responsive to the solicitation. In accordance with the solicitation, up to three of the lowest cost proposals identified in Phase 2 would proceed to Phase 3 (Cost-Benefit Analysis), and OER recommended that both RIE and VEIC advance to Phase 3. OER was authorized to proceed with their Phase 3 Cost-Benefit analysis on 7/22/2025.

On 8/26/2025, OER returned their final evaluation memo, recommending that in accordance with RIGL §39-2-1.2(o)(vii), a third-party administrator was not recommended by OER/the evaluation committee. The Energy Efficiency and Resource Management Council (EERMC), along with their adviser (both groups served as advisory members on the evaluation committee) submitted their perspectives through a memo on 9/17/2025. As a result, OER was asked to provide a response to the EERMC’s memo, which was submitted on 9/24/2025 and affirmed their findings.

As per the solicitation, if OER/the evaluation committee did not recommend the advancement/award of a third-party administrator, the electric and gas distribution company shall continue to administer statewide energy efficiency programs. Therefore, RFQ25005145 and QLV24003654 shall be cancelled.

- Procurement File Incorporation: (Procurement file contains sufficient and valid justification for Determination[s] noted above and is thus adopted by incorporation by checking this box and signing this form.)**

Other Statutory or Regulatory Requirements or Factors:

[Click here to enter text.](#)

- Statutory/Regulatory Review—The determination[s] above has/have been made after a complete review of the associated statutory and regulatory requirements and a reasonable interpretation of those requirements by the Division of Purchases.**

Signatures (Not all signatures may be applicable depending on requirements):

Req. #: 1841705 Bid #: RFQ25005145 MPA #: N/A PO #: N/A
1841716 QLV24003654

Procurement Specialist:

Print Name Signature Date

Chief Procurement Specialist:

Print Name Signature Date

**Administrator of Purchasing Systems:
Max Righter**

Max Righter Digitally signed by Max Righter
Date: 2025.11.04 15:31:01 -05'00'

Print Name Signature Date

**Deputy Purchasing Agent:
Amanda Rivers/Meredith Skelly**

Print Name Signature Date

Purchasing Agent:

Jay Hauser

Print Name Signature Date

11/05/2025

**Chief Purchasing Officer:
DOA Director Jonathan Womer**

Print Name Signature Date

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