

# MEMO

**TO:** Energy Efficiency Council  
**FROM:** Peter Gill Case and Priscilla De La Cruz  
**DATE:** March 19, 2026  
**RE:** EEC Advisory Member Update on Energy Efficiency Administrator RFP



## BACKGROUND

In 2023, Rhode Island enacted legislation through the Governor’s budget bill which required the Office of Energy Resources (OER) to conduct a competitive procurement process to select a Program Administrator responsible for designing and implementing the state’s electric and gas energy efficiency programs.<sup>1</sup> The law mandated that the Energy Efficiency and Resource Management Council (EERMC), also known as the Energy Efficiency Council (EEC or “the Council”), be actively involved in this process.

Following passage of this law, OER has worked closely with the Council and its technical consultants throughout the entire process of drafting, developing, and putting out a request for proposal (RFP) to be responsive and in compliance with the law. Once the procurement began, we (Councilors Gill Case and De La Cruz) volunteered to be advisory (non-voting) members of a review committee that evaluated the proposals that were received as part of the RFP.

As many folks may be aware, the RFP was cancelled on November 5, 2025 following a nearly two-year process of reviewing prospective bidders across multiple phases of the procurement. We understand that the decision to cancel the procurement came as a surprise to many, especially as procurement rules have limited the ability of parties directly involved in the procurement to share anything more than generic status updates. Now that the procurement has concluded, we as advisory members are now able to share more details about the procurement process, including our involvement and perspectives on the outcomes.

Many of the details surrounding the multiple phases and decisions made during the procurement process are well documented and are now publicly available materials. The purpose of this memo is to provide those materials as attachments and supplement them with a summary of the final decision-making process, the decision to cancel, and what has transpired since the procurement was officially cancelled on November 5, 2025.

## KEY MATERIALS AND PROCURMENT TIMELINE

As noted in the background section of this memo, many of the details on what took place during the procurement are included in documents that are publicly accessible and provided as attachments to this memo. This section is meant to provide an overview of the timeline of the procurement. Please refer to

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<sup>1</sup> See amendments to Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled “Duties of Utilities and Carriers” in Article 5 House Bill 5200 SUB A as amended available online at: <https://webserver.rilegislature.gov/BillText23/HouseText23/H5200Aaa.htm>.

the attachments referenced below, especially Attachment 4 which summarizes all phases of the procurement from our perspective, for more detail.

### PHASE 1 – TECHNICAL PROPOSAL

- **December 20, 2023:** Procurement begins asking qualified vendors to submit technical proposals detailing staff qualifications, organizational capacity, and a comprehensive work plan.
- **April 3, 2024:** Four proposals received at which point a technical review committee comprised of OER staff, alongside advisory members comprised of OER’s technical consultant and the EEC and its technical consultant, began its evaluation process.<sup>2</sup>
- **June 25, 2024:** Technical review committee completes consensus scoring and determines that two of the four proposals received – Rhode Island Energy (RIE) and the Vermont Energy Investment Corporation (VEIC) – were qualified to advance to the interview stage of this phase of the procurement.
- **November 13, 2024:** Interview with VEIC is conducted.
- **November 22, 2024:** Interview with RIE is conducted.
- **December 18, 2024:** OER submits memo to the State’s Division of Purchases (“Purchasing”) detailing its evaluation at the conclusion of Phase 1 of the procurement (Attachment 1).
- **February 7, 2025:** Purchasing releases its award report with determination that both RIE and VEIC were qualified vendors and therefore deemed eligible to bid in Phase 2 of the procurement

### PHASE 2 – COST PROPOSAL

- **February 7, 2025:** Phase 2 of procurement begins and asks invited vendors (RIE and VEIC) to submit program design proposals that included program costs and benefits.
- **March 14, 2025:** Proposals received from RIE and VEIC at which point the technical review committee and the advisory members began its evaluation process.
- **July 18, 2025:** OER submits memo to Purchasing detailing its evaluation and confirmation that both vendors submitted cost proposals and were therefore eligible to automatically advance to Phase 3 (Attachment 2).
- **July 22, 2025:** Purchasing authorizes OER to proceed to Phase 3 of the procurement.

### PHASE 3 – BENEFIT COST ANALYSIS

- **July 22, 2025:** Phase 3 begins following authorization from Purchasing to move forward with the benefit cost analysis at which point the technical review committee and the advisory members

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<sup>2</sup> The technical review committee (OER staff) were ultimately responsible for all aspects of scoring and decision making. Advisory members provided their input throughout the process to help the technical review committee’s decision making, but were not responsible for any scoring or decision-making processes. To help illustrate this dynamic, Councilors can think of the technical review committee as “voting members” and advisory members as “non-voting members” of the full review team.

continued their evaluation and summary of the costs and benefits provided in response to Phase 2 of the procurement.

- **August 26, 2025:** OER submits memo to Purchasing detailing the evaluation process and its decision to accept the proposal from RIE to continue serving as the energy efficiency program administrator (Attachment 3).
- **September 17, 2025:** EEC advisory members submit memo to Purchasing which summarized the outcomes of the procurement process, including results of each phase of the procurement and their perspectives regarding the final decision, which differed substantially from that of OER's (Attachment 4).
- **September 24, 2025:** At the request of Purchasing, OER submitted its response to our perspectives memo and affirmed their position and decision to accept the proposal from RIE (Attachment 5).
- **November 5, 2025:** Purchasing releases its procurement determination form which provides its reason for its determination to cancel the procurement (Attachment 6).

## **FINAL DECISION-MAKING PROCESS AND STEPS FOR ENSURING TRANSPARENCY**

Prior to submitting its Phase 3 decision memo to Purchasing on August 26, 2025, OER allowed for a process whereby we as non-voting advisory members had the opportunity to review and provide feedback. We certainly appreciated that process given that we arrived at a different conclusion than OER. While OER did address some of our concerns, many were left unresolved. We felt it was important to share our perspectives and outstanding concerns with Purchasing as they evaluated OER's decision. We worked with our technical consultant and legal counsel to develop and deliver a memo to share with Purchasing (see Attachment 4 referenced in prior section).

Following that process, as outlined in the timeline above, we learned that the procurement had been cancelled. It certainly came as a shock to us when we learned of this decision, as it was not our understanding or expectation that the decision to accept RIE's proposal effectively meant that the procurement was to be cancelled. We were aware that per the solicitation and the law that required it, a decision to not recommend advancement of a third-party administrator meant that RIE would continue administration of the energy efficiency programs. However, not having a full understanding or appreciation of the mechanics of this unique procurement process, we had assumed that the results of the procurement (i.e. to accept RIE's proposal as outlined in OER's Phase 3 decision memo) would immediately be made available in the form of some kind of award. Our concern at this point in the process was that because the procurement had been cancelled, the details surrounding the decision would not be made publicly available.

Our primary concern with the mechanism of "cancelling" the procurement was that the result of that meant that many of the materials we expected to be publicly available from Phase 2 and 3 were not going to be accessible via the State's procurement site. This did not sit well with us for a multitude of reasons, chief of which was our concern about the lack of transparency and public accountability for a procurement process that was mandated by the legislature and which had been in process for nearly two years from the time the first phase of the procurement was issued.

At minimum, we wanted to ensure that our perspectives and concerns with the final decision could be shared with our fellow Councilors who entrusted us to represent the Council in this process. Because the details of our perspectives memo outline in Attachment 4 were derived from content included in OER's decision memos for Phase 1, 2, and 3 of the procurement, and because the Phase 2 and 3 decision memos were not immediately made publicly available due to the cancellation of the procurement, we worked with our legal counsel to submit an Access to Public Records Act (APRA) request to release any and all public records related to the procurement on November 25, 2025. We received a response to our APRA request on January 9, 2026 which included many of the materials we had requested, though not all. We again worked with our legal counsel to submit an appeal on January 23, 2026 to request key outstanding documents which had not yet been produced. On January 28, 2026, we received a response with the additional documents we had requested and an explanation that they had been excluded in the initial response due to administrative oversight.

Following receipt of all materials we hoped would be made publicly available, we reconvened with our technical consultant and legal counsel to review the materials now publicly available as a result of our APRA request and to assemble this memo which at long last allows us to be transparent to our fellow colleagues on our perspectives of the overall process and outcomes of this procurement.

Finally, we wanted to share with Councilors that as a result of our APRA request, we learned that following the cancellation of the procurement on November 5, 2025, VEIC submitted a bid protest letter to Purchasing in which it requested review of the basis of the decision to cancel the procurement. In response, Purchasing delivered OER's Phase 3 decision memo on November 19, 2025. After receiving and reviewing OER's Phase 3 decision memo, VEIC responded on December 5, 2025 where it supplemented its challenge of the decision to cancel the procurement. On January 21, 2026, Purchasing issued a response to VEIC informing them that they had reviewed their challenge and that the decision to cancel the procurement was upheld. The details of VEIC's protest are captured in Attachment 7.

## **SUMMARY AND NEXT STEPS**

This memo is intended to provide the Council with a detailed update on the competitive procurement process for Rhode Island's energy efficiency program administrator, which was required by legislation enacted in 2023 and ultimately cancelled in November 2025. We participated as non-voting advisory members during the procurement and prepared this memo to share materials, timelines, and our perspectives now that procurement confidentiality constraints have concluded.

It also outlines the three phases of the procurement, documents key decision points, and describes how differing conclusions between the Office of Energy Resources and us as advisory members were communicated to the State's Division of Purchases. It also explains the circumstances surrounding the cancellation of the solicitation, subsequent records requests under the Access to Public Records Act, and the release of materials that allow for a more complete public understanding of the process and its outcome.

Overall, the memo is intended to assemble the factual record, clarify our role and concerns, and ensure that Councilors have access to information that was not previously available due to the nature of the procurement.

We are providing this memo and its accompanying attachments to Councilors for informational purposes and in the interest of transparency. We do not intend to recommend or pre-determine any specific action by the Council. Any discussion, response, or future action related to the contents of this memo is at the discretion of the Council as a body.

We recognize that the information and perspectives shared in this memo may surface or reinforce areas of disagreement or strain among parties who have all been deeply involved in this process. In particular, we acknowledge that our conclusions differ from those reached by OER, and that the supporting documentation reflects our view that VEIC was prematurely disqualified during the procurement.

At the same time, we wish to emphasize our respect for the institutions and professionals involved and recognize the importance of maintaining constructive working relationships moving forward. This includes the Council's ongoing responsibility to work collaboratively with Rhode Island Energy, which continues to serve as the energy efficiency program administrator following the cancellation of the procurement.

## **ATTACHMENTS**

1. OER Phase 1 Decision Memo
2. OER Phase 2 Decision Memo
3. OER Phase 3 Decision Memo
4. EEC Perspectives Memo to Division of Purchases
5. OER Response to EEC Perspectives Memo to Division of Purchases
6. Division of Purchases Purchasing Procurement Determination to Cancel
7. VEIC Procurement Challenge Documents