



REQUEST FOR INFORMATION

**Conservation Applied Research and Development Grant Program
Energy Efficiency and Carbon-Saving Potential Studies**

Reference Number: COMM-CARD-RFI-20160505



Minnesota's Commitment to Diversity and Inclusion

The State of Minnesota is committed to diversity and inclusion in its public procurement process. The goal is to ensure that those providing goods and services to the State are representative of our Minnesota communities and include businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within our communities, and fosters economic development and equality.

To further this commitment, the Department of Administration operates a program for Minnesota-based small businesses owned by minorities, women, veterans, and those with substantial physical disabilities. For additional information on this program, or to determine eligibility, please call 651-296-2600 or go to www.mmd.admin.state.mn.us/mn02001.htm.



REQUEST FOR INFORMATION (RFI)

Conservation Applied Research and Development Grant Program Energy Efficiency and Carbon-Saving Potential Studies

Reference Number: COMM-CARD-RFI-20160505

Date of RFI Issue:..... Friday, May 5, 2016

~~(Original) Last Day to Submit Questions:..... Tuesday May 24, 2016~~

Revised Last Day to Submit Questions:..... Tuesday May 31, 2016

~~(Original) Response Due:..... Friday May 27, 2016~~

Revised Response Due:..... Friday June 10, 2016

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REQUEST FOR INFORMATION

Conservation Applied Research and Development Grant Program

The Next Generation Energy Act of 2007 (NGEA 2007)¹ established energy conservation as a primary resource for meeting Minnesota's energy needs while reducing greenhouse gases and other harmful emissions. NGEA 2007 established an energy savings goal for Minnesota of 1.5 percent of gross annual retail electricity and natural gas sales (based on a three-year weather-normalized average), to be achieved directly through the utility Conservation Improvement Program (CIP), and indirectly through energy codes, appliance standards, market transformation programs, consumer behavioral changes, efficiency improvements to utility infrastructure, and other efforts to promote energy efficiency and conservation.

To help achieve Minnesota's energy savings goals on a sustained basis, NGEA 2007 further created a Conservation Applied Research and Development (CARD) Grant Program funded through utility assessments. The purpose of the CARD Grant Program is to identify new technologies or strategies to maximize energy savings, improve effectiveness of energy conservation programs, or document carbon dioxide reductions from energy conservation projects.²

I. OVERVIEW

The Minnesota Department of Commerce, Division of Energy Resources ("Department") is considering statewide natural gas and electric potential studies as the topic for an upcoming CARD Request for Proposals (RFP). These studies will consider *both* energy efficiency and carbon-savings potential.

The objectives of this Request for Information (RFI) regarding statewide natural gas and electric energy efficiency and carbon-savings studies are to:

1. Obtain information and input from stakeholders regarding the appropriate scope of work for such studies in order to ensure the studies collect the most beneficial data in the most effective ways;
2. Gather information about the availability of resources for conducting such studies, and of data that could be included in such studies; and
3. Gain details about the services of entities capable of performing all or part of such studies.

This RFI is a step in the process of the possible development of an RFP which would outline the scope of work for statewide potential studies. As such, the Department will use responses to this RFI to help shape the areas of focus for the scope of work and to fine-tune requirements and other elements of a potential RFP. The Department may also use responses to this RFI to develop a vendor list that can be used by Responders to a possible RFP on energy efficiency or carbon-saving potential studies in order to develop prospective partners or make use of other resources which will assist them in conducting statewide potential studies.

¹ [Laws of Minnesota 2007, Chapter 136, SF145](http://www.leg.state.mn.us/) (http://www.leg.state.mn.us/).

² [Minnesota Statutes, 216B.241, Subdivision 1e.](http://www.leg.state.mn.us/) (http://www.leg.state.mn.us/).

This RFI is intended as a vehicle to obtain information about conducting statewide natural gas and electric energy efficiency and carbon-saving potential studies in Minnesota and does not imply any form of an agreement to potential grantees. In addition, no inference should be made that the Department will issue an RFP for this topic.

II. RESPONDENTS

The Department is interested in responses to this RFI from as broad a range of stakeholders as possible who are actively involved in natural gas or electric utility demand side management (DSM) activities. This includes, but is not limited to: utilities, utility ratepayers, utility trade allies; energy or environmental advocacy groups, government agencies, policy analysts; or entities who conduct or participate in energy efficiency research and development endeavors, engage in electricity and natural gas efficiency program design, implementation or evaluation, or have executed similar natural gas or electric energy efficiency and carbon-saving potential studies in the past.

III. DESCRIPTION

The objective of these possible energy efficiency and carbon-saving potential studies is to advance robust energy policies and programs in Minnesota by providing critical data resources that inform decision-makers. The Department funded a previous statewide electric energy efficiency potential study (published in 2010)³. During a similar time frame, three of the major Minnesota natural gas utilities (CenterPoint Energy, Integrys, and Xcel Energy) sponsored a natural gas energy efficiency potential study in the state (published in 2009)⁴. Both of these potential studies are out of date.

The Department has identified six ideas which are conceivable components of a possible RFP for statewide natural gas and electric potential studies. The Department would like input and feedback from stakeholders regarding whether and how the inclusion of these components would be feasible and beneficial in such potential studies. In addition, if an idea is feasible and beneficial the Department would like stakeholder suggestions regarding what approach or approaches might be employed in the studies to best capture the necessary data.

The six ideas identified by the Department are as follows:

1. Estimate the technical, economic and maximum achievable energy efficiency and carbon-saving potential in Minnesota and breakdown the results by region and by utility service territory;

³ Gunn, Randy and Mark Thornsjo, 2010. "[Minnesota Statewide Electricity Efficiency Potential Study DSM Report](#)," [Navigant Consulting, Inc.](#) (formerly Summit Blue Consulting), 1320 Pearl Street, Suite 300, Boulder CO 80302, 303-997-7609, <http://www.navigant.com/>. Prepared for the Minnesota Department of Commerce (formerly the Minnesota Office of Energy Security).

⁴ [Navigant Consulting, Inc.](#), 2009. "[Minnesota Gas Energy Efficiency Potential, Final Report](#)," Navigant Consulting, Inc. 1717 Arch Street, Suite 4800, Philadelphia, PA 19103, 215-832-4466, <http://www.navigant.com/>.

2. Review and incorporate the results of any individual utility energy efficiency and/or carbon-saving potential studies that have recently been completed or are currently underway;
3. Identify the energy efficiency and carbon-saving potential for specific technology categories, including the potential for the application of new technologies in those categories, as well as the appropriate incentive levels and cost-effectiveness of those new technologies;
4. Estimate the effect of federal appliance and equipment standards and Minnesota state energy codes on the energy efficiency and carbon-saving potential;
5. Conduct market sector potential studies for specific underserved and/or emerging markets; and
6. Include specific policy and utility portfolio recommendations.

In addition to the six ideas identified above, the Department is also interested in stakeholder ideas regarding additional components that should be included in possible statewide natural gas and electric potential studies, suggested approaches to conducting such studies, and other input related to such studies that stakeholders believe the Department should consider.

IV. CONTENT OF RESPONSE

The Department is asking Responders to this RFI to submit a response to the information requested below.

A. For All Responders: Responder Details

1. Organization/Individual Responding to the RFI
Notes: Individual Responders should only be those who are not employed by an organization engaged in work related to electric and natural gas DSM, but who perform this work as an individual. Organizations who respond to this RFI must submit only one response. If more than one response is submitted by either an organization or an individual, the Department will reject the first response and accept the second response as the final, definitive response to this RFI.
2. Responder Address
3. Responder City and State
4. Responder Zip
5. Responder Website (if any)
6. Briefly describe how your organization (or you as an individual) is *actively* engaged in natural gas or electric utility DSM.
Notes: For example, are you a utility, trade ally, ratepayer, advocate, policy analyst, government agency; or do you conduct research, or design, implement or evaluate programs? Please list all the ways that you or your organization is actively involved in electric or natural gas DSM-related activities.

B. For All Responders: Contact Details

1. Primary Contact Name
2. Primary Contact Title
3. Primary Contact Email
4. Primary Contact Phone
5. Alternate Contact Name
6. Alternate Contact Title
7. Alternate Contact Email
8. Alternate Contact Phone

C. For All Responders: Scope of Work and RFP Input

1. **Carbon-saving potential.** While energy and carbon savings are often closely related, they do not always exactly line up (e.g. improving efficiency will have an impact on emissions if the energy is supplied from fossil fuels but limited impact if supplied by a low-carbon source). As a result the Department would like to know the statewide potential for carbon-saving as a separate estimate.
 - a. Does it seem feasible and beneficial to capture carbon-saving potential as part of a statewide potential study? Please explain.
 - b. If you answered yes to question 1.a., what approach or approaches would you suggest in order to accomplish this?
2. **Breakdown of results by utility service territory.** Minnesota has seven investor-owned utilities (IOUs) as well as over 180 consumer-owned utilities (COUs), consisting of municipals and retail cooperatives that purchase power from several generation and transmission cooperatives, public power authorities, and IOUs. Energy efficiency and carbon-saving potential studies would ideally break down the results by utility service territory. While this is likely to be possible for the service territories of the IOUs, the information for the COUs may need to be grouped.
 - a. What do you think would be the most effective approach or approaches to grouping the information for COUs in the state that is both feasible to accomplish and would provide COUs with a useful breakdown for their program planning?
 - b. What data would be required from COUs in order to break out this information by the groupings you recommend in question 2.a.?
 - c. What data would be required from the Department in order to break out this information by the groupings you recommend in question 2.a.?
3. **Incorporation of individual utility potential studies.** It could be efficient to incorporate the results of individual energy efficiency and/or carbon-saving potential studies that individual Minnesota utilities have recently completed or currently have underway.
 - a. What are possible issues with integrating results from individual utility studies into a statewide potential estimate?
 - b. Do you think incorporating individual utility studies would be a feasible and worthwhile approach in spite of possible issues you may have identified in your answer to question 3.a.? Please explain.

- c. If you answered “Yes” or “Maybe” to question 3.b., what approach or approaches would you suggest for combining the results of individual utility studies into an overall potential study in order to limit the effect of issues you may have identified in question 3.a. as well as maintain the integrity of the data, methodology and the results?
4. **Analysis of specific technologies.** The technology categories and specific new technologies that might be included in a deeper analysis will likely be identified as part of the study itself through stakeholder meetings and internal discussions with the Department. However, three categories the Department may be interested in for these energy efficiency and carbon-savings potential studies are estimates of the potential from: electric utility infrastructure (EUI) improvements; behavioral measures; and load management and demand response measures.
- a. Do you think assessing the potential from EUI improvements would be a feasible and worthwhile category to include in the electric statewide potential study, as well as an analysis and recommendations on how such measures should or shouldn’t be incorporated into CIP? Please explain.
 - b. If you answered “Yes” or “Maybe” to question 4.a., what EUI improvements do you think should be included in the potential study?
 - c. If you answered “Yes” or “Maybe” to question 4.a., what approach or approaches would you suggest in order to effectively include EUI improvements in the electric potential study?
 - d. Do you think assessing the potential of behavior measures would be a feasible and worthwhile category to include in the natural gas and electric statewide potential studies, as well as an analysis and recommendations on how such measures should or shouldn’t be incorporated into CIP? Please explain.
 - e. If you answered “Yes” or “Maybe” to question 4.d., what behavioral measures do you think should be included in the natural gas and electric potential studies?
 - f. If you answered “Yes” or “Maybe” to question 4.d., what approach or approaches would you suggest in order to effectively include behavior measures in the natural gas and electric potential studies?
 - g. Do you think assessing the potential from load management and demand response measures would be a feasible and worthwhile category to include in the electric statewide potential study, as well as an analysis and recommendations on how such measures should or shouldn’t be incorporated into CIP?
 - h. If you answered “Yes” or “Maybe” to question 4.g., what load management and demand response measures do you think should be included in the electric potential study?
 - i. If you answered “Yes” or “Maybe” to question 4.g., what approach or approaches would you suggest in order to effectively include load management and demand response measures in the electric potential study?
 - j. Please list any technology categories and/or specific technologies that you think might benefit from deeper exploration into their feasibility and potential as part of statewide potential studies, and include any suggested approaches.
5. **Effect of codes and standards.** In order to obtain a full picture of the changes in the baselines and potential for efficient technologies over time, the Department believes it is essential to incorporate recent or upcoming changes in Minnesota energy codes and federal appliance and equipment standards.

- a. Identify any possible issues you see with incorporation of codes and standards into the analysis of the potential studies.
 - b. If applicable, please provide any ideas or suggestions about how any possible issues you identified in question 5.a. could be addressed in an RFP in order to prevent or limit the impact of these issues.
6. **Market sector studies.** The Department is considering the option of including market sector potential studies for specific yet-to-be-determined underserved or emerging market sectors as a component of statewide potential studies. These market sector studies might include such elements as assessing untapped potential, identifying specific technologies that are not currently being applied, characterizing barriers and determining how those barriers might be overcome.
 - a. Does it seem feasible and beneficial to include market sector studies as a part of statewide potential studies? Please explain.
 - b. If you answered yes to question 6.a., what elements (e.g. assessing untapped potential, identifying specific technologies, etc.) do you think the mini market sector studies should include?
 - c. If you answered yes to question 6.a., what market sectors do you think could benefit from a market sector study as part of these statewide potential studies (e.g. agriculture, low income, etc.)? For example, are there any market sectors that are currently underserved in Minnesota that might benefit from this type of analysis?
7. **Non-energy impacts.** From your past experience and/or perspective, do you think statewide potential studies should include non-energy impacts (positive and negative) in the analysis? Please explain.
8. **Additional components.** From your past experience and/or perspective list any additional components that you think the Department should consider including in statewide potential studies.
9. **Alternative approaches.** From your past experience and/or perspective, list any suggestions for new, different or innovative approaches to conducting natural gas or electric potential studies that you think the Department should consider.
10. **Potential problems/risks.** From your past experience and/or perspective, list any potential problems/risks that the Department may encounter during the execution of statewide potential studies, and provide any ideas or suggestions about how such problems/risks could be addressed in an RFP.
11. **Execution of Potential Studies.** From your past experience and/or perspective, do you think the natural gas and electric potential studies should be conducted as one large study using a single vendor; or as two separate studies (one for the natural gas potential study and a second for the electric potential study), with the prospect of two different vendors? Please elaborate.
12. **Technical Advisory Committee.** If the Department contracts with one or more grantee(s) to conduct statewide electric and natural gas potential studies, we are considering creating a stakeholder technical advisory committee.
 - a. From your past experience and/or perspective, do you think creation of a stakeholder technical advisory committee would be feasible and beneficial? Please explain.

- b. If you said “Yes” or “Maybe” to 12.a, who do you think should be included in the committee?
 - c. If you said “Yes” or “Maybe” to 12.a, what do you think the roles and responsibilities of the committee should be?
13. **Evaluation Criteria.** From your past experience and/or perspective what specific evaluation criteria do you think the Department should include in assessing proposals to conduct natural gas and electric potential studies?
 14. **Vendor Qualifications.** From your past experience and/or perspective, what specific qualifications do you think the Department should look for in a vendor selected to conduct the natural gas and electric potential studies?
 15. **Vendor list.** If the Department develops an RFP on natural gas and electric potential studies, we are considering including a vendor list as a resource in the RFP. Responders to an RFP on potential studies could use this list to find prospective project partners or other resources related to carrying out potential studies. The listing could possibly include the organization’s or individual’s name, contact information, details about the organization’s or individual’s activities related to electricity and natural gas DSM, as well as specific areas of expertise, skills or perspective related to conducting a natural gas or electric potential studies, or other relevant information. If the Department includes a vendor list in an RFP for potential studies, would you like to be included on the list?
 16. **Additional Comments:** Please add any other input, feedback or suggestions that you think the Department should know about or consider related to conducting statewide natural gas or electric energy efficiency and carbon-saving potential studies.

D. For Utility Responders

1. Are you currently conducting an energy efficiency and/or carbon-saving potential study in your service territory, or do you have a recently completed study of this type? Add comments as appropriate.
2. If you answered yes to question D.1., when are you expecting the results of this study to be available or when was the study completed?
3. If you answered yes to question D.1., are the data in your study or studies in a format that might be compatible with incorporation into a statewide potential study? Please give details.
4. If you answered yes to question D.1., are you willing to allow the Department and any potential grantees conducting statewide potential studies access to the results of your study or studies for incorporation into the Department’s efforts to create a statewide estimate of natural gas and electric energy efficiency potential? Please explain.
5. If you answered yes to question D.4., are there restrictions regarding what data from your study or studies you would or would not allow the Department and any potential grantees to have access to? Please describe them.
6. Please add any other information, suggestions or comments from your perspective as a utility that might help the Department ensure that the results of statewide energy efficiency and carbon-saving potential studies would be useful to you.

E. For Responders with Experience Conducting Potential Studies

Responders to this set of questions should be entities who have conducted or participated in conducting at least one natural gas or electric energy efficiency or carbon-saving potential study.

1. Approximately how many *natural gas* potential studies have you conducted, participated in conducting and/or are currently conducting or participating in?
2. What was/were your primary role(s) in the natural gas potential studies that you have conducted or participated in conducting?
3. Approximately how many *electric* potential studies have you conducted, participated in conducting, and/or are currently conducting or participating in?
4. What was/were your primary role(s) the electric potential studies that you have conducted or participated in conducting?
5. If the Department issues an RFP for electric and natural gas potential studies would you be likely to submit a proposal? Add comments as appropriate.
6. If the Department issues an RFP for electric and natural gas potential studies would you be interested in the possibility of submitting a proposal in partnership with another group or groups who might have complementary skills or expertise? Add comments as appropriate.
7. Briefly describe the areas of expertise you believe you have related to conducting a natural gas or electric potential study. Include information that may be useful to someone seeking a project partner.
8. In your experience, what is an estimated time range (shortest to longest in months) for completing a statewide potential study like the ones described in this RFI?

F. For Responders with Limited or No Previous Experience Conducting Potential Studies

1. If the If the Department issues an RFP for electric and natural gas potential studies would you be likely to submit a proposal? Add comments as appropriate.
2. If the Department issues an RFP for natural gas and electric potential studies would you be interested in the possibility of submitting a proposal in partnership with another group or groups who might have complementary skills or expertise? Add comments as appropriate.
3. Briefly describe your areas of expertise or specific skills that might be useful to a group seeking partners related to conducting a natural gas or electric energy efficiency and carbon-saving potential study in Minnesota.

V. SCHEDULE

The Responder **must follow the specified deadlines, process and format** outlined in this RFI.

Prior to the deadline for submitting a response to this RFI, Responders will have the opportunity to submit questions to the Department about the RFI. The procedure for asking questions and for the Department's response is detailed in [Section VI](#) of this RFI.

All times given in this RFI are for Central Daylight Time (CDT).

<u>Description</u>	<u>Due Date (REVISED)</u>
RFI Posted.....	Thursday, May 5, 2016
Last Day to submit Questions.....	Tuesday, May 24, 2016 by 11:59 pm CDT Tuesday, May 31, 2016 by 11:59 pm CDT
Responses to Questions Posted	Weekly
Response to RFI Due	Friday, May 27, 2016 by 11:59 pm CDT Friday June 10, 2016 by 11:59 pm CDT

Due dates and times for the submission of questions and the response to the RFI are *firm* deadlines. Documents received after these deadlines will be rejected without further response or review. Furthermore, if the Responder realizes something is missing or incorrect after the due date and time, the corrected page(s) *may not* be inserted after the deadline unless it is at the request of the Department.

VI. QUESTIONS

All questions concerning this RFI *must be submitted* by email to:

Energy Contracts

Department of Commerce, Division of Energy Resources
energy.contracts@state.mn.us

Questions regarding this RFI may be submitted any time after the published date of this RFI and must be received *no later than 11:59pm, Central Daylight Time (CDT) on Tuesday, May 24, 2016 Tuesday May 31, 2016*. Each question should reference the page number and section number. If the question is about the content of the response ([Section IV](#)) please also reference the subsection (A, B, C, D, E or F) and the question number within the subsection to which your question applies.

To assure potential Responders receive the same information, only questions submitted by email for clarifications about this RFI will be addressed. Responder questions must be emailed only to the attention of Energy Contracts, (e-mail to energy.contracts@state.mn.us). Other Department personnel are *not* authorized to discuss this RFI with Responders.

Questions will be answered via website addenda which may be downloaded from the [Commerce Request for Proposals webpage](#) (<http://mn.gov/commerce/industries/rfp/index.jsp>). Commerce anticipates issuing a response to questions received once per week during the posting period. The Department will not be responding to questions individually.

VII. SUBMISSION REQUIREMENTS

The following section describes requirements that all Responders must satisfy in submitting the response to this RFI. Failure of any Responder to submit their response as required in this RFI may result in rejection of the Responder's submission.

The submissions must be received *no later than 11:59 pm CDT Friday, May 27, 2016 Friday, June 10, 2016*.

Individual Responders should only be those who are not employed by an organization engaged in work related to electric and natural gas DSM, but who perform this work as an individual. Organizations who respond to this RFI should only submit one response.

In responding to RFI, the Responder *must* use the **downloadable Response Form** that is available on the [Request for Proposals page](http://mn.gov/commerce/industries/rfp/index.jsp) (<http://mn.gov/commerce/industries/rfp/index.jsp>) of the Department website. This Response Form is a Word document. This form is not limited as to length but Responders should aim to be concise as well as complete in their answers to the questions. All information in response to this RFI must be included within the Response Form itself; no additional documents, exhibits, or addendums should be attached.

Responders must submit one (1) electronic copy of the entire Response Form in Adobe PDF format to energy.contracts@state.mn.us. The Response Form submitted must be the Word document **converted** to PDF format and **not** the Word document **scanned** to PDF.

- The subject line of the electronic submittal should include the Responder's name and "CARD RFI Submission", something like:
ACME Consulting: CARD RFI Submission.
- The *maximum limit of electronic e-mail submissions to Commerce is 25 MB*. If your submittal is larger than that limit, split your submittal into multiple e-mails and indicate in the subject line of each submittal that it is 1 of X or 2 of X submissions, something like:
ACME Consulting: CARD RFI Submission – 1 of 2
ACME Consulting: CARD RFI Submission – 2 of 2
- The electronic copy of the submittal *cannot* be a link to a website. It must be submitted via e-mail to the address indicated above.

The following will *not* be considered:

- Late responses
- Mailed responses
- Fax responses
- ZIPPED and other electronic files not listed above

Any change or interpretation made during the issuance of the RFI will be posted as an RFI Amendment to and made available for download on the [Request for Proposals page](http://mn.gov/commerce/industries/rfp/index.jsp) (<http://mn.gov/commerce/industries/rfp/index.jsp>) of the Department website.

VIII. GENERAL ASSURANCES AND REQUIREMENTS

Limitations

This RFI is issued solely for information and planning purposes. Responders are invited to address as many or as few of the questions as they are able. The Department reserves the right, in its sole discretion, to utilize any or all of the RFI responses in its planning and development efforts.

This RFI should not be interpreted as a contract (implicit, explicit, or implied), nor does it imply any form of an agreement to potential grantees. In addition, no inference should be made that the Department will issue an RFP as a result of this RFI. Neither is the Responder to this RFI required to participate in any potential future development process.

To the best of the Department's knowledge, the information provided herein is accurate. Respondents should undertake appropriate investigation in preparation of responses. Response to this RFI is completely voluntary, and Respondents are solely responsible for all expenses associated with responding to it.

Responder Information

To allow receipt of any addenda or other information regarding this RFI, each Responder is solely responsible for ensuring that the Department is provided with a lead contact person's name and e-mail address.

Form of Response

The response to this RFI must be submitted in accordance with the instructions outlined in this RFI, including conforming to specified deadlines, process, and format. No change shall be made in the phraseology of the Responder Form or items mentioned herein. The response must contain the name and proper address and contact information of the Responder. Except as otherwise provided in this RFI, responses that are incomplete or contain any omissions, erasures, alterations, additions or irregularities of any kind may be rejected.

RFI Contents

By submission of response to this RFI, the Responder warrants that the information provided is true, correct and reliable for purposes of evaluation. The submission of inaccurate or misleading information may be grounds for disqualification.

Relevance

The Responder shall include only relevant information in the response to this RFI. Duplication of materials provided in the RFI, exhaustive resumes, inclusion of standard company promotional materials, etc. will not garner additional consideration and may detract from the clarity and conciseness of the response.

Disposition of Responses

All materials submitted in response to this RFI will become property of the State and subsequently will become public record in accordance with [Minnesota Statutes, Chapter 13](#). If a Responder elects to submit information in response to this RFI that it believes to be trade secret

materials, as defined by the Minnesota Government Data Practices Act, Minn. Stat. § 13.37, the Responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. In submitting a response to this RFI, the Responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

Liability

The Department assumes no liability in any fashion with respect to this RFI or any matters related thereto. All prospective Responders and their assigns or successors, by their participation in the RFI process, shall indemnify, save and hold the Department and its employees and agents free and harmless from all suits, causes of action, debts, rights, judgments, claims, demands, accounts, damages, costs, losses and expenses of whatsoever kind in law or equity, known and unknown, foreseen and unforeseen, arising from or out of this RFI and/or any subsequent acts related thereto, including but not limited to the recommendation of a Responder and any action brought by an unsuccessful prospective Responder.