

QUESTIONS AND ANSWERS

RFP #2024-009

NEW HAMPSHIRE DEPARTMENT OF ENERGY

REQUEST FOR PROPOSALS

Davis-Bacon and Related Acts Compliance Consultant

| | Questions | Answers |
|----|--|---|
| 1. | Regarding Section 12 of Form P-37, Agreement, General Provisions, we would like the following language added to item 12.1: "No such assignments assignment, delegation, or other transfer shall be effective without the written consent of the State, which will not be unreasonably withheld." | Contracts are awarded on a competitive basis, based upon a thorough review of a proposer's qualifications, and other criteria. Contracts are then reviewed and approved by the Governor and Executive Council. Assignments are not competitive solicitations, but none-the-less require a comprehensive review to ensure that the contract requirements will be met by the assignee. The Department does not agree to subject such a review to an after-the-fact reasonableness determination, and therefore does not agree to the requested amendment. |
| 2. | Regarding item 14.1.2 of Form P-37, Agreement, General Provisions, will you please clarify what coverage the State will require the Contractor to have? Will you please give an example of a type of claim where this special coverage would respond? | The Contractor will be expected to maintain insurance adequate to replace any "Property" meaning data, information, and things developed or obtained during the performance of, or acquired or developed by reason of its Agreement with the State, that has been received from the State or purchased with funds provided for that purpose under the Contractor's Agreement with the State. Based on the nature of the scope of work being contracted for, the Department does not expect that any such insurance will be necessary, but cannot affirmatively so state without review of the awarded proposal. |