

November 24, 2003

MAINE PUBLIC UTILITIES COMMISSION  
Investigation Into Building Operator  
Curriculum Program

ORDER APPROVING SOLE  
SOURCE CONTRACT WITH  
LEWIA CONSULTING

WELCH, Chairman; DIAMOND and, REISHUS Commissioners

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## **I. SUMMARY**

By this Order, we approve a sole source contract for services with Mr. Richard Lewia, of Lewia Consulting for services in calendar year 2003.

## **II. BACKGROUND AND DECISION**

We authorize staff to enter into on behalf of the Commission. We approve and allow the Maine Public Utilities Commission to enter into a sole source contract in the amount of \$18,000 with Mr. Richard Lewia to conduct a research project for Efficiency Maine. Mr. Lewia will investigate and report on the feasibility of developing a building operator curriculum within Maine's Community College system. Developing such a curriculum at one or more of the colleges will increase consumer awareness of cost effective options for conserving energy, create more favorable market conditions for the increased use of efficient products and services, and encourage the development of resources, infrastructure and skills within the State.

### **A. Sole Source**

Chapter 381 allows the Commission to use a sole source procurement when: 1) the service provider has unique qualifications, resources, or experience; 2) there is not enough time to use a competitive bidding process or 3) the Commission finds that the conservation program would clearly benefit from a sole source procurement. Sole source contracts of \$10,000 or less may be approved by the Director of Energy Programs Division. Contracts in excess of \$10,000 may be reviewed by the Commission or delegated to the Director of Energy Programs.

This contract meets two of the requirements for sole source procurement. First, Mr. Lewia is uniquely qualified to provide this service to the Commission. His 25 years of experience as a facilities manager in Maine and his participation in the Educational Plant Maintenance Association and the Maine Indoor Air Quality Council have allowed him to develop an extensive network of contacts in the field of facility management. Second, the conservation program would clearly benefit from retaining Mr. Lewia to conduct this study. His background provides valuable insights into the type

of educational program that would be required to produce qualified professional facility managers<sup>1</sup>.

B. Need for Consulting Assistance

The Conservation Act creates a significant increase in the Commission's workload. A significant portion of the work must be performed by consultants or other relevant organizations. Commission Staff do not have the background or expertise required to investigate this subject without assistance. Thus, the Commission can make the best use of its limited resources by contracting with Mr. Lewia to conduct this research.

Dated at Augusta, Maine, this 24<sup>th</sup> day of November, 2003.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch  
Diamond  
Reishus

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<sup>1</sup> The only organized course of study available in this discipline is the Building Operator Certification (BOC) course available through Efficiency Maine.

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.