

MIDWEST ALLIANCE FOR CLEAN
HYDROGEN



MachH2 Legal Firm Request for Proposals
July 22, 2024

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1.0 MachH2 Overview

The Regional Clean Hydrogen Hub (H2Hub) Program will kickstart a national network of clean hydrogen producers, consumers, and connective infrastructure while supporting the production, storage, delivery, and end-use of clean hydrogen. Funded by the Bipartisan Infrastructure Law, the H2Hubs will accelerate the commercial-scale deployment of clean hydrogen—helping generate clean, dispatchable power, create a new form of energy storage, and decarbonize heavy industry and transportation.

The Midwest Alliance for Clean Hydrogen (MachH2) has been selected by the U.S. Department of Energy's (DOE) Office of Clean Energy Demonstrations (OCED) to develop a Regional Clean Hydrogen Hub. MachH2 is a multi-state coalition of public and private entities representing every phase in the hydrogen value chain. The alliance includes a cross section of carbon-free and low-carbon energy producers, clean energy developers, hydrogen technology providers, utilities, major manufacturers, national labs and leading hydrogen technology development and deployment institutions, world-class universities, and groups focused on environmental justice.

MachH2 is led by a single entity (MachH2 LLC) as the prime applicant and prime recipient of federal funding through the H2Hub program. From time to time, MachH2 LLC members will make equity contributions as working capital to fund various expenses incurred through this H2Hub award. MachH2 LLC is responsible for using awarded funds prudently and in compliance with Federal statutes, regulations, and award terms and conditions.

2.0 Scope of Work Definition

Through this Request for Proposals (RFP), MachH2 is seeking services from an independent legal firm through Phase 1 of the H2Hub program award execution. The scope of this RFP includes general legal advisory support, inclusive of organization, governance, and contractual issues and any other mutually agreed upon issues.

3.0 Evaluation Criteria

Proposals will be scored according to five (5) key areas listed below. A definition of each scoring category along with addition detail around what should be included can be found below.

1. **Proposed Approach:** Organization's approach to managing the following items:
 - Confidentiality and related matters
 - Fees and billing
 - Relationships with other clients
 - Knowledge management tools
 - Termination
2. **Relevant Experience & Capabilities:** Familiarity and demonstrated track record with legal and federal government contracting requirements:

- Proposed team & relative capabilities.
 - Prior experience delivering legal services with similar multi-party entities.
 - Prior experience with federal government contracting and requirements.
- 3. Business Location & Regional Services:** MachH2 preference is to contract with an organization with local presence and within the MachH2 Midwest regional footprint (Illinois, Indiana, Michigan).
- Location of Business Headquarters
 - Proximity of Offices to MachH2 Midwest regional footprint
 - Location of Proposed team relative to MachH2 Midwest regional footprint
- 4. Diverse Suppliers:** MachH2 seeks to provide opportunities for diverse suppliers. Suppliers should provide a list of all applicable Diverse Supplier Ownership Classifications.
- Diverse Suppliers are defined per the definitions for categories in the Federal Acquisition Regulation (FAR), subpart 19.7 or 52.219 at www.acquisition.gov/far.
- 5. Price:** Proposed pricing, aligned to MachH2’s need to execute successfully while remaining cost effective.
- Total Cost Proposal
 - Adherence to Federally Approved Rate Card

4.0 Scoring Criteria

Criteria	Scoring
Proposed Approach	35
Relevant Experience & Capabilities	25
Business Location & Regional Services	15
Diverse Suppliers	15
Price	10
Total	100

5.0 Proposal Response Requirements

Please provide a written response following the outlined sections below and addressing each of the components noted. All final submissions should be in PDF format and should not exceed twelve pages.

- 1. Executive Summary:**
Provide a one-page executive summary explaining why your firm is best qualified to provide the services requested by MachH2.
- 2. Proposed Approach:**
 - Describe overall approach to managing the following items:
 - Confidentiality and related matters
 - Fees and billing
 - Relationships with other clients

- Knowledge management tools
- Termination

3. Relevant Experience & Capabilities:

- Provide three past qualifications relevant to the described scope of work.
- Highlight the firm’s experience in working with Federal awards and grants.
- Confirm that you are registered on sam.gov (if not registered, you will need to be registered and not debarred in order to enter a contract with MachH2).

4. Business Location & Regional Services:

- Please provide your primary office locations and staff size at each.
- Please describe the primary geographies served.
- Please provide an organizational chart specific to this engagement with team members located within the MachH2 Midwest regional footprint flagged.

5. Diverse Suppliers:

- Please provide any Diverse Suppliers designations of your firm (e.g., small business, minority owned business) and the source of the designation.

6. Price: Please provide one or more of the following pricing options for consideration:

- Fixed monthly fee for services
- T&M Rate Card for optional or incremental services beyond fixed price scope

6.0 Submission Timeline

The table below shows dates relevant to submissions for this RFP. All correspondence, including notices of intent, questions, and final submissions, should be directed to PMO@MachH2.com.

RFP Open	July 22, 2024
Submit Notice of Intent	July 29, 2024
Q&A Period Starts	July 29, 2024
Q & A Period Ends	August 5, 2024
Response Due Date	August 16, 2024

7.0 Negotiations

It is in the sole discretion of MachH2 to determine the award method. MachH2 intends to award the highest ranked, responsive, and responsible firm whose response is determined to be the most advantageous to MachH2. Negotiations will be entered into with the highest ranked firm in an effort to agree on project approach, confirm pricing, and address any questions remaining after the selection process. If a successful contract cannot be negotiated with the highest ranked firm, negotiations will be undertaken with the next firm in order of ranked preference.

Upon selection of the highest ranked firm, MachH2 may proceed to negotiations in the following manner:

1. Negotiate with the highest ranked firm on price, matters affecting the scope of the contract, so long as the changes are within the general scope of the RFP. If a satisfactory Agreement cannot be negotiated with the highest ranked firm, negotiations may be conducted, in the sole discretion of MachH2, with the second, then the third, and so on, ranked firm to the level of ranking determined by MachH2 in their sole discretion;
2. During the negotiations process as outlined in item (1) above, if MachH2 is unsuccessful in their first round of negotiations, they may reopen negotiations with any firm with whom they previously negotiated; or
3. MachH2 may make changes within the general scope of the RFP and may provide all responsive firms an opportunity to submit their best and final offers.

8.0 Terms and Conditions

All parties responding to this Request for Proposals acknowledges to comply with requirements of all applicable Federal, State, and local laws, regulations, DOE policy and guidance and Administrative and Legal Requirements Document (ALRD) DE-FOA-0002779.

All parties responding to this RFP must comply with requirements Anti-Kickback Act summarized below:

- a. Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this contract.
- b. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.
- c. Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 C.F.R. § 5.12.

9.0 Disclosure of Lobbying Activities

All parties responding to this RFP must complete and submit the [Disclosure of Lobbying Activities form](#), and submit as an attachment to this RFP response.