



**“New York State Compressed Natural  
Gas Infrastructure Program”  
Program Opportunity Notice (“PON”) 2818  
Approximately \$3.6 Million Available**

**Proposals Due: July 9, 2014 by 5:00 PM Eastern Time\***

The objective of **The New York State Compressed Natural Gas (CNG) Infrastructure Program (the “Program”)** is to increase the number of publicly accessible CNG refueling stations in New York State. PON 2818 solicits proposals for funds to purchase and install equipment for the retail sale of compressed natural gas in New York. It is estimated that approximately twelve (12) new CNG refueling stations will become operational as a result of this PON.

Under the Program, NYSEERDA will make available up to \$300,000 per site for eligible capital costs, including installation labor, to Proposers providing 50% cost share, or up to \$500,000 per site for eligible capital costs, including installation labor, to Proposers providing 75% cost share. The CNG stations funded under the Program must be publicly accessible. NYSEERDA funds will be awarded on a competitive basis; the Program does not pay for the costs of station permitting or engineering.

NYSEERDA expects to make multiple awards under PON 2818, to total approximately \$3.6 million.

**Proposal Submission:** Proposers must submit eight (8) paper copies and one (1) CD or DVD of the proposal with a completed and signed Proposal Checklist attached to the front of each paper copy, one of which must contain an original signature. Proposals must be received by NYSEERDA on or before 5:00 PM Eastern time on July 9, 2014; proposals should be clearly labeled and submitted to:

**Roseanne Viscusi, PON 2818  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Patrick Bolton at (518) 862-1090, ext.3322 or [ppb@nyserda.ny.gov](mailto:ppb@nyserda.ny.gov) or David McCabe at ext.3281 or [dsm@nyserda.ny.gov](mailto:dsm@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext.3335 or [nsm@nyserda.ny.gov](mailto:nsm@nyserda.ny.gov).

No communication intended to influence this procurement is permitted except by contacting Patrick Bolton (Designated Contact) at (518) 862-1090, ext.3322 or [ppb@nyserda.ny.gov](mailto:ppb@nyserda.ny.gov). Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer’s behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

\*Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the bidder’s responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSEERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEERDA’s web site at [www.nyserda.ny.gov](http://www.nyserda.ny.gov).

## I.0 INTRODUCTION

The New York State Energy Research and Development Authority (“NYSERDA”) is a public-benefit corporation established by the State Legislature in 1975 to address the State’s energy and environmental challenges. NYSERDA is promoting deployment of alternative transportation fuels such as CNG as a way to address the State’s dependence on petroleum and to reduce emissions associated with the transportation sector. Funding was made available through the New York State Budget to establish the **New York State Compressed Natural Gas Infrastructure Program (the “Program”)**. The objective of the Program is to support development of CNG refueling infrastructure for transportation in New York State.

Natural gas is an odorless, nontoxic, gaseous mixture of hydrocarbons—predominantly methane (CH<sub>4</sub>) – and is principally used for heating and electrical power production in the U.S. While most natural gas is drawn from wells or extracted in conjunction with crude oil production, renewable natural gas is an emerging fuel produced from decaying organic materials, such as waste from plants, landfills, wastewater, and livestock. Currently the U.S. imports more than 47 percent of the oil it uses, while 98 percent of the natural gas used in the U.S. was produced in North America. Every gallon equivalent of natural gas used in vehicles is one less gallon of petroleum that has to be imported. Although Natural Gas Vehicles (NGVs) meet the strictest emission standards, including California’s AT-PZEV standard, currently only about one-tenth of 1% of natural gas is used as a transportation fuel.

Natural gas is currently used in light-, medium-, and heavy-duty vehicle applications and there are over 135,000 NGVs on U.S. roads today and more than 15.2 million worldwide. In the U.S., about 50 different manufacturers produce 100 models of light-, medium-, and heavy-duty vehicles and engines. In addition to its environmental and energy security benefits, compressed natural gas currently costs from \$1.00 to \$2.00 less than petroleum fuels on an energy equivalent basis to a gallon of gasoline.

To provide adequate driving range, natural gas is stored on the NGV as CNG and is stored in cylinders at a pressure of 3,000 to 3,600 pounds per square inch. A NGV gets about the same fuel economy as a conventional gasoline vehicle on a gasoline gallon equivalent (GGE) basis. A GGE of CNG weighs about 5.66 pounds and has the same energy content as a gallon of gasoline. The need to compress natural gas for high energy density fuel storage on the vehicle, the high cost to construct CNG stations, and initially low demand, provide the rationale for the CNG Infrastructure Program.

For additional information check these links:

NYSERDA website for CNG vehicles focusing on local delivery trucks and refuse haulers.

<http://www.nyserda.ny.gov/Energy-Innovation-and-Business-Development/Research-and-Development/Transportation/Alternative-Fuel-Vehicles/CNG-for-Delivery-Trucks-and-Refuse-Haulers.aspx>

U.S. Department of Energy Alternative Fuels Data Center website for Natural Gas Vehicles.

[http://www.afdc.energy.gov/fuels/natural\\_gas.html](http://www.afdc.energy.gov/fuels/natural_gas.html)

## **2.0 PROGRAM REQUIREMENTS**

### **2.1 Eligibility Requirements**

The Program is open to any entity that proposes to construct and own one or more publicly accessible CNG refueling stations located in New York State (eligible Proposer). The Proposer must be (1) the entity that will own the site, equipment and the completed station (where the CNG storage and dispensing equipment will be located); or (2) an authorized representative of such site owner; in such case the proposal must include a signed site agreement (Attachment D) from the site owner acknowledging that it grants legal authority to the Proposer to install equipment for the retail sale of CNG at the site, and the right to make and maintain these improvements at the station for a minimum of six years going forward from the time the station is complete.

### **2.2 Available Funds**

NYSERDA anticipates awarding funding for twelve (12) or more projects under this PON. Approximately \$3.6 million is available.

NYSERDA funds will be awarded on a competitive basis. There is no cap on the total amount of funds that any one Proposer can receive. Proposals from entities that will own and operate multiple CNG refueling stations in New York State are encouraged to apply, **but no single station or site can receive more than the per site limits**. A separate application is required for each proposed site. The distribution of sites funded under the program in geographical regions across the State is a relevant factor in the evaluation scoring criteria and selection process.

### **2.3 Reporting**

Recipients of funds will be required to provide monthly progress reports to NYSERDA for work performed. Reporting requirements will include appropriate information including, but not limited to: descriptions of any difficulties encountered during the reporting period including schedule slippage, planned solutions to such difficulties, and an analysis of actual cost incurred in relation to the budget. Following completion of the equipment installation, semi-annual reports must include the amount of fuel dispensed and the sale price of the fuel. These updated fuel sales reports must be submitted at least semi-annually for a period of six years after the station is complete. If selected as a sample site in the future for a project evaluation by NYSERDA, awardees are required to cooperate and provide essential data to both NYSERDA evaluation staff and their contractors.

### **2.4 Program Incentive Schedule**

Under a competitive review and award process, the Program will provide up to \$300,000 per site to eligible Proposers who provide 50% of eligible costs, or up to \$500,000 per site to eligible Proposers who provide 75% of eligible costs. (Eligible Costs are defined in Section 2.5)

The NYSERDA funds are paid on a reimbursement basis when NYSERDA determines that the station is complete (See section 3.0 Completed Station), and the entity has provided invoices and documentation of payments to subcontractors. The Program does not make progress or partial payments prior to completion.

### **2.5 Eligible Costs**

Costs for the following are eligible under this Program: CNG dispenser equipment; station fire suppression systems; fixed CNG storage tanks; compressors; dryers; required fittings; electrical panels and required upgrades; system control panels, piping and valves; temperature

compensation systems, installation-related labor; costs to connect back to the natural gas pipeline or natural gas supply; directly related site work such as: patching pavement that had to be torn up to install concrete pads, compressors and equipment, or concrete slabs for dispenser islands; required site upgrades to allow access to the site; and any other equipment that NYSERDA determines, in its sole discretion, is necessary to properly and safely compress, store, and dispense the CNG. Up to 20% of the **cash** value of any real property land acquisition transaction necessary for the CNG station can be used as eligible cost share. A copy of the proposed land acquisition contract must be included along with a site map and price. If the Proposer already owns or currently leases the site, these costs are not eligible. Only the footprint of the station and required offsets immediately surrounding the station equipment can be included. Only eligible cost items can be used to meet the applicant's required cost-share contribution. Applicants will be required to justify costs.

Mobile equipment is not eligible for program funding. The cost of natural gas is ineligible. Donations of land or in-kind contributions of land are not eligible. CNG storage systems that are removable and intended to be filled at another location and returned to the site are not eligible although eligible equipment utilizing these systems that are permanently fixed to the station site is eligible. Site work not directly related to the installation of the equipment is not eligible under the Program for reimbursement or as cost-share. Examples of work that are not eligible for reimbursement or as cost share are upgrades to buildings, general site paving, general aesthetic site work such as flower beds, demolition or abatement of existing property, and any other equipment not directly related to the CNG equipment required to receive, store and dispense the CNG. The Program does not pay for permitting, project management or reporting, or engineering expenses. Ineligible costs cannot be used to cover the required cost share. Note, no reimbursement will be provided for costs incurred prior to a Proposer receiving an executed Agreement from NYSERDA.

## 2.6 Recapture Provision

Entities receiving funds through the Program are required to offer the CNG for sale to any natural gas vehicle operator at least 12 hours per day during typical business hours Monday through Friday and at least 8 hours per day Saturday and Sunday for a minimum of 6 consecutive years from the date the equipment is operational and reimbursement has been received from NYSERDA. If the CNG is offered for sale for any period less than six consecutive years from such date, the funds are subject to recapture. The recapture amount will be based upon the proportion of those 6 years when CNG is sold at the station in accordance with the requirements of the program. (See the formula following.)

Recapture payment =

$$\frac{\text{Total NYSERDA incentive paid} \times (6 - \# \text{ years CNG was available})}{6 \text{ years}}$$

The recapture process will begin if and when the Proposer is delinquent in the rules of the PON or the award agreement.

## 2.7 CNG Station Requirements

- I. A CNG station project must be comprised of a publicly accessible CNG refueling station with fast fill dispensers (fast fill stations refuel a vehicle in minutes as opposed to a slow fill station which refuels a vehicle over night) selling compressed natural gas at a

pressure of at least 3,600 psi in New York State. The CNG Station must have the ability to process transactions utilizing generally accepted credit cards including Visa and MasterCard. Stations that have dispensers that are only located behind a gate or which require a special card access are not eligible for Program funding. Stations must operate as a retail business and be publicly accessible in a similar manner to a typical retail gas station.

- II. Code Compliance. All installations of CNG station equipment must comply with all applicable local and State Environmental, Building, and Fire Codes.
- III. Proposers must install a transfer switch and associated electrical modifications needed to accept a portable emergency generator or the electrical modifications and installation of a permanent emergency generator. The wiring must be capable of accepting an emergency generator that is of sufficient capacity to provide power to operate all compressors, dispensers and dispensing equipment, life safety systems, environmental monitoring systems, payment-acceptance equipment, and other systems necessary to ensure that such stations can continue safe fuel sales operations during an electricity outage.
- IV. CNG station owners and operators must offer the CNG for sale on a continual basis, without interruption, for at least 12 hours per day Monday through Friday and 8 hours per day Saturday and Sunday for a period of 72 months during typical business hours.
- V. Public Announcement: CNG station owner and operators should announce the opening of the station through the local media and other appropriate venues; and schedule events to highlight the availability of the CNG. All announcements, press releases, and advertisements must be preapproved in writing by NYSERDA and must include a statement noting support given by NYSERDA through the Program.
- VI. Proposers should make every attempt to submit applications with partnering fleets that will utilize the CNG station to show the need for the station and guarantees throughput. Significant project partnering is a factor in proposal evaluation. The Proposer should also include in its proposal a brief marketing or business plan to sell the CNG. The proposal must be submitted by the entity that will own the station and the equipment for which funds are requested. Partnerships must be fully described in the proposal and should include letters of support detailing each of the participating entities' commitment to the project.
- VII. Commencement of a project (defined as the execution of a purchase order or contract for the purchase or installation of equipment) must not precede the date of the executed award agreement with NYSERDA. Projects must be implemented in the manner and location stated in the Statement of Work in the executed agreement with NYSERDA, or the full award amount may be rescinded or recaptured by NYSERDA.

### **3.0 COMPLETED STATION**

A completed station is one for which all equipment and signage required by the agreement with NYSERDA have been installed, all necessary State and local permits have been received, all contractors, equipment suppliers and subcontractors have been paid, and all requirements of Section 2.7 above have been met, including attainment of the ability to sell fuel to customers

and complete fuel sales transactions. All facilities are subject to inspection by NYSERDA to determine if they are completed and operating according to the Statement of Work in the award agreement and the requirements of the Program.

#### **4.0 PROPOSAL REQUIREMENTS**

Proposers must submit **eight (8)** copies of all required parts and forms together in one package, and one CD or DVD disc containing copies of these documents, to the attention of Roseanne Viscusi at the address on the front of this PON. The proposal **MUST** contain a completed and signed Proposal Checklist (**Attachment A**) attached to the front of each copy of the Proposal, **at least one of which must contain an original signature. Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed copies will not be accepted.**

**Procurement Lobbying Requirements** - State Finance Law sections 139-j and 139-k Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws is available at: <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>). In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Examples of unnecessary attachments include support letters that do not provide cost share or fueling commitments to the project. Each page of the proposal should state the name of the proposer, the PON number, and the page number. The proposal must be in the following format:

#### **PROPOSAL SECTIONS**

**YOUR PROPOSAL MUST CONTAIN THE FOLLOWING DOCUMENTS IN THE FOLLOWING ORDER:**

- 1. Attachment A - Proposal Checklist WITH AN ORIGINAL SIGNATURE (Mandatory)**
- 2. Attachment B - Disclosure of Prior Findings of Non-Responsibility Form (Mandatory)**
- 3. Attachment C - Proposal Overview Form (Mandatory)**
- 4. Attachment D – Site Agreement (If Applicable)**
- 5. Proposal narrative as described in the following pages (Mandatory)**
- 6. Proposed Statement of Work (Mandatory)**
- 7. Letters of project commitment from fleets committing to utilize the station once it is completed and from all proposed financial partners to the project are mandatory. Absence of signed financial commitment letters will be viewed as a lack of financial commitment to the project proposal.**

1. **Proposal Checklist.** Complete **Attachment A**, the Proposal Checklist, and include it as the front cover of the proposal. Note the following:
  - Indicate whether you accept the standard terms and conditions as contained in the attached Sample Agreement (Attachment E). If you do not accept the standard terms and conditions, provide alternate terms with justification based on the risk and benefit to New York State. If the proposal is awarded funding, NYSERDA will consider only exceptions to terms that are specifically included with the proposal. Any negotiation of terms will be at NYSERDA's sole discretion.
  - Do not leave any blanks. If a specific question is not applicable, indicate N/A.
  - Be sure the individual signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted. The Proposal Checklist **MUST** include an original signature on **at least one** of the hard copies submitted.
  
2. **Disclosure of Prior Findings of Non-Responsibility Form.** Complete **Attachment B**, the Disclosure of Prior Findings of Non-Responsibility Form, and include it directly following the Proposal Checklist. Be sure the individual signing the Disclosure of Prior Findings of Non-Responsibility Form is authorized to commit the proposer's organization to the proposal as submitted.
  
3. **Proposal Overview Form.** The Proposal Overview Form (**Attachment C**) summarizes the salient details of the proposal on one page. It should include details such as Proposer information, background information relevant to the project, a brief summary of the objective and main work of the project, and proposal strengths and weaknesses from the perspective of the Proposer. Complete **Attachment C** and include it directly following the Disclosure of Prior Findings of Non-Responsibility Form. Please also submit this document in **Microsoft Word** format in the electronic copy on the disc.
  
4. **Project Narrative.** The Project Narrative includes the core details of the proposal, including who will do the work, what the work will consist of, and details on how much the work will cost. Include an electronic copy of the Project Narrative on the disc. The Project Narrative should include the following sections:
  - **Executive Summary (one page maximum).** Indicate the exact location where the proposed station will be located and include information regarding the maximum station output in gasoline gallon equivalents in any 1-hour period and any 8-hour period. Briefly summarize the team members and their contributions to the project. Describe the need for the station at the proposed location and how this will benefit the local area. Indicate whether the Proposer owns the land or has rights to the land where the station would be built. Strictly limit the Executive Summary to one page and use the following outline:
    - Team Members
    - Background
    - Station Information
    - Project Benefits

Note: Do not include proprietary information in the executive summary.
  
  - **Background and Proposed Station (two to four pages).** Provide a narrative including a detailed description of the proposed station and project partners. Describe the Proposer's experience developing and completing similar projects. Describe the

Proposer and project team's financial capability to finance and complete the project. Explain who the anticipated users of the station are, and indicate whether they have provided a commitment letter to the project. Provide a description of the marketing plan for the station and how the Proposer intends to maximize station throughput. Explain fully how the station may assist local public and/or private fleets. Explain the steps that must be taken to complete the project. Include a plan of how station data will be collected and disseminated to NYSERDA. Discuss any barriers to project completion and how those barriers will be dealt with by the project team.

- **Budget (3-4 pages with necessary attachments included in the attachment section).** All cost information must be provided on a Cost and Equipment Description Chart in an Excel spreadsheet that contains:

- I. List of the equipment that will be procured for the station
- II. Description of the equipment's function and necessity.
- III. Cost to purchase the equipment.
- IV. Cost of labor to install the equipment.
- V. Description of who would do the work, indicating whether the Proposer would use external subcontractors, internal personnel, or both.

- **Direct Costs**

Attach bids or preliminary engineer developed cost estimates, if available, along with any supporting documentation and contractor quotes. For major tasks, or in proposals that use Proposer direct labor personnel costs as a portion of the cost share contribution, indicate the number of hours each individual will spend on each task and an hourly rate of pay. Provide justification or verification for the rate of pay proposed.

- **Cost share information**

Cost Sharing - Describe the sources and amounts of the cost share. The proposal must show non-NYSERDA funding of at least 50 percent of the total eligible cost of the project for projects requesting a 50% reimbursement up to \$300,000 and 75% of the total eligible cost of the project for projects requesting more than \$300,000. Cost-sharing can be from the proposer, other team members, and other government or private sources. Letters from the entities confirming they are providing cost share are required. Contributions of direct labor (for which the laborer is paid as an employee of the Proposer) and purchased materials may be considered "cash" contributions. The Proposer or proposing team cannot claim as cost-share any expenses that have already been incurred prior to the date of execution of an award contract with NYSERDA. If the Proposer is using part of their land acquisition costs for cost share, include a copy of a purchase agreement or other instrument securing the required land that includes a site map and costs.

Requested funds and cash cost-share contributions together must account for all of the eligible costs. Contributions can come from any source. Other funds used as cost-share must be used to fund eligible expenses and directly to implement the project for which funding is sought and increase the value of the project.

- In a table formatted as shown below and expanded as needed, provide the following information about cost-share contributions:
  - a. Types of cost-share: cash;
  - b. Source(s) of cost-share contribution(s);
  - c. Dollar value of cash contribution(s);

	<b>Cash</b>
<b>NYSERDA</b>	\$
<b>Proposer</b>	\$
<b>Others (list individually)</b>	\$
<b>Total</b>	\$

If applicable, attach documentation to support labor rates of internal personnel (if they are used for eligible equipment installation).

Attach supporting documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:

1. Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).
2. If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) is consistent with generally accepted accounting principles for labor costs.

NYSERDA reserves the right to audit any rate presented in the proposal and to make adjustment for any discrepancy. Requests for financial statements or other needed financial information may be made if deemed necessary by NYSERDA.

- 5. Proposed Statement of Work and Schedule (three to four pages).** The SOW is the primary contractual document that outlines work activities and specifies deliverables. It delineates each step required to accomplish the project objectives. Therefore, each action needs to be identified and described, indicating who will perform it, how it will be performed and its intended result. At the end of each task description, specific task deliverable(s) must be listed. Be sure to identify the task deliverable, as this will be a measure of your performance. Be clear and specific: concentrate on “how” and not “why.” Use “active voice” sentence structure to make clear who is responsible for specific actions. The disc containing the electronic version of the proposal must include the Statement of Work (SOW) as a stand-alone file in **Microsoft Word** format. It should also be included in the hard copy. The SOW structure should include (expand as needed):

## Task 1.0 Project Management.

Subtask 1.1 Subcontracts Describe all required subcontracts, even if the subcontractor is yet to be defined.

Subtask 1.2 Meetings. Hold a Kick-Off Meeting, Interim Review Meetings (as warranted), and a Wrap-Up Meeting when the station is complete.

Subtask 1.3 Progress Reports. NYSERDA will expect to receive written (emails are acceptable) monthly progress reports while the station is being constructed as part of the project management task. These activities are not reimbursable as part of the Program. Such reports shall describe any difficulties encountered during the reporting period and shall include a statement of the Project Director setting forth the progress of the work during the reporting period including problems encountered and proposed resolutions along with discussing if project timeline has slipped from proposed schedule and why. The progress reports should be submitted to the NYSERDA Project Manager no later than the 10<sup>th</sup> of the following month.

Subtask 1.4 Data Collection and Benefit Reporting. NYSERDA will require 12 brief semi-annual updates after the station is completed on the effectiveness of the station to include fuel sales, fuel prices and any issues encountered during the reporting period. Any marketing or outreach efforts undertaken. An analysis of why fuels sales have been increasing or decreasing.

Task 2.0, 3.0, 4.0, etc. Project-specific Work Scope Tasks. Add as many tasks and subtasks as necessary to cover all actions needed to achieve the goals and objectives of the project. These will be action steps. Each task should include a concise narrative description of the work that will be performed and how the work will be performed and specific deliverables to be provided. Typical tasks may include, but are not limited to, property acquisition, permit applications, engineering, equipment procurement, site preparation, equipment installation, station provisioning, marketing and outreach, and data collection and reporting.

Schedule. Present a work schedule with a starting point and duration for each task and subtask. Presentation of the schedule in a table or bar chart is preferred starting with "Month 1," "Month 2," etc., horizontally across the top, with tasks and subtasks running vertically down the left hand side. Define and indicate key milestones in the schedule, including planned start and completion dates for each task.

6. Proposers should make every attempt to submit applications with as many partnering fleets as possible that agree to utilize the station if the proposal is awarded funding and the potential amount of fuel they might purchase. Including letters of commitment from these fleets to use the CNG station shows the need for the station and indicates a better chance of a high throughput of fuel. Partnerships must be fully described in the proposal. Please include letters of support detailing each of the participating entities' financial or fueling commitment to the project.
7. NYSERDA will enter into a contract with successful Proposers using the attached Sample Agreement (**Attachment E**). **If you do not accept the standard terms and conditions, provide alternate terms with justification based on the risk and benefit to New York State. Any negotiation of terms will be at NYSERDA's sole discretion.** NYSERDA will

consider only exceptions to terms that are specifically included with the proposal. Attachment E does not need to be completed; it is provided only for review per the discussion above.

## 5.0 PROPOSAL EVALUATION

Proposals will be reviewed by NYSERDA to determine whether the proposal meets the Program's qualifications. Proposals that do not meet the minimum qualifications for review will be removed from consideration. Reasons for removal from consideration will be provided to the Proposer in writing.

A Technical Evaluation Panel (TEP) made up of NYSERDA personnel and outside experts will evaluate all proposals that meet the qualifications. Eligible proposals will be evaluated based on the following criteria:

### Proposal Quality

- Program Goals and Benefits: How well does the project help meet the goals of expanding the New York State CNG market and creating energy, environmental, and economic benefits for New York State? How significant is the local potential for NGV adoption resulting from the project? Are there significant barriers to station construction? Are there additional significant benefits, such as innovative financing or partnering arrangements, environmental, or economic benefits? Will the project offset the largest amount of petroleum-derived fuel per year based upon fueling commitment letters included in the proposal? Does the proposal provide CNG refueling capability in geographically distributed regions of the State where such capability is currently lacking? Will the station utilize renewable natural gas? Does the proposal benefit multiple fleets or fleets that currently do not use CNG due to a lack of refueling options?
- Project Design: Is the proposed work plan technically feasible, innovative, and superior to potential alternatives? Is there a strong likelihood that the project can be completed as described, with the intended benefits? Are there barriers to completing the project in a timely manner? Does the approach to completing the project seem appropriate for the proposed schedule and budget? Does the proposal include a detailed and innovative outreach and marketing plan?
- Data Collection and Analysis: Does the proposal contain a detailed semi-annual plan for data collection and analysis?

### Proposer Qualifications

- References and Past Performance: Does the Proposer have a history of successfully completing similar projects? Does it have the necessary technical expertise to complete the project? Does the Proposer demonstrate the financial capability of financing and completing the project?
- Partnerships: Does the project comprise significant innovative partnerships with appropriate partners for accomplishing the project's goals?
- Level of commitment from partners: Did the project partners provide commitment letters detailing their commitments to station utilization and any financial or technical cost share for the project?
- New York State Content: Does the project provide economic benefits in the form of jobs in New York State?

## Project Value

- **Cost/Benefit Considerations:** Is the overall project cost justified based upon supporting documentation? Relative to the project cost, how significant are the potential benefits? Are the equipment and labor costs reasonable for the type of equipment and labor being used?
- **Schedule:** Does the proposal contain a reasonable schedule to complete the work? Will the work be completed in a timely manner? Are there major barriers to completing the work? Does the proposal discuss and ameliorate those issues?
- **Budget Detail:** Is the level of detail included in the budget sufficient to evaluate the project costs? Is the budget appropriate for the proposed work plan?
- **Cost Share:** Has the minimum cost share requirement been met? Is there cost share provided beyond the minimum required? How appropriate are the Proposer's cost share contributions (sources and amounts) directly attributable to the eligible costs of the project, and financial status of the proposing organization and project team?

## 6.0 GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers Law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

**Omnibus Procurement Act of 1992** - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development  
Division For Small Business  
625 Broadway  
Albany, NY 12207

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development  
Minority and Women's Business Development Division  
625 Broadway  
Albany, NY 12207

**State Finance Law sections 139-j and 139-k** - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html> The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf> .

**Contract Award** - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify each proposer approximately six weeks after the proposal due date whether its proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

**Limitation** - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified

sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

**Disclosure Requirement** - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

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#### **7.0. ATTACHMENTS:**

- Attachment A - Proposal Checklist WITH AN ORIGINAL SIGNATURE**
- Attachment B - Disclosure of Prior Findings of Non-Responsibility Form**
- Attachment C - Proposal Overview Form**
- Attachment D - Sample Site Agreement**
- Attachment E - Sample Agreement**
- Attachment F - Sample Semi-Annual Report**