

**REVISED: Innovations in Data Center, Information and Communications Technology Energy Efficiency Program Opportunity Notice (PON) 2846**

**Up to \$5 Million Available  
Over Three Proposal Rounds**

**Proposals Due Dates:**

**Round 1: February 11, 2014**                      **Round 2: September 24, 2014**                      **Round 3: July 23, 2015**

*Received at 17 Columbia Circle, Albany NY by 5:00 pm Eastern Time\**

NYSERDA seeks proposals for research, product development and demonstration projects of energy efficiency innovations for data center and corporate information and communications technology (ICT). The objective of this solicitation is to overcome barriers and speed the technical/market readiness of promising early-stage technologies and techniques that can improve energy efficiency in data centers and ICT used by NYS businesses. This solicitation is not intended to support residential or consumer ICT. Innovations and projects proposed to this solicitation must aim to improve efficiency, reduce green house gas emissions and strengthen NYS's industries that use ICT. This solicitation also seeks proposals for demonstration of an Advanced Concepts Data Center that presents holistic combinations of energy efficient innovations at scale that could prove disruptive to normal data center energy consumption.

*NYSERDA will hold an informational conference call/webinar about this solicitation to answer questions on Wednesday, December 18, 2013 at 12 PM, Eastern Time. To join this call dial 415-655-0001, follow the instructions to enter the meeting access code 668 208 092 followed by the # sign. Additionally, you may join the webinar to view the presentation slides (optional) by directing your web browser to <https://nyserda-events.webex.com/nyserda-events/onstage/g.php?t=a&d=668208092> and entering the webinar event password PON2846 when prompted.*

This solicitation will support innovations applied to larger data centers in dedicated facilities (i.e. corporate or co-location), smaller scale corporate data rooms/closets commonly housed in commercial buildings and building ICT. This solicitation will support innovations applicable to both the information technology equipment (processing, networking, storage communications, operations, etc.) and the associated facilities support infrastructure (cooling, power distribution, onsite generation, etc.). Similarly, innovations supported may be applicable to either new or existing installations.

Proposed projects must be one of the solicitation's four (4) project types. The solicitation has different levels of maximum funding and minimum preferred cost share (based on the total project cost, not the NYSERDA funding request) for each of the project types below:

<b>Project Type</b>	<b>Maximum NYSERDA Funding</b>	<b>Proposer Cost Share (% of total Project Budget)</b>
<b>Research and Feasibility Study</b>	<b>\$100,000</b>	<b>&gt;20%</b>
<b>Product and Technology Development</b>	<b>\$500,000</b>	<b>&gt;50%</b>
<b>Pilot Demonstrations</b>	<b>\$300,000</b>	<b>&gt;40%</b>
<b>Advanced Concepts Data Center</b>	<b>\$1,000,000</b>	<b>&gt;50%</b>

Innovations in data center and ICT energy efficient technology may include hardware, operational and analysis software, sensor and controls, data center power infrastructure (i.e. uninterruptible power supply, on-site generation and DC power) and cooling (i.e. liquid cooling). Innovations that apply more broadly may also form the basis for a proposed project, such as innovative metrics, benchmarking auditing methods, efficiency standards,

decision frameworks for cloud and collocation efficiency, business and deployment models that encourage efficiency, etc. Other topics may include: integration of distributed resources, renewables and energy storage, demand response and active load management, and novel uses of cloud-computing techniques to minimize energy use while maximizing operational capacity. Funding requested for pilot demonstrations should focus on reducing the risks associated with using unproven emerging technologies by quantifying their technical, energy and economics benefits.

This solicitation will not support innovations that are at a market ready stage or have minimal risk to attaining an energy benefit. This solicitation is not intended for implementations of market ready innovations commercially viable with [NYSERDA's incentives for data centers under the Industrial and Process Efficiency Program](#). Projects for the same scope should not be submitted to both the incentive program and this R&D solicitation. All, or none, of the available funds could be awarded in any one round.

Technical questions concerning this solicitation should be directed to the Project Manager, Tony Abate (518) 862-1090 ext: 3522 ([awa@nyserda.ny.gov](mailto:awa@nyserda.ny.gov)). Contractual questions should be directed to Venice Forbes, (518) 862-1090 ext: 3507 ([vwf@nyserda.ny.gov](mailto:vwf@nyserda.ny.gov)). Technical support and questions on Attachment C should be directed to Megan Bulman (518) 862-1090 ext: 3541 ([mgb@nyserda.ny.gov](mailto:mgb@nyserda.ny.gov)). If you desire an alternative way to access information or participate in functions NYSERDA is providing for PON 2846 via its website or email, please contact NYSERDA's Project Manager.

**No communication intended to influence this procurement is permitted except by contacting the designated project manager. Contacting anyone other than the 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.**

## ***I. Introduction***

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This competitive solicitation, entitled Innovations in Data Center, Information and Communications Technology Energy Efficiency, offers funding to research, development and demonstration projects. Proposers may be, but are not limited to, academics, researchers, commercial product and technology developers/vendors, data center operators, ICT designers and installers or collaborations of these. Collaborators must identify one entity as the prime proposer who is the primary contract and the entity with whom NYSERDA may enter into a contractual agreement.

Projects proposed to this solicitation must fit in be one of four (4) types: Research and Feasibility, Product and Technology Development, Pilot Demonstration or an Advanced Concept Data Center demonstration. See Section *II. Project Types* for a description of each and their associated funding and cost share levels. Proposers are expected to provide a portion of the total project budget as cost share. The proposer's cost share maybe in the form of cash or in-kind contribution (materials, discounts, labor, etc.). Proposed projects should address opportunities for significant energy efficiency improvements in NYS. See Section *III. Technologies and Areas of Interest* for list of areas of interest provided as a guideline.

Project proposals to this solicitation must address an innovation to improve the energy efficiency of new and/or existing commercial data center or information and communications technology. Proposal should present a clear, concise and compelling description of the project's research and development objective, potential for success and usefulness in making data centers and ICT in NYS more energy efficient. Proposals must follow the instructions in Section *IV. Proposal Requirements and Submission*. Prior to planning and preparing a proposal for submission, proposer should check NYSERDA's website regarding changes to the solicitation. If changes are made to this solicitation, notification will be posted under PON 2846 on NYSERDA's website: <http://www.nyserda.ny.gov/Funding-Opportunities.aspx>.

All proposals in a given round will be reviewed by a technical evaluation panel (TEP) comprised of NYSERDA staff and external technical experts. The TEP will competitively scored all proposals according to the proposal quality and detail addressing all evaluation criteria provided in Section *V. Proposal Evaluation*.

## II. Project Types

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This solicitation offers funding for four (4) project types. A proposed project may only be submitted as one of these types. Careful consideration should be given to the type selected, as an inappropriate choice could negatively affect how your proposal is judged. Proposers are encouraged to contact the NYSERDA Project Manager with technical questions to gain a complete understanding of the project types described below.

**Research and Feasibility Study** (up to \$100,000 of NYSERDA funding per project with a preferred proposer cost share of 20% or greater.)

- Proposed projects of this type are generally aimed at answering the question, “Will this innovation work and improve energy efficiency?”
- Proposed projects should be applied research (as opposed to basic research) aimed real-world problems and early stage technical, economic or application feasibility of a solution, new product, technology, software, technique, business model, etc.
- Research proposals submitted should include a task for conducting a business analysis if the concept is found technically promising.

**Product and Technology Development** (up to \$500,000 of NYSERDA funding per project with a preferred proposer cost share of 50% or greater)

- Development of technologies, techniques, products or services intended for commercialization for improving the energy performance of either new or existing data centers or ICT in New York State. Technical and economic feasibility and proof-of-concept of the technology/activity should have been previously demonstrated. If feasibility has NOT been demonstrated, the proposer may propose a Research or Feasibility Study project.
- Development proposals should focus on critical path development activities such as, but not limited to, design and operation specifications, production and deployment methods and field testing to help improve the product/service or expected performance. Basic research is ineligible in development projects.
- Proposals should present the potential benefits for end-users and/or distribution channels, provide a preliminary commercialization and marketing strategy, and discuss potential plans for manufacturing in New York State.

**Pilot Demonstration** (up to \$300,000 of NYSERDA funding per project with a preferred proposer cost share of 40% or greater)

- Pilot and limited scale demonstrations of new and/or unproven technologies or practices that advance the energy performance of either new or existing data centers or ICT in New York State.
- Pilot demonstration proposals should not include technology or product development activities. If technology or product development activities are appropriate, the proposer may propose a Research or Product Development projects.
- Demonstration proposals should clearly identify how this project will bring the product, technology or practice closer to commercial success and how such demonstration will lead to increased use of the technology or practice in New York State.
- Demonstration proposals should include a detailed plan for disseminating project results to a wide audience.
- It is NYSERDA's preference, as appropriate, that pilot demonstration projects of product innovations include evaluation conducted by a reputable and independent third-party (i.e. an evaluator that has no financial interest in the outcome of the demonstration).
- Demonstration proposals should describe how the demonstration will help overcome market and/or informational barriers to wide spread market acceptance in New York State or commercial success. Demonstration projects must take place within New York State and include a letter of support from the site owner(s)/decision maker(s);

**Advance Concepts Data Center** (up to \$1,000,000 of NYSERDA funding per project with a preferred proposer cost share of 50% or greater)

- Proposed projects should demonstrate a holistic approach and substantial improvements in energy efficiency for a new or existing data centers. An Advance Concepts Data Center should involve demonstration of a scale installation including multiple innovations and best practices at a committed location in NYS.
- Project budgets should distinguish cost elements that are related to the innovation(s) versus those for supporting technology and infrastructure.
- Demonstrations of a single innovation or innovations closely related should be proposed as pilot demonstrations (see the pilot demonstration description above).
- Proposed projects should also have as a substantial objective to present the Advanced Concepts Data Center as a vanguard of data center design and operation, conduct technology transfer and disseminate its lessons-learned (i.e. information sharing, hosting open house, showcasing events and case studies).

### ***III. Technologies and Areas of Interest***

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This solicitation seeks projects for energy efficiency innovations for data center and corporate (non residential) information and communications technology (ICT). NYSERDA intends the following list of areas of interest as a guideline and not as a comprehensive list of possible data center and ICT topical areas from which your proposed innovation(s) may be derived. Your proposed project should be based on an innovation(s), not merely a topical area. This solicitation will not support projects for basic research, or innovations that apply below the IT component level, such as semiconductor innovations. Innovations may include discrete technologies, bundles of technologies, new applications, pilot demonstrations, techniques, protocols, technical studies, business models for efficiency, etc.

- A. Measurement, Metrics and Standards
  - Innovations in metrics and measurements for data center, cloud, collocation and ICT energy efficiency and carbon impact.
  - Novel applications of metrics like Power Utilization Effectiveness (PUE) for data centers, IT equipment, buildings infrastructure, etc.
  - Novel metrics that account for application and industry specific criteria, computational throughput, cyclical loading, capacity utilization, life –cycle performance, redundancy, cooling and power.
  - Innovations in the application of industry standards that apply to data centers like those being developed by American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) and others.
- B. IT, Data Center Management and Communications
  - Efficient technologies for servers, data center and local area networking, storage, memory, etc.
  - Novel applications of optical networking.
  - Novel data center technology architecture, management software and operational techniques.
  - Novel applications of hardware, application and data center abstraction for efficiency.
  - Novel application of high performance computing for mainstream corporate applications.
  - Efficient strategies for redundancy and uptime.
- C. Data Center Cooling
  - Cooling innovations with regard to airflow, application of fluid dynamics, novel means of heat transfer, novel and more efficient uses and configurations of facility cooling and HVAC systems.
  - Innovations that eliminate the need for compressor based cooling.
  - Frameworks and metrics for efficiency in consolidation decisions.
- D. Power infrastructure
  - UPS, on-site generations, use of green power, efficiency power distribution
  - High voltage and direct current

- Energy efficient methods of power conversion and distribution

#### ***IV. Proposal Requirements and Submission***

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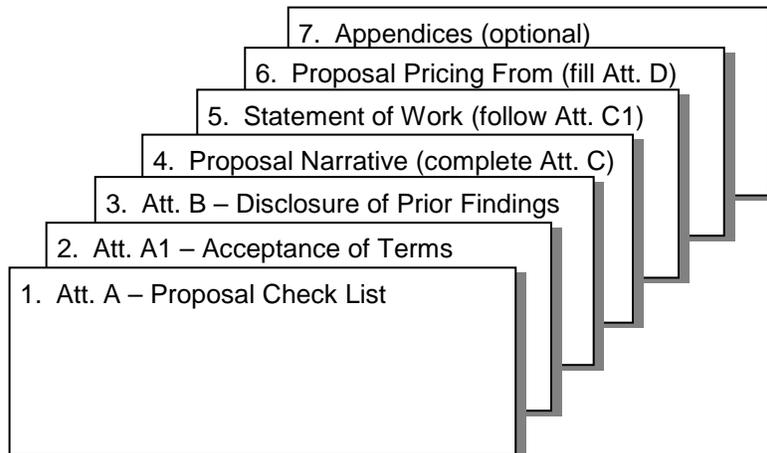
Project proposals to this solicitation must address an innovation to improve the energy efficiency and/or advance the energy performance of new and/or existing commercial data center or information and communications technology. Your proposal should present a clear, concise and compelling description of the project’s research and development objective, potential for success and usefulness in making data centers and ICT in NYS more energy efficient. Your proposal must:

- accurately describe the problem, need, gap or efficiency opportunity that you will address,
- hypothesize an innovative and compelling solution appropriate to the potential benefit,
- present a judicious project work plan that is not being addressed adequately by other industry, government or academic research,
- describe and address the risks associated with achieving your project’s objectives,
- describe what market barriers may exist to this innovation, how your project will overcome them and lead to increased market penetration/practice,
- provide direct and quantifiable energy, environmental, and economic benefits to New York State such as energy savings, demand response, emissions reductions, job creation, product manufacturing and sales, and/or reduced energy costs,
- include a project budget using the attached Contract Pricing Proposal Form (Attachment E) showing total project cost and proposer cost-share. Include a task budget with cost-share breakdown in the Statement of Work
- propose compelling cost-share (cash and/or in-kind effort) and leverage relevant to the proposed work (i.e. previous work, established partnerships),
- assemble all the necessary capabilities and/or partners and demonstrate that the proposer and/or team is qualified to carry out the proposed work,
- provide a letter of support from all project substantive participants and cofunding sources in you proposal,
- if applicable, propose a specific location or host site in NYS for any demonstration or a recruitment task highly likely to result in a site.

**PROPOSAL COMPONENTS:**

To be complete proposals must include;

- completed standard forms provided as Attachments A, A1 and B to this solicitation,
- a Proposal Narrative, the main body of your proposal, entered into a form-fillable document provided as Attachment C,
- a proposed Statement of Work following the format provided in Attachment C1, and
- a project budget as a completed Contract Proposal Pricing Form (CPPF) provided in Attachment D.



Appendices may be submitted to provide supporting information (letters of support, product literature, charts, resumes, etc.). Proposals should not be submitted in an elaborate format that includes bindings, samples, etc. Excessive Appendices beyond those sufficient to present a complete and effective proposal will not influence the evaluation. Refer to Attachment E, Sample Agreement and Attachment F, Sample Metrics Reporting Guide, but these are not to be included the proposals submission.

#### PROPOSAL NARRATIVE:

Proposers are required to provide responses to all sections of the provided form-fillable " Proposal Narrative" (Attachment C) which includes the following:

- Executive Summary
- Problem Statement
- Proposed Innovation
- Project Benefits
- Project Team and Business Description
- Cost Share

If applicable, provide a brief description and anticipated duration of additional development or commercialization activities, beyond the proposed work, that will be necessary to fully achieve commercialization or adoption.

#### STATEMENT OF WORK and SCHEDULE:

The Statement of Work (SOW) is the primary contractual document that outlines work task, quantifies deliverables, and structures the project payments and schedule. Refer to Attachment C1 for a Statement of Work format and specific instructions regarding preparing the Statement of Work. The Statement of Work specifically delineates each step or procedure required to accomplish the project objectives as a Task or subtask. Therefore, each Task shall be identified, indicating who will perform it, how it will be performed and its intended result. Use active voice sentence structure to make clear who is responsible for specific actions; for example, use the following phrase to start the description of every Task, "The Contractor shall...." Each SOW Task should have one or more Deliverables listed.

After the Tasks, the SOW must include a list of proposed Milestone Payments associated with specific Task Deliverables. The magnitude of the milestone payments should be based on the amount of effort required to reach the deliverable. Completion of final design, equipment delivery, commissioning, submission of data, and acceptance of final report are examples of typical milestones for project payments.

Finally, the SOW must present a work schedule with a starting point and duration for each Task and subtask as listed in the SOW. Presentation of the schedule in a bar chart is preferred, starting with "Month 1", "Month 2", etc. The schedule should include timing of major milestones such as design reviews, test result analyses, completion of working prototypes, delivery of products or services, and the start of metrics reporting to NYSERDA.

#### CONTRACT PROPOSAL PRICING FORM:

The Contract Proposal Pricing Form (CPPF) is the primary project budget document that outlines resources, costs, cost element breakdown, cost share, and funding sources. Note that the SOW should have Milestone Payments presented that should total the project budget total on the CPPF. Refer to Attachment D for the format and specific instructions. The solicitations cost share requirements are present is a percentages of the total project budget. Proposals in excess of \$300K are advised to define at least two (2) phases (i.e. field testing, prototype refinement, full-scale production, etc.) and each phase would include a separate Statement of Work task and budget. Funding may be awarded for the proposed project, but funding of subsequent phases may be conditioned upon meeting predefined goals of prior phases.

#### SUBMISSION:

Proposers must submit one (1) print copy of the proposal (double-sided printing with a staple in the upper left corner) and one (1) electronic copy (CD/DVD or flash drive). The proposal must include a completed and signed Proposal Checklist attached to the front the proposal and the print copy must contain an original signature.

- A proposal may be considered non-responsive if it fails to comply with the requirements of this solicitation.
- Late proposals or those lacking the completed and signed Proposal Checklist will be returned.
- Faxed or e-mailed proposals will not be accepted.
- Proposals will not be accepted at any other NYSERDA location other than the address below.

Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, PON 2846**

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

**V.**

## ***Proposal Evaluation***

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Proposals that meet Proposal Requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria identified below. Proposals will be reviewed to determine if they reflect NYSERDA's overall programmatic objectives, including: risk/reward relationships, similar ongoing or completed projects, and the general distribution of projects among project type, technologies, industries, organizations, geographies within New York State, etc. After the proposals are reviewed, NYSERDA will issue a letter to each proposer indicating the proposal evaluation results. Proposers receiving favorable evaluations will be invited to enter into contract negotiations with NYSERDA. The proposer may also be asked to address specific questions or recommendations of the TEP before contract award.

### EVALUATION CRITERIA:

#### A. Problem and Proposed Solution:

- Does the proposal address an eligible technology?
- How significant is the problem or opportunity to New York State?
- How well does the proposed solution address the problem or opportunity?
- Is the proposed work technically feasible, innovative, and superior to alternatives? How appropriate are the cost, technical, and performance goals for the proposed work, technology, product, demonstration, etc.?
- Does the proposer exhibit an understanding of the scientific principles and state-of-the-art applicable to the technology and alternative technologies?
- Is the proposed project addressing a problem or opportunity that is not being addressed adequately by others (industry, government research programs)?

#### Additional Considerations for Pilot **Demonstration and Advanced Concept Data Center Projects**

- Is the proposed demonstration of a new or emerging technology?
- Does the proposal include a strong letter of support from a New York State demonstration site?
- Is a performance monitoring and data analysis plan proposed and adequate?

#### B. New York State Impact and Project Benefits:

- What are the expected economic benefits in New York State in the form of energy efficiency, commercial sales, job creation, and other factors that support economic growth?
- Does the proposed activity increase the resiliency and adaptation of NYS business to disruption of electricity and/or power quality?
- Does the proposal include a New York State demonstration site that pays into the System Benefits Charge?
- How well has the proposal quantified the potential benefits to New York State?
- How likely is it that the projected benefits will be realized?
- How significant are the proposed project benefits (energy, efficiency, environmental and economic) benefits in New York State?
- Will the proposed project lead to subsequent commercial activity in New York State?

C. Statement of Work and Schedule:

- How realistic are the technical and performance goals for the proposed project?
- Can the proposed technical and performance goals be measured and verified?
- Is the work proposed in the Statement of Work sound and likely to achieve the technical and performance goals?
- Does the Statement of Work include a task to evaluate the economic costs and benefits of the technology?
- Is the Statement of Work well organized, complete, and appropriate for the goals identified?
- How realistic is the schedule for achieving the goals of the proposed project?
- Is the proposed level of effort and cost reasonable to complete the proposed project?
- Are the proposed milestones reasonable?

Additional Considerations for **Demonstration and Advanced Concept Data Center Projects**

- Are the data acquisition, monitoring, reporting and evaluation plans reasonable and adequate?
- If monitoring baseline performance is necessary to document system benefits, does the Statement of Work include a provision to adequately gather baseline data?

D. Proposer Qualifications:

- Has the proposer provided evidence of being qualified to perform the proposed work based on the qualifications of the organization(s) and the involved individual(s)?
- Were resumes of key individuals included in the proposal?
- Does the proposer/team have the necessary technical and business background and experience?
- Does the team include a New York State business and/or plan for creating new jobs in New York State?
- Has the proposer provided evidence of good past performance on other relevant projects?
- Does the proposal include a management plan for coordinating the team members?
- Are staff allocations and responsibilities reasonable?

E. Project Cost and Value:

- Is the overall project cost justified and reasonable based on the level of effort proposed and the expected outcome and benefits?
- How significant is the potential market opportunity relative to the project cost?
- How appropriate are the proposer's co-funding contributions (sources and amounts) with respect to the degree of risk, potential to benefit from the work, and financial status of the organization?
- How firm are the commitments and support from project partners, co-funders, and related business and other organizations?
- Are the overhead rates reasonable and supported with appropriate documentation?
- Are equipment, facility, material, and travel costs based on reasonable estimates?
- Are the labor rates reflective of the industry?

F. Technology Transfer / Repeatability:

- Does the proposed technology have wide-scale market potential in New York State?
- Does the proposed project include an effective strategy for leading to large-scale market acceptance of the technology in New York?
- Does the proposed technology address a need in the market place?

G. Business/Commercialization Plan and Market Adoption

- Is the proposed product or concept likely to be successful?
- Are there sufficient markets or needs for the concept/technology?
- Does the proposed project address market needs?
- Are the business and commercialization (or replication) plans appropriate for the type of project and stage of development?
- How significant are the barriers to market entry?
- Does the proposer demonstrate a clear understanding of the steps required to overcome these barriers?
- How well does the proposer understand his/her market; has the market been identified and characterized?

- Does the proposal identify competing and alternate solutions, and clearly demonstrate that the proposed product or concept is superior to, price competitive with, or provides value compared to alternative products or solutions?
- If follow-on financial resources are necessary, what is the likelihood that the proposer will be able to raise necessary financial resources?

## VI. General Conditions

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**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 accept 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://nyserda.ny.gov/~media/Files/About/Contact/NYSERDARegulations.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, 30 South Pearl Street, Albany, NY 12245. A directory of certified minority- and women-owned business enterprises is available from: Empire State Development, Minority and Women's Business Development Division, 30 South Pearl Street, Albany, NY 12245.

**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/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_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 discussion and 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, at its sole discretion, will decide whether to contract successful projects using time and material or milestone payment terms. 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. NYSERDA expects to notify proposers in approximately 10 weeks from the proposal due date whether your proposal has been selected to receive an award. **NYSERDA may decline to contract with awardees who are delinquent with respect to any obligation under any previous or active NYSERDA agreement.**

**Recoupment** - For any new product research and/or development effort, receiving NYSERDA funding totaling over \$100,000, inclusive of previous contracts if applicable (i.e. separate but related projects or products) NYSERDA will require a royalty based on sales of the new product developed. NYSERDA's standard royalty terms are 1.5% of sales for products produced in New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to the amount of funds paid by NYSERDA to the Contractor, whichever comes first) and 5% of sales for products produced outside of New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to three times the amount of funds paid by NYSERDA to the Contractor, whichever comes first).

**Annual Metrics Reports** - On an annual basis, the Contractor shall submit, to NYSERDA's Project Manager, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be documented. Reporting shall commence the first calendar year after the contract was executed. Reports shall be submitted by January 31st for the previous calendar years activities (i.e. reporting period). Please see Attachment E: Sample Metrics Reporting Guides for the metrics that you will be expected to provide and the reporting duration. **NYSERDA may decline to contract with awardees who are delinquent with respect to metrics reporting for 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, Attachment E.

**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.

## ***VIII. Attachments to this Solicitation***

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- Attachment A: Proposal Checklist
- Attachment A1: Acceptance of Standard Terms and Conditions
- Attachment B: Disclosure of Prior Findings of Non-responsibility Form
- Attachment C: Program Proposal Narrative
- Attachment C1: Statement of Work Format
- Attachment D: Contract Pricing Proposal Form
- Attachment E: Sample Agreement (not to be included in proposal submission)
- Attachment F: Sample Metrics Reporting Guides (not to be included in proposal submission)