

Proposals Due: February 4, 2014, 5:00PM Eastern Time\*

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from organizations or individuals interested in conducting a statewide commercial baseline study across a broad range of customer segments and energy measures.

NYSERDA, in collaboration with the New York State Evaluation Advisory Group (EAG) led by Department of Public Service Staff, will procure a contractor to conduct a comprehensive, statewide Commercial Baseline Study for existing commercial facilities. The overall objective of the study is to evaluate and develop a baseline of existing commercial building stock and associated energy use, including the saturations of energy consuming equipment (electric, gas, and other fuels), the penetrations of energy efficient equipment, and energy management practices. The energy use in a commercial building is a function of the building's shell, lighting system, heating and cooling system, other energy-using equipment, and its operation and usage patterns. The study will also collect firmographic information which will be correlated with the energy usage features. Additionally, the study will assess the market for HVAC, lighting, energy management systems/controls, and water process heating equipment to determine the baseline efficiency of equipment installed in New York and practices used by vendors in specifying and installing equipment. This information will be used to improve the ability of DPS and program administrators to develop, implement and evaluate energy efficiency programs. More specifically, the information gained in the baseline study will be used to set more accurate baselines for incentive programs, inform energy savings calculations, improve evaluation guidelines, and provide energy efficiency potential estimates.

A significant cross-section of New York State commercial energy users will be included in the scope of the commercial baseline study. The selected contractor will be required to collect primary data across the entire state and utilize secondary data, where possible, from other recent research studies. In addition, the selected bidder will undertake a market assessment and will develop energy efficiency technical, economic and achievable potential estimates using the primary data collected to define the baseline.

Substantial consideration will be given in proposal review to cost efficiency and value.

**Proposal Submission:** Proposers must submit ten (10) copies of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Also please submit an electronic version of the proposal on a CD-Rom in either Microsoft Word or PDF format, readable on Microsoft Windows XP Systems. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 2861**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Jonathon Steiner at (518) 862-1090, ext. 3262 or [jms@nyserda.ny.gov](mailto:jms@nyserda.ny.gov), or Tracey DeSimone at (518) 862-1090, ext. 3452 or [tad@nyserda.ny.gov](mailto:tad@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Venice W. Forbes at (518) 862-1090, ext. 3507 or [vfw@nyserda.ny.gov](mailto:vfw@nyserda.ny.gov).

No communication intended to influence this procurement is permitted except by contacting Jonathon Steiner (Designated Contact) at (518) 862-1090, ext. 3262 or [jms@nyserda.ny.gov](mailto:jms@nyserda.ny.gov), or Tracey DeSimone (Backup Contact) at (518) 862-1090, ext. 3452 or [tad@nyserda.ny.gov](mailto:tad@nyserda.ny.gov). Contacting anyone other than these Designated Contacts (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 and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSEDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEDA's web site at <http://www.nyserda.ny.gov>.

## I. Introduction

On June 23, 2008, the New York State Public Service Commission (the Commission) issued an order creating an Energy Efficiency Portfolio Standard (EEPS) program for New York State to develop and encourage cost-effective energy efficiency over the long term, and adopted a goal of reducing electricity usage (as forecast in 2007) by 15% statewide by 2015. The EEPS program ordered by the Commission also included terms to promote the efficient use of natural gas. Details about the EEPS program can be found on the Commission's website (<http://www.dps.ny.gov/>).

In its June 23, 2008 order, the Commission directed the six largest investor-owned electric utilities and the New York State Energy Research and Development Authority (NYSERDA) to submit for approval proposals for electric energy efficiency programs. During 2009, the Commission approved certain utility and NYSEERDA administered electric programs for implementation during 2009 - 2011. The Commission also ordered the gas utilities serving more than 14,000 customers and NYSEERDA to submit for approval proposals for gas energy efficiency programs. During 2009, the Commission approved certain utility and NYSEERDA administered gas programs for implementation during 2009 - 2011.

To date, the Commission has approximately 100 EEPS gas and electric programs for implementation from over 10 EEPS program administrators. These programs were, for the most part, reauthorized for the four year period ending December 31, 2015 in the Commission's October 25, 2011 Order.

As part of the original June 23, 2008 Order, the Commission required that all gas and electric energy efficiency programs established under the EEPS proceeding be evaluated using the same evaluation protocols. In addition to programs using EEPS funds, NYSEERDA has about 25 programs funded by the System Benefits Charge (SBC) that are also required to comport with EEPS evaluation guidelines. Details about the NYSEERDA's SBC programs can be found on the NYSEERDA web page (<http://www.nyserda.ny.gov>).

At the direction of the Commission in the June 23, 2008 order, an Evaluation Advisory Group (EAG) was formed in July of 2008 to assist and advise Staff of the Department of Public Service (Staff) in developing evaluation protocols and in other critical evaluation and reporting issues. EAG participants consist of Staff, the gas and electric utilities, NYSEERDA, New York Power Authority (NYPA), Long Island Power Authority (LIPA), state and local government agencies, energy efficiency experts, energy efficiency advocacy groups, and consumer and business advocates. Additional information about the EAG and New York's Evaluation Guidelines can be found here: <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/766A83DCE56ECA35852576DA006D79A7>

## II. Project Requirements

NYSERDA, in collaboration with the New York State Evaluation Advisory Group (EAG) led by Department of Public Service (DPS) Staff, will procure a contractor to conduct a comprehensive, statewide Commercial Baseline Study for existing commercial facilities. For purposes of this RFP, the broad definition of commercial facilities is also inclusive of master-metered multifamily buildings, behind the farm gate agriculture buildings (such as animal housing) and commercial buildings located on site at an industrial facility. Buildings housing industrial process operations, new buildings (buildings built within one year of project start date) and agriculture buildings (other than those behind the farm gate) will *not* be included in the study. The final results may be further disaggregated.

The overall objective of the study is to evaluate and develop a baseline of existing commercial building stock and associated energy use, including the saturations of energy consuming equipment (electric, gas, and other fuels), the penetrations of energy efficient equipment, and energy management practices. The energy use in a commercial building is a function of the building's shell, lighting system, heating and cooling system, other energy-using equipment, and its operation and usage patterns. The study will also collect commercial firmographic information, which will be correlated with the energy usage features. Additionally, the study will assess the market for HVAC, lighting, energy management systems/controls, and water process heating equipment to determine the baseline efficiency of equipment installed in New York. This information will be used to improve the ability of DPS and program administrators to develop, implement and evaluate energy efficiency programs. More specifically, the information gained in the baseline study will be used to set more accurate baselines for incentive programs, inform energy savings calculations, improve evaluation guidelines, and provide energy efficiency potential estimates. The

information will also be used to establish a time series data set of market changes which will be examined as part of NYSERDA's market effects evaluation strategy.

Almost all of New York State commercial energy users will be included in the scope of the commercial baseline study. The selected contractor will be required to collect primary data across the entire state and utilize secondary data, where possible, from other recent research studies. In addition, the selected bidder will undertake a market assessment and will develop energy efficiency technical, economic and achievable potential estimates using the primary data collected to define the baseline.

## **A. Services Requested**

### **Overview**

The project will include phone surveys and on-site visits for a representative sample of commercial facilities throughout New York State. With regard to multifamily buildings, only those buildings that are master-metered (including both housing units and common area) will be included in the study. Tenant units that are individually metered or sub-metered are part of a separate residential baseline project currently being administered by NYSERDA. This study will assess commercial facilities, their energy-using equipment and practices, including but not necessarily limited to the following characteristics:

- Existing inventory of primary HVAC and water heating equipment (for all heating fuels and including ductless heat pumps and condensing and non-condensing boilers), including size, rated efficiency, equipment age, service/domestic water heater equipment type (tank, indirect, on-demand, etc), and for central A/C and air source heat pump location, size, rated efficiency, duct location, presence of duct insulation, etc.<sup>1</sup>
- Availability, type, efficiency, and utilization of secondary heating and cooling sources.
- Controls and Energy Management Systems (EMS)
- Lighting inventory, penetration of lamps and fixtures by type, occupancy sensors, segmented by interior and exterior (including T12 penetration/saturation)
- Motors
- Steam Traps
- Data centers (embedded in commercial buildings, e.g., IT closets)<sup>2</sup>
- Other process Loads (including but not exclusive to refrigeration, fume hoods, commercial kitchens, and commercial laundry)\*
- Building shell characteristics (type of construction, vintage, size, square footage, number and efficiency [U factor or panes] of windows, insulation, shell, stories, number of units, if multifamily, basement/crawlspace/slab, etc.)
- Plug load<sup>3</sup>

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<sup>1</sup> Other space and water heating fuels (e.g., fuel oil, propane) should be represented in any sample populations at least proportionally to their overall representation in the state. Oversamples may be required to meet the need for statistically valid data for program impact evaluation and planning purposes for various forms of energy use, customer types, weather zones, etc.

<sup>2</sup> Note that Data Centers and other Process Loads will be included in this study if they constitute less than 50% of the total building load. Buildings that have Data Centers or Process Loads greater than 50% of the total building load are typically served through industrial programs and will not be included in this study.

- Renewable generation, CHP systems and metering configuration
- Customer supplied hours of operation and set points for all major energy-using equipment (EMS logs or trending data, if available)
- Overall facility energy usage correlated, when appropriate, with the above information.

### **Task 1: Review Existing Data, Propose Data Framework and Confirm/Revise Testable Hypotheses**

In order to maximize cost efficiency, prior to making any recommendations related to primary data collection, the selected contractor shall first review existing data sources available to potentially support the overall baseline study effort. Existing data sources include, but may not be limited to, program data, prior studies (program administrator evaluations), and utility customer data. Examples include the following:

- Program Data: Commercial energy use data collected through existing programs (e.g., NYSERDA's Flex Tech Program) may be used to complement, or possibly replace, some data planned to be collected through this study.
- Prior Studies: Studies conducted or underway for NYSERDA's Energy Codes Program. These studies will include site visits to commercial buildings to determine current practices and efficiency levels compared to the energy code in effect through December 31, 2010 and as of January 1, 2011. Data presented in these studies may provide guidance to the selected contractor and the EAG subcommittee regarding the incidence of code compliance in commercial buildings and could be used in lieu of or leveraged with data collection contemplated through this RFP.
- Utility Energy Usage Data & Site Energy Management System Data: Utility energy usage data, for electricity and natural gas, is expected to be available to support sample development and stratification, analysis, and extrapolation of results. Additionally, some commercial building may have Energy Management Systems and this data should be sought and utilized as appropriate.

Other Data Sources: U.S. Energy Information Administration (EIA) Commercial Buildings Energy Consumption Survey (CBECS) data specific to New York. For possible methods for inexpensive modeling for commercial buildings look at National Renewable Energy Laboratory (NREL) study, Methodology for Modeling Building Energy Performance across the Commercial Sector, 2008.

Review of the available data, and discussions among NYSERDA, the EAG Statewide Study subcommittee and the selected contractor, will determine the ultimate feasibility of including existing data as part of this study. Issues such as data comparability, representativeness and timing will be considered in deciding whether existing data can be used to supplement or supplant primary data collection. In addition, the secondary research review will ultimately be used in the final report for a comparative analysis against the primary data collected through the study. The analysis will inform which secondary sources best depict the actual market.

In addition to reviewing secondary data, the contractor will be required to propose a data framework (building classification, building size, building consumption, or other) that the study will use to understand the commercial market and structure the study's results. This data framework should anticipate the sharing of results from the study with key stakeholders (e.g., DOE, EPA, Commercial sector market actors and others) and enable those stakeholders to leverage the results with their databases. NYSERDA envisions that the data gathered in this study will need to be updated periodically to remain useful for program evaluation and planning purposes; the data format and study design should be mindful of these future needs.

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<sup>3</sup> NYSERDA expects Plug Load to be characterized but not inventoried in detail given the diversity and difficulty of fully assessing this end use and the fact that existing commercial programs do not provide incentives for plug load measures, such as office equipment.

Using secondary data and knowledge of energy use and related decisions in the commercial market, the selected contractor shall also confirm or help NYSERDA to revise testable hypotheses for the study prior to completing the sampling design and work plan. Currently, NYSERDA's primary hypothesis is that building characteristics (e.g., age) are the main driver for energy efficiency potential in the commercial sector. Beyond the primary hypothesis, it is also thought that tenant demographics (including whether tenants rent or own the building, and who pays the energy bill) and behavioral aspects are also drivers of energy efficiency potential in commercial buildings.

The number of surveys and on-site visits that should be budgeted in responding to this RFP are listed under each task. However, the ultimate number of surveys/visits may change based on the findings from Task 1. Based on the outcome of Task 1, NYSERDA and the other project collaborators may elect to expand, contract or otherwise change some activities described in this RFP under Tasks 2-8.

### **Task 2: Sampling Design**

Once Task 1 is completed to NYSERDA's satisfaction, the contractor will be directed to develop various sampling strategies that could be used for the remaining tasks. The contractor should weigh the costs and benefits of the different data collection methods (phone survey versus on-site visit), sample sizes and levels of disaggregation and associated precision when developing the sampling plans. The contractor should provide estimates of statistical precision that could be expected for each sampling strategy proposed, where attainable the contractor should strive to meet 90/10 precision. The contractor will develop detailed costs for the top three sample design strategies recommended for consideration by NYSERDA and the other project collaborators.

NYSERDA and the other project collaborators will carefully examine the suggested sample designs and associated costs for completing the remaining tasks and will determine which sampling approach is most appropriate for the study. NYSERDA reserves the right to terminate the project if the costs for completing the recommended sample designs exceed the available funding for the project.

In developing the sampling strategy recommendations and the final sample design, the Contractor will need to understand and address the complexity of designing an efficient and effective sample across multiple electric and natural gas utility service territories, weather zones, commercial building types, and addressing other heating fuels. NYSERDA envisions that utility customer account data may serve as a primary data source for characterizing the population and for developing the sample. Assuming this is the case, the contractor must develop a strategy for obtaining appropriate contacts for surveys at each sampled commercial establishment based on utility data.

For purposes of proposing on this RFP, bidders should discuss possible approaches to weigh and select among a number of potential sampling pre- and post-hoc stratification variables, including, but not limited to:

- Age of building, such as >100 yrs, 20-100 yrs, <20 yrs;
- Geographic breakouts, such as weather zone or Upstate/New York City/Long Island;
- Key building types, such as Big Box Stores, Commercial Real Estate, Hospitals Education/Universities;
- Load sizes, such as <300 KW, 300 KW through 1.5 MW, and >1.5 MW;

Oversamples may be required to meet the need for statistically valid data for program impact evaluation and planning purposes for various forms of energy use, customer types, equipment type, weather zones, etc.

### **Task 3: Develop Work Plan**

Upon approval from NYSERDA to move forward with Task 3, the selected contractor shall organize a kick-off meeting(s) and provide a work plan detailing the process, timeline and cost for undertaking activities related to the commercial baseline study, including, but not limited to:

- Recruitment survey for site visits

- Telephone and/or web-based surveys of building owners and property managers, as well as multifamily tenants
- Collecting field data through detailed audits of existing commercial facilities
- Conducting interviews with contractors, distributors, manufacturers and trade association representatives
- Data analysis, report writing and presentation of results

All major deliverables (e.g., work plans, survey instruments, etc.) must be reviewed and approved by the NYSERDA (and through NYSERDA with the other project collaborators) before moving forward.

#### **Task 4: Conduct Telephone/Web-Based Surveys**

Telephone/web-based surveys should be conducted for a sample of existing commercial structures and master-metered multifamily facilities. For commercial facilities, the property owner or manager should be interviewed. For master-metered multifamily dwellings, a sample of tenants will be surveyed in addition to the property owner or manager.

For all types of commercial facilities, the telephone/web-based survey data collection points will address both physical characteristics and behavioral aspects including, but not limited to:

- Facility make-up including number of buildings, number of floors, building distribution and common characteristics of buildings;
- Main space heating fuel and delivery system;
- Water heating fuel;
- Other fuels and their uses;
- Inventory of energy-using/generating equipment and systems (quantity and sizes), including nameplate information if available;
- Count, age, end-use efficiency and hours of use of energy-using/generating equipment/systems (all fuel types);
- Penetration of energy efficient equipment/systems and behavior;
- Set points for HVAC;
- Presence and use of VSDs (Variable Speed Drives) on motors;
- Presence and use of Energy Management Systems, and general energy management strategies;
- Building shell and other characteristics;
- Square footage;
- Facility uses;
- Occupancy level and patterns;
- Common area efficiency practices;
- Decision-making and planning strategies for installing and replacing equipment, including who makes the decisions;

- Other attitudinal and behavioral information of interest, including conservation behavior and attitudes, purchasing behavior, awareness of energy efficient technology, satisfaction with energy efficient technology;
- Past participation in energy efficiency programs;
- The desire for additional educational information among facility managers, and if so what types of information;
- Assessment of market barriers (i.e., need for financing, lack of information, etc) and options for overcoming barriers; and
- Exploration of clean energy financing options.

In addition to the topics outlined above for all telephone/web-based surveys to address, the survey for multifamily building owners/managers should also include, but may not be limited to, questions to determine:

- Number, type and typical size of rental units;
- Presence and characteristics of common or individual laundries;
- Common area attributes, e.g., tennis courts, health club, exercise facility, pool areas, clubhouses, etc.;
- Ownership/management structure and who pays the energy bill (tenant vs. landlord); and
- Common area efficiency practices, including the existence of equipment purchase policies.

For the master-metered multifamily tenant survey, questions should inform in-unit equipment inventory and efficiency level, as well as usage patterns. Home characteristics, demographic (including income level) and attitudinal and behavioral information related to energy use should also be collected.

In the event that NYSERDA wishes to link future research efforts to this study, the telephone/web-based surveys may also recruit for a second survey, e.g., with decision makers.

*For the purposes of responding to this RFP, bidders should assume 4,800 completed phone surveys randomly selected throughout the state. Multifamily interviews will be split between individual residents and property owners/managers. These sample sizes may be altered, if needed, once a bidder is selected and work begins. Bidders should assume the phone survey will be approximately 30 minutes long. It is expected that a survey participation incentive will be necessary to garner customer participation in these surveys. Such survey participation incentives must meet NYSERDA incentive protocols for delivery and tracking and should be included in proposed budgets. Incentive protocols are attached as Attachment F.*

## **Task 5: Conduct On-Site Survey**

Task 5 involves on-site visits to a sub-sample of existing commercial and master-metered multifamily facilities that were surveyed by telephone/web. For existing facilities/buildings the on-site visits will be used to validate information collected over the phone using a nested sample approach, as well as collect more detailed information. The end-uses to be documented are noted below, with a listing of the minimum information that should be collected for each one. The selected contractor will be expected to propose a complete list to meet the project's requirements. This study will not collect load shape data.

### Heating & Cooling Systems, Water Heaters, and Other Appliances

(Other appliances include, but are not limited to washing machines, clothes dryers, dishwashers, refrigerator/freezers, stand-alone freezers, dehumidifiers, wine coolers, and room air conditioners)

- The manufacturer, model number, age and size of energy using equipment will be taken from the nameplate when observable or collected from the tenant/property representative. Presence of ENERGY STAR should be noted and documented (e.g., photograph) if possible from observation.
- Fuel type, including primary and secondary, will be noted from visual inspection and usage patterns from inquiry with owner.
- Various features relating to energy efficiency will be noted such as the existence of a through the door water/ice dispenser for refrigerator freezers or insulation levels for water heaters.
- Ask about the presence of solar hot water heating system, and if appropriate, size, technology, working order, etc.
- To the extent possible, data will be gathered through the on-sites or other means regarding service classification, including monthly and daily KW rates.

Recruitment of commercial buildings for the on-site inspections shall be conducted in a manner that minimizes bias in the sample of buildings/multifamily units selected. All recruiting must be done by personnel with at least one year's experience in data collection recruitment and must follow this protocol: in cases of voice mail or no answers, participants should be called back at least five times (exhausting various times of day) before moving on to the next name. Recruiters shall provide NYSERDA with weekly reports of call disposition, including the number of calls made, refusals, ineligible customers, and participants awaiting callbacks.

All commercial property owners or managers shall be offered the option of scheduling their on-sites on weekdays, evenings, or weekends. We assume that survey participation incentives will be necessary to have dwelling occupants and property owners or managers agree to participate in these on-site visits.

The winning bidder will be responsible for issuing incentive payments in a manner that meets the NYSERDA incentive protocols and is not administratively burdensome on the participants. Bidders should include costs for recruitment incentives in their bid price, but clearly identify the incentive as a separate line item. Any survey participation incentive payments made shall come out of the identified budget for this study.

*For the purposes of responding to this RFP, assume 1,100 on site surveys selected throughout the state. These sample sizes will be determined once a bidder is selected and work begins. It is expected that a survey participation incentive will be necessary to garner customer participation. Such financial incentives must meet NYSERDA incentive protocols for delivery and tracking and should be included in proposed budgets. Incentive protocols are attached as Attachment F.*

## **Task 6: Market Assessment**

The purpose of this research is to understand current practice regarding installations, maintenance and efficiency

of equipment. There are four equipment areas under consideration for in depth evaluation: HVAC, lighting, energy management systems/controls, and water process heating. These equipment areas may change as the project scoping begins, but bidders should assume the four equipment types identified here for purposes of developing their proposal.

This research is intended to help inform sponsors of the market penetration for high efficiency commercial equipment and help support future market effects evaluation studies. Market channels and specification practices for these technologies would also be characterized. This investigation would look at the market differences throughout the state for the geographic breakouts defined in the sampling design.

The contractor will conduct interviews with trade associations, manufacturers, distributors and contractors to determine the percentage of equipment that meets certain efficiency criteria, and determine the extent of market maturity/transformation for certain levels of efficiency. Also, the contractor should factor in current and future DOE standards/code changes for relevant equipment. Where possible, the contractor shall obtain and use industry data on sales, distribution or other indicators to inform this assessment. Any cost of obtaining such data should be included in the overall bid price.

*For the purposes of responding to this RFP assume 280 interviews (70 per technology area) with Equipment Contractors, Distributors, Manufacturers and Trade Association Representatives. The actual number of interviews and technology areas may change as work plans are developed. It is expected that a survey participation incentive will be necessary to garner participation. Such survey participation incentives must meet NYSERDA incentive protocols for delivery and tracking and should be included in proposed budgets. Incentive protocols are attached as Attachment F.*

### **Task 7: Commercial Potential Study**

The purpose of this task is to conduct a potential study of additional technical, economic and achievable commercial energy efficiency opportunities in NY over the next 3 and 5 years. The objective will be to identify opportunities not yet identified and, if and where possible, to recommend programs or actions to pursue those opportunities found to be cost-effective.

- Conduct a detailed review of current efficiency program offerings including participation and savings data over the last 5-10 years (depending on what is available) as well as which technologies are available and most often installed through the existing programs.
- Survey a number of key players in the New York energy efficiency market to get their input on and estimates of the potential for various technologies and programs.
- Produce an up to date list of currently available and soon to be commercially available technologies which may play a part in future efficiency programs.
- Using the data collected from the previous tasks, estimate current saturation of energy using equipment and penetrations of energy efficiency equipment identified in commercial buildings.
- Develop a simplified end-use model of state electricity and fuel consumption, and peak demand by sector which can be used to true-up the estimates of technical potential against actual consumption/demand. The utilities will provide sales for the commercial sector.
- Assess the maximum technical potential for electricity and fuel savings over 3 and 5 years using the end-use model developed as a sanity check of the estimates.
- Estimate the economic potential for energy efficiency resources and the cost required to achieve that potential. The economic potential is defined as the portion of the technical potential that is cost effective and lower cost than supply.
- Provide sensitivity analyses of energy efficiency savings to differences in the resource levels (staffing, incentives, marketing, etc.) of energy efficiency programs. This analysis should also attempt to estimate the likely level of achievement of the predicted potential in the absence of programs.

The final results of the projects should be available in an electronic Excel spreadsheet that can be distributed without any copyright protection.

### **Project Deliverables**

Key deliverables to be completed by the selected contractor include, but may not be limited to the following. Each key deliverable shall be subject to review and approval by NYSERDA and other project collaborators.

- Clear, overarching study schedule to inform different stakeholders and users of the study outputs and the timing of the information availability. In addition to the below items, the contractor(s) will likely be asked to produce other interim deliverables to inform different stakeholders of the study's progress throughout the process.
- Draft and final work plan.
- Report on secondary research review, hypothesis confirmation/revision, and proposed data framework for the study.
- Draft and final telephone/web-based survey instruments and interview guides.
- Draft and final data input form for the on-site inspections.
- Preliminary report of primary data collected through early 2015 to inform statewide energy program planning.
- Cleaned and coded survey and interview data files and final, clean data from site inspections. Such data sets shall be provided to NYSERDA for internal use, as available. Additionally, NYSERDA intends to publish anonymized data sets through Open NY.
- Draft and final reports describing goals and objectives of the study, activities and methods undertaken, results and analysis of findings for all tasks.
- Presentation of results to NYSERDA, DPS, the EAG and other stakeholders, as requested, along with participation by phone in approximately three (3) briefings with NYSERDA Senior Management as the study is in progress.

The inspection data input form will be in spreadsheet or other comparable/superior format and contractors or subcontractors will be asked to submit all completed forms electronically at least once every two weeks. At the outset of the project each contractor involved with data collection will be asked to conduct one on-site visit and return the completed form to NYSERDA before conducting any additional on-site visits. After each contractor has submitted one completed form, NYSERDA and the Contractor team lead will review the submitted forms and discuss any needed revisions to the form with the contractors to ensure all contractors complete the forms consistently.

### **Contractor's Responsibility**

The selected contractor shall be responsible for timely completion of the requirements described in the Services Requested section of this RFP and the resulting Statement of Work.

The selected contractor must assume overall responsibility for coordinating and conducting field work and surveys (whether done by the contractor or one or more subcontractors), analysis and reporting required by this RFP (whether or not done by the contractor or one or more subcontractors); adhering to proposed project budgets; and act as liaison with study sponsors as requested and have responsibility for completing the deliverables under the contract. To inform program planning and other programmatic efforts the contractor must complete the final baseline study report within 24 months from when the contract is signed.

The selected contractor shall keep NYSERDA and project collaborators informed using a method(s) to be selected by NYSERDA, either by telephone, in-person meetings, or email, bi-weekly, on the progress of the baseline study.

The selected contractor shall participate in meetings, as needed, with NYSERDA and the other project collaborators staffs. The selected contractor may utilize sub-contractors and or teaming arrangements as needed to fulfill the requirements of this RFP. If a team is proposed, respondents to this RFP must be able to demonstrate that they have or can create a teaming arrangement that is directly applicable and consistent with the baseline and potential study evaluation needs of this RFP. The primary contractor of the team shall be responsible for maintaining continuous correspondence with NYSERDA and the other project collaborators ensuring all deliverables are provided according to an approved time-line.

In any and all circumstances, study efforts shall be based on the following principles:

- The study shall ensure objectivity, fairness, and balance in terms of the types of data collected. Only those data deemed necessary for evaluation purposes shall be collected.
- The study shall be based on sound methodology, credible data and analysis, and adhere to the highest professional standards.
- Conclusions drawn from the study shall focus on establishing a baseline for commercial building stock and associated energy.

The selected contractor shall employ good data documentation practice procedures to ensure that NYSERDA can replicate the study in the future and conduct comparisons of results and analyze changes over time. In addition the selected contractor shall provide all data sets from data collection activities. The structure and delivery of these data sets shall be determined upon further discussion between NYSERDA and the selected contractor.

### **NYSERDA Responsibility**

The NYSERDA Project Manager will be responsible for overseeing and managing all tasks undertaken by the selected contractor, including but not limited to reviewing, commenting and approving tasks and subsequent deliverables; coordinating with the project collaborators on such reviews and decision-making; promoting coordination between the selected contractor and various project stakeholders, as needed; and approving invoices promptly. The NYSERDA project manager's role will include facilitating input from other project collaborators and resolving any divergent opinions or input received.

### **Project Schedule**

This RFP outlines a major, comprehensive study effort that will take significant time to complete. Final study results need to be delivered and all work identified in this RFP completed no later than 24 months from when the contract is signed. More aggressive schedules will be given special consideration during proposal evaluation as long as bidders present sufficient evidence that they possess and can dedicate the resources to accomplish the work on the time line proposed, and acknowledge the complexities and possible roadblocks that can arise in conducting a study of this magnitude. Proposals should include a detailed schedule, including dates by which the following major study milestones will be completed.

- Kick-off Meeting
- Review of Existing Data
  - Data Framework
  - Hypotheses Confirmation/Revision
- Work Plan
- Sample Design
- Sample Selection and Survey Instrument Design
- Phone Surveys

- Site Surveys
- Vendor Surveys
- Draft Report
- Final Report and Data Delivery

## **Project Budget**

Substantial consideration will be given in proposal review to cost efficiency and value.

The total funding available to support the services requested under this RFP and the utility service territories identified for this study, at this time, are subject to change based on the needs of NYSERDA and the DPS/EAG, programmatic responsibilities, and regulatory and legislative requirements. Bidders are to include all costs associated with this RFP in their bid price.

In order to evaluate the cost component of each proposal, NYSERDA requires that a CPPF budget be developed that uses the sample sizes (shown in italics) for Tasks 3-7 in this RFP. However, it is important to note that these proposed sample sizes are for bidding purposes only and may change once the final bidder is selected and planning begins. NYSERDA also encourages bidders to make sample recommendations for each task, as appropriate, including the reasons and benefits for proposing such changes. If changes are suggested, a second budget also should be included that reflects the recommended sample sizes.

## **Proposer Qualifications**

This study will require the selected contractor to become familiar with and fully understand the breadth and depth of the portfolio of NYSERDA and utility commercial and multifamily programs, program and portfolio interactions and relationships, and utility territories. The selected contractor should plan on reviewing secondary data sources including evaluation reports that have been conducted for NYSERDA and utility programs. In addition, the contractor will be expected to be aware of any other NYSERDA or utility ongoing evaluations, be familiar with the evaluation guidelines developed by DPS staff and the EAG, and participate in program evaluation design and coordination activities.

The use of sub-contractors and/or teaming arrangements as needed to fulfill the requirements of this RFP is appropriate and encouraged. If a team is proposed, respondents to this RFP must be able to demonstrate that they have or can create a teaming arrangement that is directly applicable and consistent with the baseline and potential study evaluation needs of the NYSERDA and other project collaborator programs and this RFP. The primary contractor of the team shall be responsible for maintaining continuous correspondence with NYSERDA and the other project collaborators and ensuring all deliverables are provided to NYSERDA according to an approved time-line line and meeting quality standards.

Bidders are strongly encouraged to form interdisciplinary teams to meet project goals. Teams may consist of a variety of entities beyond program evaluation, market research and field data collection experts including, but not limited to: experts in the commercial building stock in New York State; industry associations; government organizations; universities; research organizations; or others. Teams with multi-disciplinary expertise, and experience in working with commercial building stock and energy use will be necessary to complete the complex project requirements. A superior proposal will include a combination of experience in energy program evaluation/market research as well as experience in the commercial market.

In addition to the services described above, the following requirements must also be fulfilled by the selected contractor:

### Energy Program/Fuel Type Coverage

- Must demonstrate the expertise or capability to evaluate various types of energy programs including electric, natural gas, fuel oil and propane energy efficiency projects, electric demand reduction projects, as well as on-site generation including combined heat and power and renewables.

#### Audience Coverage

- Must have the experience and capability to work with, and conduct analysis for, a wide-variety of energy users within the commercial sector as defined in this RFP.

#### Technical Support Requirements

- Must be able to demonstrate technical expertise and capability to design study and evaluation plans and carry out all associated work. Past projects relevant to supporting knowledge and experience in baseline and potential study evaluation activities and field work experience shall be included and summarized in the proposal.
- Must be able to demonstrate technical expertise in survey and interview guide design and development through an understanding and application of survey design principles related to appropriate wording of survey questions, length of survey, survey structure, etc. Past projects relevant to supporting knowledge and experience in survey design and development shall be included and summarized in the proposal.
- Statistical software expertise with SPSS or SAS. Must be able to demonstrate expertise in appropriate statistical analyses and interpretation of various statistical tests associated with survey or other data.
- Computer software proficiency in MS Excel, MS Access, MS PowerPoint, MS Word, etc.

#### **Reporting Requirements**

- The primary contractor of the team shall be responsible for maintaining regular and timely correspondence with NYSERDA and the other project collaborators and ensuring all deliverables applicable to the contract are provided to NYSERDA according to an approved timeline meeting quality standards; providing weekly/bi-weekly and/or monthly reporting of all activities pertaining to the contract as determined by the NYSERDA and the project collaborators. These status reports shall indicate what specific study efforts are underway, and progress made on those efforts including tracking against the schedule outlined in the detailed baseline and potential study evaluation plan and any subsequent work plans. These reports shall also detail any issues or problems that arise, and the contractor's proposed solution.
- Provide detailed and comprehensive reports on each project and major activity as it is completed. These reports shall provide supporting information that NYSERDA and project collaborators will need to conduct a detailed review of the data, analysis and conclusions.
- Provide reports on the results of each site visit conducted.
- Provide reports on the tracking and delivery of survey participation incentives, per Attachment F.
- Provide invoices and/or expense reports via Excel, tracking expenditure rates per task.

### **III. Proposal Requirements**

Proposers must submit ten (10) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Proposal. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which must contain an original signature. In addition to the 10 paper copies, one digital copy of your proposal on a CD-ROM in either Microsoft Word or Portable Document Format (PDF) readable on Microsoft Windows XP Systems. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned.** Be sure that the individual signing the checklist is

authorized to commit the proposer’s organization to the proposal as submitted. Proposals that include teaming arrangements must designate one party as the lead contractor. Faxed or e-mailed copies will not be accepted.

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. The proposals should not exceed 22 pages, excluding the conflict of interest, cost proposal and appendices. Each page of the proposal should state the name of the proposer, the RFP number, and the page number. The proposal must be in the following format:

Proposal Format

RFP 2384 Proposal Checklist (Attachment A)

- Section 1: Introduction and General Information
  - Section 2: Statement of Work/Approach
  - Section 3: Management Structure
  - Section 4: Qualifications, Experience, and References to Similar Projects
  - Section 5: Potential Conflict of Interest
  - Section 6: Cost Proposal
- 
- Appendices: Resumes of Key<sup>4</sup> Personnel
  - Summaries of Relevant Work Products
  - Letters of Commitment

**RFP 2384 Proposal Checklist**

The checklist is attached to this RFP. It must be attached to all 10 copies of the proposal. At least one copy must contain an original signature.

**Section 1: Introduction and General Information (2 pages)**

Proposers shall summarize their understanding of the objectives and requirements of this RFP. Proposers shall briefly identify key information about their organization and any other organizations that are part of the proposer’s team. Proposers shall describe how the organization or team is qualified to perform and complete the services requested under this RFP.

**Section 2: Statement of Work/Approach (13 pages)**

The Statement of Work must be consistent with the deliverables and schedule outlined in this RFP. Provide a plan of how you will assist NYSERDA in designing and implementing the baseline and potential study evaluation activities outlined in this RFP and a time-line for completing these activities. Provide a general description of how you will assess the baseline and potential of the NYSERDA and utility programs, consistent with the specific items listed in Section II A. Describe your approach and methodology, and define your rationale for both with reference to the range of methods available and how you would choose methods that are most appropriate. Describe the actions you will take to complete each task.

**Section 3: Management Structure (2 pages)**

Proposers shall identify all team members, including the Principal or Lead contact, who will be responsible for ensuring that all deliverables and ultimate projects are timely and of good quality, as well as a backup lead person should this need arise. Provide a clear description of the roles and responsibilities of each key person in completing the work plan. Provide the names and addresses of subcontractors. Provide an organization chart and

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<sup>4</sup> Key Personnel is defined as project leads, senior staff assigned to the project, and other staff that will spend 40% or more of their billable hours dedicated to this study.

discuss how you would structure the team to efficiently and effectively meet the needs of NYSERDA and other project collaborators to conduct the baseline and the optional potential study evaluation activities covering a broad range of program types, sectors, program geographic regions, data inputs and analytical approaches. Describe how you plan to coordinate the design and implementation of the study among all team members/subcontractors and with NYSERDA. Discuss how you would manage and maintain flexibility to accommodate potentially short notification times and tight deadlines.

**Section 4: Qualifications, Experience, and References to Similar Projects (5 pages)**

Describe specific experience pertaining to this type of baseline and potential study evaluation work. Discuss proposed teaming arrangements, if applicable. State the team's individual and combined expertise that would enable successful completion of the project. List and briefly describe relevant projects that have been completed by the proposer/proposing team. Include specific examples of prior work involving: expert baseline and potential study evaluation design, data collection including field work, data analysis, reporting of findings as well as interpretations and recommendations related to this work. Indicate which team members were responsible for each project element described. Resumes of key personnel shall be provided in an appendix. Indicate the name and telephone number of at least three references for whom your organization, or proposed teaming arrangement if appropriate, has recently completed similar, relevant projects. Summaries of related work products and other supporting materials that demonstrate your ability to complete the work requested in this RFP may be submitted as attachments to your proposal.

**Section 5: Potential Conflict of Interest (1 page)**

Identify the nature of any potential conflicts of interest among team members in providing services to NYSERDA under this RFP. Fully discuss possible conflicts of interest, actual and perceived, which could arise in connection with performance by team members of the proposed contract. Describe how your firm would resolve conflicts of interest.

In the event that NYSERDA determines that a team member may have a conflict of interest or the appearance of a conflict of interest, NYSERDA may: (1) take this into consideration in evaluating the proposal; (2) adjust the scope of work to avoid the conflict or appearance of conflict; or (3) negotiate other appropriate actions with the team member to avoid the conflict or appearance of conflict.

**Section 6: Cost Proposal**

Substantial consideration will be given to cost-efficiency and competitive pricing in the proposal review and scoring.

Using the Attachment C Contract Pricing Proposal Form (CPPF) as a template, submit the name, title, hourly rate and estimated total hours for the project for each individual proposed to perform the work outlined in Section II Project Requirements, Subsection A, Services Requested (including all subcontractor personnel). Use the CPPF to provide overhead multipliers for the duration of the project.

Attach 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) are consistent with generally accepted accounting principles for indirect costs.

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

Additionally, if there are any significant direct costs associated with conducting the on-site field work requested in this RFP, please provide a detailed schedule of those costs in your proposal.

Separate from the CPPF form, bidders should provide an overall cost per task for each task listed in the Services Requested section of this RFP. For tasks 4-7, bidders should also separately indicate the cost-per-complete for each survey/interview/site visit conducted. The cost should be inclusive of only data collection/data entry, and exclusive of survey instrument development and data analysis. Additionally, separate pricing (total dollar value to complete) should be provided for any tasks or task elements identified as "optional" in this RFP.

## **Appendices**

Materials to be submitted include:

- Resumes of key personnel that will complete the tasks described in "Section II.A: Project Requirements – Services Requested."
- Summaries of related work products that demonstrate your ability to conduct large scale baseline and potential study evaluation activities that demonstrate your capability to perform the tasks that would be identified in such a strategy.
- Letters of Commitment from any subcontractors.

## **Proposal Evaluation**

All proposals received by the due date and meeting the requirements established in this RFP will be reviewed and ranked by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers. Final rankings and the contract award will be based on the following Evaluation Criteria:

### *Responsiveness to the Work Scope of the RFP*

- Does the proposer present a sound approach for accomplishing the objectives of this RFP?
- Is there a sound rationale or justification for the proposed approach (es)?
- Is the approach in alignment with best practices and protocols of conducting baseline and potential studies? Does it build upon the prior work of NYSERDA or utilities in this area? Does it present quality insights on study design, hypothesis testing and new innovative approaches that could be applied?
- Has the proposer demonstrated a clear understanding of the project goals and objectives?
- Does the proposer appear to have the flexibility to accommodate potentially short notification times and tight deadlines?
- Is the proposed schedule for completing the study timely and realistic?
- Has the proposer demonstrated a thorough understanding of NYSERDA and New York utility energy efficiency programs?
- Is there clear evidence that the proposer possesses the capability to conduct large scale studies involving comparable primary data collection, and present information in clear and concise reports?
- Is the Statement of Work thorough, specific, and consistent with the stated objectives?

### *Relevant Experience and Qualifications*

- Does the proposer team include expertise and partnerships beyond program evaluation, market research and field data collection staff? Does the proposal include a role(s) for different entities with expertise in the commercial building stock and energy use generally and, if possible, in New York State? Teams with multi-disciplinary expertise will be viewed more favorably in the review process.
- Are key personnel's education and experience relevant to project needs?
- Is the project staff's overall capability appropriate?
- Does the proposing team have experience in conducting similar baseline study/potential study projects?
- Does the proposing team have experience in conducting on-site data collection?
- Does the proposing team have the technical expertise in survey and interview guide design and implementation as well as statistical software applications?
- What is the quality of the project staff's performance on past projects or their achievements related to the proposed work?
- Does the proposer have the technical expertise to understand and synthesize findings generated from the primary and secondary data sources envisioned in this project?

#### *Comprehensiveness of Approach and Management Plan*

- Does the proposer demonstrate the ability to complete all aspects of the project?
- Has the proposer demonstrated the ability to institute appropriate data collection and analysis procedures (including statistical analysis software programs)?
- Are appropriate management and coordination strategies articulated?
- Are sufficient resources being devoted to the project?
- Does the proposer demonstrate dedication to this project by key personnel?
- Is the project organization, including the staffing plan, clear and well-defined?
- Does the proposer describe a quality control strategy for key project elements such as data collection, data analysis and reporting?
- Is the staffing plan sufficient to provide timely deliverables?
- Is there one team member designated as the day-to-day NYSERDA contact and is there an informed and involved backup lead person designated should the need for this arise?

#### *Cost*

- How cost-effective is the proposal overall?
- Are hourly rates, overhead rates, indirect cost, other cost multipliers, and total hours reasonable and appropriate for the proposer's and subcontractor's personnel completing the tasks?
- If any direct costs are associated with the on-site metering and monitoring work, how competitive are they?
- Are the survey/interview/on-site costs-per-complete reasonable and competitive?
- Are the proposer's and subcontractor's rates cost effective when compared to comparable proposals?
- Is the cost proposal reasonable given the amount of work being required?

#### *Other*

- Is the proposal well-organized, well-written, and complete?

- Does the proposal offer economic benefits in New York State? A local office, while not required, would be considered favorably.
- Do appendices include resumes of key personnel and letters of commitment from subcontractors?

## Procurement Lobbying Requirements

### 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.nyserda.ny.gov/About/New-York-State-Regulations.aspx>.) 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 (Attachment B). Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

### 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 (<http://www.nyserda.ny.gov/About/New-York-State-Regulations.aspx>). 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/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 one award 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. NYSERDA expects to notify proposers in approximately ten (10) weeks from the proposal due date whether your proposal has been selected to receive an award.

**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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#### **IV. Attachments**

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-responsibility

Attachment C - Contract Proposal Pricing Form and Instructions

Attachment D - Intent to Propose

Attachment E - Sample Agreement

Attachment F - Incentive Protocol