



Energy Efficient Transportation Systems Program Opportunity Notice No. 1554



\$1,500,000 Available

PROPOSALS DUE: September 17th, 2009 by 5:00 pm Eastern* Time*

In partnership with the New York State Department of Transportation (NYSDOT), the New York State Energy Research and Development Authority (NYSERDA) Program Opportunity Notice (PON) 1554 seeks proposals with the goal of developing and/or demonstrating strategies and/or enabling commercial technologies that have the potential of incrementally improving the energy efficiency of the existing multi-modal transportation system in New York State. Total available New York State funding is \$1,500,000. All, or none, of the available funding may be allocated. This solicitation includes the following:

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Proposers must submit fifteen (15) 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. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, PON No. 1554
NYS Energy Research and Development Authority
17 Columbia Circle, Albany, NY 12203-6399

If you have technical questions concerning this solicitation contact Joe Tario at (518) 862-1090, ext. 3215 (jdt@nyserda.org) or Richard Drake at (518) 862-1090, ext. 3258 (rld@nyserda.org). If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 (nsm@nyserda.org)

No communication intended to influence this procurement is permitted except by contacting Joe Tario (Designated Contact) at (518) 862-1090, ext. 3215 (jdt@nyserda.org). Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer’s behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offer, and (2) may result in the proposer not being awarded a contract.

*Late proposals and proposals lacking the appropriate 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 NYSEERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEERDA’s web site at www.nyserda.org

I. INTRODUCTION

The State's transportation sector in 2007 was responsible for 37 percent of greenhouse gas production and 71 percent of petroleum use, the single largest sector in either category. It is the policy of New York State that transportation goals for mobility, safety and the economy be viewed in conjunction with goals for energy use and environmental protection and enhancement. The transportation system has a major effect on energy use and the environment, making it important to take all reasonable measures to reduce fossil fuel consumption, increase energy efficiency and lower greenhouse gas production.

New York State is fortunate to have the most energy-efficient transportation sector in the United States. The State's extensive support for public transportation contributes to the lowest per capita transportation energy consumption in the nation. Energy consumption for transportation purposes in New York is roughly two-thirds that of the national average.

Similarly, New York State's transportation sector produces fewer tons of greenhouse gases per capita than any other state. This is due in large part to the land use patterns downstate in the New York City metropolitan area which enables an extensive and heavily used transit system. There is also an active Transportation Demand Management (TDM) effort downstate, aimed at reducing single occupancy auto trips. Upstate, New York State supports transit systems and there are numerous park and ride lots throughout the State.

Notwithstanding this impressive record, New York State is committed to substantially reducing the footprint of its transportation system on the environment and further improving its energy efficiency. The goal of this joint NYSERDA / NYSDOT 2009 solicitation is to develop and/or demonstrate strategies and/or enabling commercial technologies that have the potential of incrementally improving the energy efficiency of the existing transportation system.

Travel primarily occurs in transportation corridors. For the purposes of this solicitation, an eligible transportation corridor is a combination of multi-modal transportation facilities which support the movement of people and goods, to, from, and within New York State. As transportation corridors, they support business, personal, and tourism travel. They connect economic centers within the State, and provide access to other State, or regional and national corridors, or international transportation gateways and multimodal networks. In New York State, the most significant transportation corridors align with the interstate highways and generally include parallel arterials, transit services and rail facilities.

The intent of this solicitation is to geographically cluster funded-projects into eligible transportation corridors where they can build on each other, exploit potential synergies, and provide a "showcase" of innovative transportation technologies.

As recently noted in the news, significant development activities have begun or are in planning for Saratoga County along the I-87 corridor north of Albany. These include a 1.3 million-square-foot microchip manufacturing facility in the Luther Forest Technology Campus, a planned NYS Department of Environmental Conservation (NYSDEC) Alternate Fuel Vehicle Research Laboratory, a \$13.5M Training and Education Center for Semiconductor Manufacturing and Alternative and Renewable Technologies (TEC-SMART) being initiated by Hudson valley Community College, and numerous new tenants at NYSERDA's Saratoga Technology + Energy Park (STEP). The corridor also has a diverse mix of travel. Along with trade and commuter traffic, the Saratoga Performing Arts Center and the Saratoga horse racing facilities attract significant seasonal tourist traffic.

As a result of this mixed traffic, dramatic growth and the anticipated increase in countercurrent transportation flows, the I-87 corridor north of Albany possesses special interest during this solicitation cycle, however all eligible New York State transportation corridors will be evaluated equally by the solicitation review panel.

Traffic congestion is a serious and growing problem, particularly in major metropolitan areas. Much of the current congestion is concentrated in critical transportation corridors that link activity centers and carry high volumes of people and goods. Improving movement through these critical transportation corridors could yield significant benefits in terms of reducing energy, travel time and delays. Improvements could also increase reliability and the predictability of travel. In The 2007 Urban Mobility Report, the Texas Transportation Institute calculates that in 2005, Americans who commute during peak hours spent an average of 38 hours per year — beyond their normal commutes — in gridlock. The greatest congestion often occurs along critical transportation corridors, which link residential areas with business centers, sports arenas, and shopping areas. Travel demand on U.S. roadways is outpacing available capacity, but new road construction alone will not solve the growing problem.

Examples of qualifying strategies and enabling technologies might include Intelligent Transportation System (ITS) technologies such as ramp meters, advanced traffic control, variable speed signs, incident management strategies and parking notification, which can be operationally integrated at a corridor level. Analysis and evaluation tools may also be developed to support strategy development and selection. Proposers should consider the existing transportation system from a corridor perspective. Where appropriate, the proposed approach should be comprehensive and extend beyond the interstate highway system to consider adjacent transportation facilities and land uses. The proposal may address multi-modal needs and issues and strive to promote a long-term corridor view. Efforts should be made to preserve and enhance existing services and functions, and to identify investment priorities. Proposers should encourage partnerships between government interests, communities, and others, and strive to link state-level policies to regional and corridor level implementation activities.

Operational scenarios such as signal timing coordination in conjunction with ramp metering or strategies that coordinate freeway, arterial, and transit operations may be studied to identify what ITS technologies and strategies can be combined most effectively to improve corridor operations. e.g. Will the setting of a variable speed limit in conjunction with a ramp metering setting and signal timing plan on the adjacent arterials assist in mitigating the impact of a major corridor freeway incident? How might transit signal priority affect a signal/ramp meter pair? Where and how should coordinated managed lanes on freeways and arterials be implemented? Should HOT lanes be implemented to achieve the most efficient use of corridor capacity?

Additionally, there are a number of proven transportation demand management (TDM) strategies available to cities, property owners, employers, and others to reduce vehicle trips. The effectiveness of the various strategies will vary depending on the types of land use and travelers they are directed toward. TDM treats mobility as a means to an end, rather than an end in itself. It emphasizes the movement of people and goods, rather than motor vehicles, and so gives priority to more efficient modes (such as walking, cycling, ridesharing, public transit and telework), particularly under congested conditions. It prioritizes travel based on the value and costs of each trip, giving higher value trips and lower cost modes priority over lower value, higher cost travel, when doing so increases overall system efficiency.

Transportation energy efficiency might also include strategies and technology to lower operating costs, such as developing or demonstrating more reflective material and/or lighting which is designed to be more efficient, including lighting used during nighttime construction.

By funding this research, the sponsors seek to assist decision-makers in defining the key concepts, identifying the factors affecting transportation energy efficiency, as well as developing and/or demonstrating strategies, implementation measures and innovative technologies that seek to address the issues. It is also envisioned that the proposed research will provide insight into the linkages between land use and transportation, and related factors such as traffic congestion, air quality, energy conservation and the conversion of open space and farmland to urban uses.

II. PROGRAM REQUIREMENTS

Solicitation Goal. The goal of this solicitation is to develop and/or demonstrate strategies and/or enabling commercial technologies that have the potential of incrementally improving the energy efficiency of the existing multi-modal transportation system in New York State.

Project Categories. Three categories of projects will be considered for funding:

1. Policy Research and Feasibility Studies. Analytical research to develop and evaluate new strategies and policies for New York State that have the potential to achieve the goal of this solicitation. Also eligible are feasibility studies including, but not limited to preliminary studies such as conceptual design, technology and market assessments, that are necessary precursors to the development and commercialization of new products capable of achieving the goal of this solicitation. Projects funded in this category will be limited to a maximum of \$75,000 of New York State funds per project.
2. Demonstrations of Underutilized Strategies and Policies that have the potential to achieve the goal of this solicitation and that require only minor amounts of equipment and/or materials purchased for implementation. The New York State share of funding for any project in this category will be limited to a maximum of \$150,000.
3. Demonstrations of Underutilized Commercial Technologies that have the potential to achieve the goal of this solicitation and that have not been previously deployed in New York State to any significant extent. The New York State share of funding for any project in this category will be limited to a maximum of \$300,000.

The first category is designed to fund paper studies, which may or may not include field and/or market data collection. Studies may comprise feasibility assessments, engineering studies, and related analysis necessary to establish the energy, environmental, and additional benefits of a relevant policy, strategy, product or technology. Examples of additional benefits include financial impacts, as well as potential impacts in the areas of operations, maintenance, safety, reliability, mobility, and security.

The second and third categories are similar, but differ in the amount of materials and equipment required to be procured for the demonstration. Category 2 seeks to demonstrate Underutilized Strategies and Policies, which have been proven to be effective elsewhere - including perhaps, elsewhere in NYS. The intent is to replicate fundamental changes in system operation, which can be readily implemented without major expenditures. For this category, proposed purchases of materials and equipment are limited to 30% of the total project budget. Examples of qualifying Category 2 proposals might include: park and ride programs, incident management, work zone management, and innovative freight delivery.

The third category is designed to fund the limited demonstration of existing Underutilized Commercial* Technologies that have been successfully deployed in other states, but that have not been previously deployed in New York State to any significant extent. Benchmarking is defined as the process of determining who is the very best, who sets the standard, and what that standard is. This category is aimed at finding new and emerging “best practices”, which have yet to be significantly deployed in New York State. As contrasted to Category 2, it is recognized that significant procurement of material and equipment may be necessary.

*A commercial technology is defined to be a product, such as an item, material, component, subsystem, or system, applicable to transportation and sold or traded in reasonable quantities on the open market within the course of normal business operations at prices based on established catalog or market prices with industry-standard deliveries, terms, and warranties.

II. PROGRAM REQUIREMENTS, continued

Category 3 proposers will be required to establish that the transportation technology is fully commercial and that no significant product development is required. Transportation technologies requiring additional product development should be proposed to NYSERDA's *Advanced Transportation Technologies* solicitation, which is generally issued each year and specifically targets transportation product development. (For example: PON 1520, which is available in calendar year 2009).

Project Scope. Projects selected for funding must:

- Provide readily-quantifiable transportation energy reductions in New York State.
- Emphasize the ultimate deployment of technical solutions rather than conducting basic research.
- Document additional mobility and reliability, environmental, economic, safety and security benefits in New York State.
- Be consistent with metropolitan transportation plans in New York State and with transportation-related regulations at the federal or state level.
- Provide some level of cost-sharing by the proposer or third parties in the form of cash or in-kind labor, materials, equipment, facilities, and other resources, subject to reasonable and verifiable valuation. Co-funding may be from the proposer or other private or government sources. New York State funds cannot be used to reimburse or replace normal expenses of other government organizations.

Other Considerations. In addition, note that:

A proposal may be considered non-responsive if it fails to comply with the requirements above, the Proposal Requirements of Section III, or the General Conditions of Section V.

Projects are expected to begin within six months of the proposal due date. Generally the project schedule should not exceed 24 months, except to indicate the approximate duration of future phases (beyond the proposed phase) of a multi phase project.

Multi phase projects are acceptable as long as the proposal only requests funding for one clearly-defined phase and adheres to the funding limit for the appropriate project category as described under "Project Categories" above. The proposer must accept that any contract awarded to fund one phase of a multi phase project does not in any way obligate New York State to fund later phases.

Teaming arrangements are strongly encouraged, where appropriate, to enhance the likelihood of project success. Proposal teams may include commercial firms, industry associations or research organizations, universities, government agencies, end-users, and other stakeholders. Letters of interest or commitment from each identified team member should be included in an appendix to the proposal. The lack of such letters, especially in cases where co-funding is indicated, is viewed as a very serious proposal deficiency and will be judged accordingly in the technical evaluation process.

Prior to an award being made, potential contractors may be required to demonstrate access to financial resources sufficient to perform the proposed work, technical experience and adequate facilities (or the ability to access them), a good performance record, and the ability to qualify for an award under applicable laws and regulations.

III. PROPOSAL REQUIREMENTS

Total proposal length should ideally be 20 pages or less, plus letters of interest or commitment in an appendix. Suggested page limits for each section are provided below in parentheses. If you believe proprietary information must be submitted to present an adequate proposal, please contact an individual listed at the beginning of this PON and comply with the Section V instructions for submitting proprietary material. Rigid bindings and other elaborate presentation material should not be used – a single staple in the upper left corner is preferred. Your goal as a proposer should be to concisely present the information needed to fully address the evaluation criteria (see Section IV). Proposals that grossly exceed the page limits or fail to follow the format guidelines may be rejected as non-responsive.

Proposers must submit fifteen (15) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Program Opportunity Notice. A completed and signed Proposal Checklist (Attachment A) must be attached as the front cover of your proposal, one of which must contain an original signature. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed copies will be not be accepted.**

Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response may negatively influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the PON number, and the page number. The proposal must be in the following format and should present the items in the sequence indicated below.

Proposal Sections. Sections of your proposal should be as follows and assembled in the order indicated:

1. Proposal Checklist. Complete the specific Proposal Checklist attached as part of this PON, and include it as the front cover of the original and each copy of the proposal. Note the following:

- Indicate whether you accept the standard terms and conditions as contained in the attached Sample Agreement. If you do not accept the standard terms and conditions, provide alternate terms with justification based on the risk and benefit to New York State.
- Do not leave any blanks. If a specific question is not applicable, indicate n/a.
- Be sure the individual signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted.

2. 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 texts of the laws are available at:

<http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

3. Executive Summary (one to two pages). Indicate the category (1,2 or 3) to which your proposal is being submitted. Summarize the project, including the transportation-related issue or opportunity being addressed, and its significance to New York State. Clearly outline your proposed approach and how it will improve transportation energy efficiency. Provide a list of the project team members and their qualifications to do the work. Quantify other potential mobility and reliability, environmental, economic, safety and security benefits to the extent possible.

III. PROPOSAL REQUIREMENTS, continued

4. Background and Proposed Approach (three to four pages). Provide a narrative of the transportation sector being impacted, how it currently operates and what opportunities exist for improvement. Explain fully how the efficiency of the existing NYS transportation system will be enhanced and specifically how energy will be reduced. If applicable, discuss your solution's relevance to any metropolitan transportation plan or transportation-related regulation.

5. Proposed Statement of Work and Schedule (three to four pages). The Statement of Work (SOW) is the primary contractual document that outlines work activities and quantifies deliverables. It specifically delineates each step or procedure required to accomplish the project objectives. Therefore, each action shall be identified, indicating who will perform it, how it will be performed and its intended result. Be clear and specific: concentrate on "how" and not "why." 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 and subtask: "The Contractor shall"

Include a list and two or three-sentence description of each of the major tasks to be accomplished. Typical task titles may include, but are not limited to, the following: project management, requirements definition, evaluation of current practices, cost assessment, test plan development, design, installation, metrics (benefits) quantification, etc. For example:

Task 1.0 Project Management.

Subtask 1.1 Subcontracts. The Contractor shall enter into the following agreements.

Subtask 1.2 Meetings. The Contractor shall hold a Kick-Off Meeting, Interim Review Meetings (as warranted), and a Wrap-Up Meeting at the end of the project.

Subtask 1.3 Reporting. NYSERDA and NYSDOT will expect to receive written monthly progress reports, as part of the project management task. These activities should be considered when developing your cost proposal. Such reports shall describe any difficulties encountered during the reporting period, and shall include a statement of the Project Director setting forth the cost of the work during the reporting period. The progress reports should be submitted to NYSERDA's Project Manager no later than the 15th of each month. Progress reports shall be in a letter format and shall include the following subjects in the order indicated, with appropriate explanation and discussion.

- a. Title of project
- b. Agreement number
- c. Period of this report
- d. Progress of report
- e. Planned progress in the future
- f. Identification of problems
- g. Planned solutions
- h. Ability to meet schedule, reasons for slippage in schedule
- i. Schedule - percentage completed and projected percentage of completion of performance by months as a bar chart or milestone chart
- j. Analysis of actual cost incurred in relation to the budget

Subtask 1.4. Final Report. The Final Report should detail all of the work performed and task deliverables, but exclude proprietary information. The comprehensive Final Report shall cover all aspects of the project and shall merge together, and build further on, the previously generated monthly progress reports.

III. PROPOSAL REQUIREMENTS, continued

Task 2.0, 3.0, 4.0, etc. Project-specific Work Scope Tasks. Add as many tasks and subtasks as necessary to cover all actions needed to achieve the goals and objectives of the project. These will be action steps. Each task should include a concise narrative description of the work that will be performed and how the work will be performed.

Schedule. Present a work schedule with a starting point and duration for each task and subtask. Presentation of the schedule in a bar chart is preferred starting with "Month 1," "Month 2," etc.

6. Proposer Qualifications (two to four pages, depending on team size). Provide an overview of the relevant qualifications of the proposer, other team members and major subcontractors. Note that subcontracts of \$25,000 or more are subject to competitive bid procedures except where the proposal identifies a specific subcontractor as an integral participant in the proposed work (see Att. D: Sample Agreement). Resumes, facility qualifications, and data sheets do not belong in the body of the proposal, but should be included in the appendix. Key individuals identified in the proposal need to be available to commit to the project in the time frame proposed and subsequent personnel substitutions will require New York State approval. Additionally, discuss any NYSDOT and/or NYSERDA contracts awarded to the proposer, if any, in the past five years. Identify New York State project managers associated with those contracts, who have knowledge of your performance.

For Category 3 funding, proposers must include a proposal section documenting the commercial availability and NYS underutilization of their technology. This should include previous sales and deployments, and include client references and contact information. As previously discussed, this solicitation seeks to demonstrate Underutilized Commercial Technologies. Pre-commercial prototypes, requiring additional product development, should be proposed to NYSERDA's *Advanced Transportation Technologies* solicitation, PON 1520 which is due on September 16th, 2009 and specifically targets transportation product development.

7. Project Benefits (two to three pages). Discuss how the proposed project will improve transportation energy efficiency in New York State and provide mathematical estimates of the potential improvement. Quantify any additional project benefits to the extent possible: Mobility and Reliability benefits (e.g., congestion reduction, number of people or goods shifting to more efficient transportation modes, amount of travel variability reduced, etc.), Environmental benefits (e.g., emission reductions, elimination of hazardous materials, etc.), Economic benefits (e.g., manufacturing jobs or technical services jobs created or retained, reduced transportation system life-cycle costs, enhanced viability of NYS business entities, etc.), Safety and Security benefits (e.g., reduction in deaths, injuries and real property losses, etc.), and other benefits (e.g., lowering the cost of compliance with New York State or federal regulations, enhanced quality of life issues, etc.)

8. Budget. A Contract Pricing Proposal Form (CPPF), with associated instructions, is provided as Attachment C to this PON. The net cost to New York State is one of the evaluation criteria and will be closely considered. The value of New York State funds could be reduced through greater efficiencies or through cost sharing where other funds substitute for New York State funds. Each proposal must include a completed CPPF and also a cost-sharing table identifying the allocation of funding by task.

Cost Sharing. Some level of cost sharing is required and the amount of cost sharing will also be an important consideration in the proposal evaluation process. Cost sharing can be from the proposer, other team members, and other government or private sources. New York State funds cannot be used to reimburse or replace normal expenses of other government organizations. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. For example, labor may be provided at discount rates, while products for commercial demonstration may be provided at a significant discount or at cost.

III. PROPOSAL REQUIREMENTS, continued

It is the responsibility of the proposer to adequately document the level of cost share being provided. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. Show the cost sharing plan in the following format within your proposal (expand table as needed).

PROPOSAL COST SHARING TABLE						
Proposed Funding By Task (Cash and In-Kind)					Project Total (\$)	
Funding Source	Task 1 (\$)	Task 2 (\$)	Task 3 (\$)	...	Cash (\$)	In-Kind (\$)
New York State						
Proposer						
Co-Funder (identify)						
Co-Funder (identify)						
Task Total (\$)						

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

- Describe the basis for the rates proposed (e.g., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).
- If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
- If rate(s) is based on estimated costs or prior period actual results, include calculations to support the 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.

9. Appendices. Include any resumes, company qualifications, or ancillary information which is deemed necessary to support your proposal. If appropriate, also include:

Letters of Interest or Commitment. If you are relying on any other organization to provide services, equipment or cost share, include a letter from that organization describing their planned participation. Where appropriate, proposed field demonstrations should include letters of commitment from the host site or vehicle fleet owner. However, due to their active sponsorship of this solicitation, Letters of Interest or Commitment should not be solicited from NYSDOT or NYSERDA personnel.

Also include letters of interest or commitment from team members, businesses or other organizations critical to the success of the project. Absence of letters of interest or commitment will be interpreted as the proposer not having support from the identified parties.

Exceptions to the Terms and Conditions. If you do not accept the standard terms and conditions, as contained in Attachment D: Sample Agreement, provide alternate terms with a justification based on the risk and benefit to New York State.

IV. PROPOSAL EVALUATION

Requirements. A negative response to any one of the questions identified below may eliminate the proposal from further consideration. Does the proposal:

- Address relevant transportation needs in New York State?
- Have the potential to improve transportation energy efficiency in New York State?
- Provide cost sharing by the proposer or third parties?
- Provide Letters of Commitment from all co-funders and key team members?
- Emphasize deployment of deployable solutions rather than conducting basic research?
- Provide additional mobility and reliability, environmental, economic, safety and security benefits in New York State?
- Show consistency with metropolitan transportation plans and/or State or federal transportation-related regulations?

Proposals will be reviewed by a Technical Evaluation Panel (TEP) and will be scored and ranked according to the following criteria. All three categories will be evaluated together. 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 will be required to submit a detailed statement of work, budget, and schedule, and may also be asked to address specific questions or recommendations of the TEP before contract award.

Evaluation Criteria.

Proposed Solution/Scope. How significant is the issue or opportunity? How pertinent is the issue or opportunity to New York State? Is the proposed project likely to improve transportation efficiency in New York State? Is the project focused on an eligible transportation corridor? Is the proposed work technically feasible, innovative, and superior to potential alternatives? Is the work strategy sound? If applicable, is the implementation plan well-conceived and appropriate for New York?

Project Benefits. How significant is the statewide potential for energy reduction in New York State? Are the expected benefits likely to be realized, given other constraints or barriers? Are there additional significant benefits? Upon implementation, will there be economic benefits in New York State in the form of subsequent manufacturing or technical service activity?

Proposer(s). To what degree does the team have relevant and necessary technical and business background and experience? Does the team include New York State businesses, thereby providing economic benefits in the form of jobs? Does the proposal contain Letters of Commitment from all essential participants, co-funders, and related businesses and other organizations?

Project Outcome and Cost. Is the overall project cost justified based on the expected benefits? Relative to the project cost, how significant are the potential benefits? How appropriate are the proposer's cost share contributions (sources and amounts) with respect to the degree of risk, potential to benefit from the work, and financial status of the proposing organization and project team?

Other Considerations – Proposals will be reviewed to determine if they reflect New York State's overall objectives, including: risk/reward relationships, similar ongoing or completed projects, the general distribution of transportation research projects among industries and other organizations, and the distribution of projects within New York State.

V. 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 www.nyserda.org/nyserda.regulations.pdf. 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 new procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/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.banking.state.ny.us/pr080213a.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 perspective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at <http://www.banking.state.ny.us/pr080213b.pdf>).

See guidance available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_507.pdf.

V. GENERAL CONDITIONS, continued

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. 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 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.

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.

VI. ATTACHMENTS

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-Responsibility Form

Attachment C - Contract Pricing Proposal Form and Instructions

Attachment D - Sample Agreement