



**‘Impact Evaluation for the American Recovery and Reinvestment Act (ARRA) Program’  
Request for Proposals (RFP) 1656  
(Up to \$4 Million Available)**

**Proposals Due by November 5, 2009 by 5:00 PM Eastern Time\***

Funding for this program is being provided under the American Recovery and Reinvestment Act (ARRA). If you receive funding under this solicitation you may be subject to special terms and conditions, including but not limited to: detailed reporting requirements; audit of your use of ARRA funds; Buy American and Davis-Bacon prevailing wage requirements for construction activities. You will be required to provide certain information in a timely manner to meet ARRA requirements. See attachments for a complete list of special terms and conditions. Failure to comply may result in the loss of Federal grant funding.

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from organizations or individuals interested in conducting impact evaluation of several NYSERDA programs funded by American Recovery and Reinvestment Act (ARRA) economic stimulus funds. The impact assessment shall include the measurement and verification of energy and demand savings; calculating the total amount of renewable energy generation and installed capacity; estimating job creation (including number, type and duration) and resulting economic impacts; and carbon emissions reductions. Other possible metrics include, but are not limited to, any resulting economic impacts beyond job creation, and the adoption of new technologies (e.g., solar energy). Impact evaluation activities will include, but may not be limited to: metering and monitoring to assess achieved energy savings (including development of realization rates); using surveys or other methods to determine attribution of energy savings and other impacts to the program funding; quantifying cost-effectiveness of the programs; conducting a study to assess energy savings resulting from energy code compliance efforts; evaluation reporting; and other ad hoc tasks.

The ARRA Programs covered by this RFP are administered by NYSERDA with funds awarded by the federal Department of Energy (DOE) through two funding streams:

- **State Energy Program (SEP) Formula Grants:** With the total amount of \$123.1 million in SEP funds, NYSERDA will offer the Clean Fleet Program; Energy Efficiency for Municipalities, Schools, Hospitals, Public Colleges and Universities, and Not-for-Profits (MUSH) Program; the New York Energy Codes Program; and the Renewable Energy Program.
- **Energy Efficiency and Conservation Block Grant (EECBG) Program:** NYSERDA will utilize \$29.7 million in EECBG funds for competitive financial assistance to municipal projects for development of energy efficiency and conservation strategies; residential and commercial building energy audits; energy efficiency retrofits; and the development and implementation of transportation programs. Funding will also support energy code activities.

Up to \$3.6 million of the SEP funds and up to \$400,000 of the EECBG funds awarded by DOE will be used for impact evaluation for an initial two-year contract plus an optional one-year renewal. *However, proposals should include plans spanning the entire three years.*

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. Proposers will not be reimbursed by NYSERDA for any costs associated with preparation of their proposals. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP #1656  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Michael Bello at (518) 862-1090 ext. 3495 or [mb6@nyserda.org](mailto:mb6@nyserda.org). If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090 ext. 3507 or [vwf@nyserda.org](mailto:vwf@nyserda.org).

No communication intended to influence this procurement is permitted except by contacting Michael Bello (Designated Contact) at (518) 862-1090, ext. 3495 or [mb6@nyserda.org](mailto:mb6@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 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 will be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at [www.nyserda.org](http://www.nyserda.org).**

## I. INTRODUCTION

This RFP has been issued to procure the services of a contractor or contractor team to perform impact evaluation activities for NYSERDA's ARRA-funded SEP and EECBG Programs. The evaluation activities performed by the selected contractor will focus on the key metrics outlined by DOE including: measuring and verifying energy and demand savings; amount of renewable energy generation and installed capacity; carbon emission reductions; estimating job creation (including number, type and duration) and other economic impacts; and the adoption of new technologies. Impact evaluation activities include, but may not be limited to: using surveys or other methods to determine attribution of energy savings and other impacts to the program funding; quantifying cost-effectiveness of the programs; conducting a study to assess energy savings resulting from energy code compliance efforts; evaluation reporting; and other ad hoc tasks.

The selected contractor will be expected to provide credible and comprehensive evaluations of both the SEP and EECBG program portfolios and individual program achievements<sup>1</sup>, consistent with available resources, and to provide timely information to NYSERDA, DOE, and other key stakeholders about the impacts and cost-effectiveness of the programs offered by NYSERDA.

The selected contractor will be required to follow, to the maximum extent possible, any evaluation guidelines put forth by DOE for ARRA-funded programs. The selected contractor will also be expected to understand how ARRA-funded programs relate to and can help achieve New York's energy policy goals, including the goal to reduce electricity use 15% below forecast levels by the year 2015 (referred to as "15-by-15"). To the extent possible, the selected contractor will also be expected to evaluate ARRA-funded programs in a manner that comports with evaluation guidelines put forth for other energy efficiency programs designed to meet New York's 15-by-15 goal, *e.g.*, the Energy Efficiency Portfolio Standard (EEPS)<sup>2</sup>. The evaluation conducted as a result of this RFP should produce program impact results that are useful both in terms of meeting Federal and State requirements for data on program achievements.

### **NYSERDA State Energy Program (SEP) Background Information**

Approximately \$123.1 million is available for NYSERDA programs funded by SEP Formula Grants, including up to \$3.6 million made available in this RFP for impact evaluation activities. DOE requires that SEP funds be encumbered within 18 months of application approval. NYSERDA's SEP application was approved on July 2, 2009. SEP programs/technologies to be offered by NYSERDA and evaluated by the selected contractor are described below and in Table 1.

**Clean Fleets:** Designed to provide financial support to accelerate the introduction of light, medium, and heavy-duty alternative fuel vehicles and certain advanced vehicle technologies in communities across the State.

**Energy Efficiency for Municipalities, Schools, Hospitals, Public Colleges and Universities, and Non-Profits:** Designed to provide financial support for customers in the municipal, K – 12 public school, public university, hospital, and not-for-profit sectors for energy efficiency and retrofit projects. The main goals of the program are to create jobs and improve the energy efficiency of buildings and facilities throughout New York State.

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<sup>1</sup> For more information on individual SEP and EECBG Program achievements, please refer to the [New York State Comprehensive Application for the State Energy Program \(SEP\)](#) and the [New York State Plan for the Energy Efficiency and Conservation Block Grant \(EECBG\)](#).

<sup>2</sup> Evaluation Plan Guidance for EEPS Program Administrators; August 7, 2008, available at [www.dps.state.ny.us](http://www.dps.state.ny.us).

**Energy Codes:** Designed to provide technical assistance and local compliance support to achieve the highest practical levels of compliance with the Energy Conservation Construction Code of New York (Energy Code).

**Renewable Energy:** Designed to expand the use of solar energy across New York through a partnership between NYSERDA and the Long Island Power Authority (LIPA).

**Table 1: NYSERDA ARRA-Funded State Energy Program (SEP) Summary Information**

SEP Programs/Technologies	Budget (\$Million) Including Program Administration, Marketing and Evaluation Costs	Expected Number of Projects	Expected Annual Energy Impact (MBtus = Million Btus)	Expected Job Creation (Total)
Clean Fleets	\$4.6	130 alternative fuel vehicles	42.0 MBtus	43
Energy Efficiency for Municipalities, Schools, Hospitals, Public Colleges and Universities, and Non-Profits	\$82.6	200 projects (various)	1,400,000 MBtus	867
Energy Codes	\$4.8	500 (200 training courses and 300 plan review services)	937,600 MBtus	72
Renewable Energy	\$31.0	100 PV Systems	116,000 MBtus	300

**NYSERDA Energy Efficiency Community Block Grant (EECBG) Program Background Information**

Approximately \$29.7 million is available for NYSERDA Programs funded by the EECBG, including up to \$400,000 made available in this RFP for impact evaluation activities. DOE requires that all EECBG funds must be encumbered within 180 days of application approval. NYSERDA’s EECBG application was approved on September 18, 2009. EECBG Programs to be offered by NYSERDA and evaluated by the selected contractor are described below and in Table 2.

**Sub-Grant Program for Small Municipalities:** Provide sub-grants to units of local government (municipalities) that are not eligible for direct formula grants for their energy reduction projects.

**Energy Conservation Codes Program:** Support the promulgation and adoption of more stringent energy codes for buildings throughout New York State and provide various implementation and support services to local communities responsible for assuring compliance with the advanced codes.

**Table 2: NYSERDA ARRA-Funded Energy Efficiency and Conservation Block Grant (EECBG) Program Summary Information**

EECBG Program	Budget (\$Million) Including Program Administration, Marketing and Evaluation Costs	Expected Number of Projects	Expected Annual Energy Impact (MBtus = Million Btus)	Expected Job Creation (Total)
Sub-Grant Program for Small Municipalities	\$27.1	125	1,696,143 MBtus	360
Energy Conservation Codes Program	\$2.6	350	3,606,539 MBtus	27

## II. PROJECT REQUIREMENTS

### A. Services Requested

The goal of this solicitation is to select a single contractor or a lead contractor with a team of subcontractors, to cost-effectively plan, design, and perform impact assessments of NYSERDA’s ARRA-funded SEP and EECBG Programs offered throughout the State. The tasks of the selected impact evaluation contractor are to: (1) develop an Action Plan outlining how you intend to implement the impact evaluation; (2) implement the Action Plan, including measurement and verification of the energy impacts, evaluation of non-energy impacts, an assessment of attribution of impacts to the programs, and evaluation reporting; (3) assist in calculating the cost effectiveness of the programs; (4) reporting; and (5) provide other assistance related to impact evaluation of the ARRA Programs on an ad hoc basis.

Implementation of the Action Plan is expected to be accomplished by conducting file reviews and site visits, metering and monitoring the various energy efficiency measures installed through the programs, fielding surveys (*e.g.*, in person, telephone, e-mail, etc.), analyzing secondary data, analyzing energy use and production (*i.e.*, from renewable energy systems) data, conducting engineering analysis and modeling, and assisting in gathering inputs for the benefit/cost analysis. The selected contractor must independently evaluate program impacts for a wide array of end-use energy customers (*e.g.* commercial, industrial, and municipal) in a manner consistent with accepted engineering standards and protocols (*i.e.*, the International Performance Measurement and Verification Protocol (IPMVP) guidelines as established by DOE) and any specific evaluation guidelines put forth by DOE for ARRA-funded programs.

General tasks and assistance that the selected contractor will be required to perform include, but are not limited to, the following:

**Task 1.** Develop an Action Plan detailing the process, methods, timeline and cost for undertaking tasks and activities related to ARRA-funded SEP and EECBG Program impact evaluation. Each sub-task listed under Task 2 below must be detailed in the Action Plan.

**Task 2.** Implement the impact evaluation Action Plan, and maintain regular communication with NYSERDA on progress. Sub-tasks for which the selected contractor must develop and maintain a separate schedule and budget are listed below.

***Task 2a. Measurement and verification of energy impacts attributable to the ARRA-funded programs.***

Activities shall include, but may not be limited to:

- Measuring and verifying energy efficiency measure installation and energy impacts;
- Collecting field data by metering and monitoring equipment installed through the programs;
- Conducting reviews to assess reasonableness of engineering calculations and protocols; and
- Conducting analysis of energy consumption and production data to ascertain savings/generation due to energy efficiency or renewable energy measure installation.

***Task 2b. Assessing attribution of impacts to NYSERDA's ARRA-funded programs.***

Activities shall include, but may not be limited to collecting data, through surveys or other means, to assess attribution of effects that are above and beyond what would have been achieved without the ARRA funds. Any attribution analysis should include both free-ridership and spillover effects.

***Task 2c. Assessing impacts of Energy Code Programs on compliance rates and ultimate energy savings.***

Activities shall include, but may not be limited to, providing input on a code compliance baseline study conducted by a separate NYSERDA contractor, and completing a follow-up study to assess compliance rates, changes in compliance due to ARRA Energy Code Program interventions, and associated energy savings.

***Task 2d. Assessing macroeconomic impacts of all NYSERDA ARRA-funded programs.***

Activities shall include, but may not be limited to conducting macroeconomic impact analysis to assess ARRA program impacts on job creation and other economic indicators.

***Task 2e. Providing report writing and presentation of results.***

Activities within this area shall include, but may not be limited to writing reports detailing evaluation findings, contributing to existing reports that NYSERDA must file to comply with DOE and other requirements, and presenting results to various audiences in various forums. Evaluation reports should include actionable recommendations for improving program implementation, and should contain specific details on the purpose, methods, approach, analysis and findings associated with each major study. Summary impact reports will generally be

completed on an annual basis and will cover all major evaluation activities highlighted in Tasks 2a through 2d across the ARRA-funded programs. Annual reporting will begin 12 months after approval of the Action Plan and continue every year thereafter for the remainder of the agreement. Other ad hoc or interim reports may also be requested by NYSERDA.

**Task 3.** Provide assistance to NYSERDA in conducting cost-effectiveness analysis of the NYSERDA ARRA-funded SEP and EECBG Programs. DOE encourages states, in calculating cost-effectiveness, to go beyond traditional utility metrics and cost tests, and has suggested that each state's portfolio of projects funded by SEP ARRA grants should seek to achieve annual energy savings of at least 10 million source BTUs for each \$1,000 of total investment.<sup>3</sup>

Cost-effectiveness tasks conducted by the selected contractor shall include, but may not be limited to:

- Reviewing and identifying appropriate cost-effectiveness tests for NYSERDA's various ARRA-funded programs.
- Assisting in developing inputs and assumptions for calculating program, sector, and portfolio level cost-effectiveness. These inputs will include but will not be limited to: energy savings, incremental and total measure costs, leveraged funds, program costs and measure life.
- Calculating and reviewing cost-effectiveness and interim results.

**Task 4.** Provide other assistance related to impact evaluation of the NYSERDA ARRA-funded SEP and EECBG Programs on an ad hoc basis, such as the calculation of emissions reductions from installed efficiency measures.

The selected contractor will be expected to evaluate each of the individual programs/technology areas offered with SEP and EECBG funds (*i.e.*, Clean Fleets; Energy Efficiency for Municipalities, Schools, Hospitals, Public Colleges and Universities, and Non-Profits; Energy Codes; Renewable Energy; and the Sub-Grant Program for Small Municipalities). However, programs/technologies are not necessarily expected to receive an amount of evaluation attention and resources that are directly proportional to their respective budgets. NYSERDA will work with the selected contractor, during development of the Action Plan, to finalize the allocation of evaluation resources to each program/technology.

NYSERDA may, at its discretion, expand the selected contractor's agreement beyond the scope and funding of this RFP to address impact evaluation needs of other ARRA-funded programs or projects administered by it or other New York funding recipients.

## **B. Contractor's Responsibility**

The selected contractor will be responsible for timely completion of the requirements described in Section A, Services Requested. 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), and have responsibility for completing all deliverables contained in the resultant contract. The contractor must complete annual impact evaluation reports, with the first one due 12 months after approval of the Action Plan, and a final impact evaluation report by a date yet to be determined.

The selected contractor shall keep NYSERDA informed either by telephone, in-person meetings, or e-mail, weekly, on the progress of the impact evaluation. Periodic meetings with NYSERDA program staff

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<sup>3</sup> U.S. DOE, Financial Assistance Funding Opportunity Announcement, State Energy Program Formula Grants, Issue Date 3/12/09, pages 27 and 28.

will be required. The contractor must commit to begin delivery of services within 30 days of contract execution. The contractor must complete the Action Plan (Task 1) no more than 60 days after contract execution.

The use of sub-contractors and or teaming arrangements as needed to fulfill the requirements of this RFP is appropriate. 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 to and consistent with the evaluation needs of this RFP. The primary contractor of the team shall be responsible for maintaining continuous correspondence with NYSERDA and ensuring all deliverables applicable to the contract are provided to NYSERDA according to an approved time-line.

**Coverage Requirements:** The following requirements must be fulfilled by respondents to this RFP:

### **Geographic Coverage**

- Must have and must be able to demonstrate in the proposal the capability to provide qualified, efficient and cost-effective field services across all of New York State.

### **Customer Coverage**

- Must have the experience and ability to work with, and conduct analysis for a wide variety of energy users including, but not limited to: municipal, local or county governments; public (State and City) university or community colleges; public K-12 schools; and public or private non-profit hospitals in communities throughout New York. A background and prior experience in the evaluation of renewable energy sources, low emission vehicles and vehicle fleets, and state energy codes is preferred.

**Technical Support Requirements:** The selected contractor must have proficiency in MS Excel, MS Access, MS PowerPoint, MS Word, and SPSS or SAS.

**Reporting Requirements:** Key deliverables to be completed by the selected contractor include, but may not be limited to:

- Draft and final impact assessment Action Plan;
- Draft and final survey instruments and data collection protocols;
- Original data files, and final, cleaned evaluation data and analysis files resulting from the evaluation;
- Draft and final impact assessment evaluation reports describing goals and objectives of the studies, activities and methods undertaken, results, analysis of findings and recommendations for program improvements or future study;
- Weekly reporting to NYSERDA of all activities conducted under the contract; and
- Annual summary impact reports.

### **C. NYSERDA's Responsibility**

The NYSERDA Project Manager will be responsible for overseeing and managing all tasks undertaken by the selected contractor, including but not limited to assisting in the development of a Statement of Work; reviewing, commenting and approving work plans and subsequent deliverables; coordinating with NYSERDA program staff; promoting coordination between the selected contractor and DOE's ARRA evaluation efforts; approving invoices promptly; and reviewing and preparing work products for reports.

## D. Available Funds

The term of this contract will be for two years (plus a potential one-year extension) with a maximum funding amount of \$4 million. Of this total, \$3.6 million is available for the evaluation of the SEP Programs and \$400,000 is available for the evaluation of the EECBG Programs. NYSERDA will work with the selected contractor, during development of the Action Plan, to finalize the allocation of evaluation resources to each program/technology.

## E. Additional Sources of Information

Additional information regarding the American Recovery and Reinvestment Act of 2009 (ARRA) and New York State policy which may assist bidders in preparing a response to this RFP can be located at the Internet links listed in Table 3.

**Table 3. Sources of Additional Information on ARRA and New York State Policy**

<b>Information</b>	<b>Internet Link</b>
NYSERDA's Economic Recovery Main Menu Page	<a href="http://www.nyserda.org/economicrecovery/default.asp">http://www.nyserda.org/economicrecovery/default.asp</a>
Funding chart for ARRA Programs being offered by DOE and New York State	<a href="http://www.nyserda.org/pdfs/EconomicStimulusFunding.pdf">http://www.nyserda.org/pdfs/EconomicStimulusFunding.pdf</a>
Federal ARRA Program General Information	<a href="http://www.recovery.gov">http://www.recovery.gov</a>
State ARRA Program General Information	<a href="http://www.recovery.ny.gov">http://www.recovery.ny.gov</a>
State Energy Program (SEP) General Information	<a href="http://www.nyserda.org/Economicrecovery/sep.asp">http://www.nyserda.org/Economicrecovery/sep.asp</a>
New York's SEP Application	<a href="http://www.nyserda.org/Economicrecovery/documents/NYS%20SEP%20ARRA%20Grant%20Application.pdf">http://www.nyserda.org/Economicrecovery/documents/NYS%20SEP%20ARRA%20Grant%20Application.pdf</a>
Energy Efficiency and Conservation Block Grant (EECBG) General Information	<a href="http://www.nyserda.org/economicrecovery/blockgrants.asp">http://www.nyserda.org/economicrecovery/blockgrants.asp</a>
New York's EECBG Application	<a href="http://www.nyserda.org/pdfs/NYS%20EECBG%20Plan-%206-09-rev2.pdf">http://www.nyserda.org/pdfs/NYS%20EECBG%20Plan-%206-09-rev2.pdf</a>
New York Evaluation Guidelines for "15-by-15" Programs	<a href="http://www3.dps.state.ny.us/PSCWeb/PIOWeb.nsf/20b9016ae2129d5c852573db00779ee1/a4756ca0f43b7628852574b9006ffe45?OpenDocument">http://www3.dps.state.ny.us/PSCWeb/PIOWeb.nsf/20b9016ae2129d5c852573db00779ee1/a4756ca0f43b7628852574b9006ffe45?OpenDocument</a>

## III. PROPOSAL REQUIREMENTS

Proposals shall be prepared for a three-year effort, providing the details of the work and the associated budget as outlined below. We want to see the full three year scope and budget – we will contract for two years at the end of year two we can decide to exercise the option to renew.

Each proposal MUST contain two (2) signed and notarized Agreements (Attachment D, including Exhibits B, C & D). If your proposal is selected for funding, NYSERDA will work with the proposer to develop a Statement of Work which will be appended to Attachment D as Exhibit A and constitute the final Agreement. Once agreement on the Statement of Work has been reached, NYSERDA will append it to Attachment D, countersign the Agreement, and return one fully-executed copy of the Agreement. This process is intended to facilitate the approval of projects and the expenditure of ARRA funds as quickly as possible.

Proposers must submit ten (10) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFP. A completed and signed Proposal Checklist (attached to this RFP)

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. 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. 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:

**Section 1. Introduction. (2 pages maximum)**

Proposers shall summarize their understanding of the objectives and requirements of this RFP. Proposers shall briefly identify key information about their organization and 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. (20 pages maximum)**

Provide a general description of how the proposer will assess the impact of the described NYSERDA ARRA-funded SEP and EECBG Programs consistent with the requirements of DOE. Specifically, the proposer should describe their approach and methodology, and define their rationale for conducting the following tasks listed in Section II A: (1) develop an Action Plan outlining how you intend to implement the impact evaluation; (2) implement the Action Plan, including measurement and verification of the energy impacts, evaluation of macro-economic impacts, an assessment of attribution of impacts to the programs, and evaluation reporting; (3) assist in calculating the cost effectiveness of the programs; (4) provide other assistance related to impact evaluation of the ARRA Programs on an ad hoc basis.

**Section 3. Management Structure. (3 pages maximum)**

Proposers shall identify all team members, including the Principal or Lead contact, who will be responsible for ensuring that the activities, analyses, and work products are timely and of good quality. Provide a clear description of the roles and responsibilities, and anticipated hours per month allocated to all key personnel. Note that hours allocated in the work schedule must be consistent with those in the budget. Provide the names and addresses of subcontractors. Provide an organization chart. Describe how you plan to coordinate the design of the impact evaluation plan and implementation services among all subcontractors and with NYSERDA. Discuss how you would manage and maintain flexibility to accommodate potentially short notification times and tight deadlines.

**Section 4. Qualifications. (10 pages maximum)**

Describe specific experience pertaining to this type of energy program impact evaluation. 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 and team. Indicate which team members were responsible for each project described. Indicate the name and telephone number of at least three references for whom your organization has similar relevant completed projects. Provide resumes of all team members in an appendix.

**Section 5. Potential Conflict of Interest. (2 pages maximum)**

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.

## **Section 6. Cost for the total project and proposal (20 pages maximum)**

Provide Contract Proposal Pricing Forms (Attachment E) for all three years of your proposal. A CPPF for each of the tasks requested under the Statement of Work in Section 2 above, including sub-tasks under Task 2a through 2e should also be provided. If site visits or surveys are proposed for Tasks 2a, b, or c, proposers should indicate their cost per site/survey and describe the data collection in the narrative so that reviewers may assess overall cost effectiveness (*e.g.*, discuss level(s) of measurement and verification data to be collected on site, audience(s) and survey length, etc.).

### **Indirect Costs. 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). Calculations 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 adjustments for such differences. Requests for financial statements or other needed financial information may be made if deemed necessary.

*Appendices:* Materials to be submitted include:

- Resumes of key personnel that will complete the tasks described in Section II A.
- Letters of commitment from any subcontractors.

## **IV. 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 consisting of NYSERDA staff and selected outside reviewers. Final rankings and the contract award will be based on the following criteria:

***Responsiveness to the Work Scope of the RFP.*** Does the proposer present a sound approach for accomplishing the objectives of this proposal? Is there a sound rationale or justification for the proposed approach(es)? 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? Has the proposer demonstrated a thorough understanding of the programs to be evaluated? Is there clear evidence that the proposer possesses the ability to evaluate these programs? Is the Statement of Work for each task thorough, specific, and consistent with the stated objectives?

***Relevant Experience and Qualifications.*** Are key personnel's education and experience relevant to project needs? Is the project staff's overall capability appropriate? Is the proposing team familiar with ARRA and experienced in conducting similar work? What is the quality of the project staff's performance on past projects or their achievements related to the proposed work?

***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 field monitoring procedures? Are appropriate

management and coordination strategies articulated? Are sufficient resources being devoted to the project and each individual task? Is the project organization, including the staffing plan and schedule, clear and well defined? Is the staffing plan sufficient to provide timely deliverables?

**Cost.** How cost-effective is the proposal? Are hourly rates, overhead rates, and total hours reasonable and appropriate for completing each task? Is the proposer's cost allocation appropriate when compared to the cost allocation of other comparable proposals and their projected results?

**Other.** Is the proposal well-organized, well-written, and complete? Does the proposal offer economic benefits to New York? (A local office, while not required, would be considered favorably.)

## V. 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 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, an additional form (or 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.

## VI. GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2) (d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be accepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 ([www.nyserda.org/nyserda.regulations.pdf](http://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 & 139-k. State Finance Law §139-j (6) requires that NYSERDA incorporate a summary of its policy and prohibitions regarding permissible communications during a covered procurement.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between NYSERDA and a Proposer/Offerers during the procurement process. A Proposer/Offerer is restricted from making contacts from the earliest notice of intent to solicit offers [such as a “Program Opportunity Notice”, “Invitation for Bid” or “Request for Proposal”, etc.] through final award of the Procurement Contract (the “restricted period”) to other than Designated Staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j (3) (a). Designated Staff, as of the date hereof, are identified on the first page of this solicitation.

NYSERDA employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Proposer/Offerers pursuant to this law. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period; the Proposer/Offerers is debarred from obtaining governmental Procurement Contracts.

Additional guidance regarding these procurement lobbying requirements and can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law section 5-a, which requires contractors, prior to entering an agreement with NYSERDA, to certify whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the New York State Department of Taxation and Finance to collect New York State and local sales and compensating use taxes. The Department of Taxation and Finance has developed guidance and a certification form (ST-220) for contractors which are available at [www.nystax.gov/sbc/nys\\_contractors.htm](http://www.nystax.gov/sbc/nys_contractors.htm). The completed Form ST-220 (which is available upon request or at <http://www.nyserda.org/Funding/stdforms.asp>), will be incorporated in the agreement between NYSERDA and the contractor.

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. 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 eight 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.

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## **VII. ATTACHMENTS**

**Attachment A – Proposal Checklist**

**Attachment B – Disclosure of Prior Findings of Non-Responsibility**

**Attachment C – Intent to Propose**

**Attachment D – Sample Agreement**

**Attachment E – Contract Proposal Pricing Form and Instructions**

**Attachment F – Preliminary Evaluation Guidelines from DOE (for SEP Programs)**