



ANNOUNCEMENT

Municipal Water and Wastewater Research, Development and Demonstration Program

Program Opportunity Notice (PON) 1171

\$2 million Available

Proposal Due Date: September 25, 2008 by 5:00 PM Eastern Time

The New York State Energy Research and Development Authority announces the availability of \$2 million to support projects that result in quantifiable energy, economic and environmental benefits to New York State's municipal water and wastewater treatment sector.

NYSERDA anticipates making multiple awards in the following categories:

- Category 1: Full-scale Demonstrations (\$400,000 maximum NYSERDA funding per project)
- Category 2: Pilot Testing (\$250,000 maximum NYSERDA funding per project)
- Category 3: Product Development (\$400,000 maximum NYSERDA funding per project)
- Category 4: Applied Research (\$250,000 maximum NYSERDA funding per project)

All Category 1, 2 and 3 proposals must be cost-shared. A minimum of 50% cost-sharing is **required** for proposals requesting NYSERDA funding through a Category 1, 2 or 3 project. Cost-sharing of 25% and collaboration with professional associations/relevant research foundations is **preferred** and strongly encouraged for Category 4 projects.

This announcement is not a solicitation for proposals. To receive the full solicitation, please visit NYSERDA's web site at www.nyserda.org or submit your request to Roseanne Viscusi by fax at (518) 862-1091, by e-mail at rdv@nyserda.org, or by mail to:

**Roseanne Viscusi, PON 1171
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Kathleen O'Connor at (518) 862-1090, ext. 3422 or kmo@nyserda.org. If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 or nsm@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Kathleen O'Connor (Designated Contact) at (518) 862-1090, ext. 3422 or kmo@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.

I. INTRODUCTION

The objectives of the Municipal Water and Wastewater Research, Development and Demonstration Program are to improve the energy efficiency and environmental performance of New York State's municipal water and wastewater treatment sector (sector). Projects should be designed to reduce and/or optimize energy consumption; reduce energy and other operating costs; and improve environmental performance. Development of products that meet the objectives of the program, and research studies on relevant energy and environmental issues may also be supported.

Although it is anticipated that the majority of funded proposals will be for projects performed at a single site, the demonstrated technologies must have the potential to be used at other New York State facilities. As such, all demonstration projects (full- and pilot-scale) must include a plan to transfer the "lessons learned" to the broader municipal sector.

II. PROGRAM REQUIREMENTS

Program Interest Areas

PON 1171 is open to proposals in the following four (4) categories:

Category 1: Demonstrations of electrically-efficient, commercially-available technologies that have yet to penetrate the municipal water and wastewater sector. *[Note: The focus of Category 1 projects are technologies with **previously- demonstrated energy benefits**, which for a variety of reasons have not yet penetrated the sector. All Category 1 projects must include a significant marketing effort aimed at disseminating project results to a wide NYS audience.]*

Category 2: Pilot testing of innovative technologies that address the relevant energy and environmental needs of municipal water and wastewater treatment facilities.

Category 3: Product development of innovative technologies that address the relevant energy and environmental needs of municipal water and wastewater treatment facilities.

Under Categories 1, 2 and 3, proposals addressing the following are specifically encouraged: collaborative efforts between municipal wastewater treatment facilities and high BOD-producing industrial facilities; automated energy management systems; optimized pump scheduling; permanent submetering; anaerobic treatment; biogas utilization; nutrient removal; sludge management; optimization of relevant electrotechnologies; and, validation and comparison of energy-efficient technologies.

Category 4: Applied research addressing relevant energy and environmental issues that (may) affect the municipal water and wastewater treatment sector. Proposals addressing the following are specifically encouraged:

- Developing a sound rationale for inclusion of avoided methane emissions from municipal wastewater treatment facilities as an eligible greenhouse gas (GHG) offset project type under the Regional Greenhouse Gas Initiative (RGGI), and subsequently developing protocols for calculating emissions baselines and reductions from these facilities, as well as monitoring and verification requirements consistent with RGGI guidelines;
- Developing state-of-the-art sustainable design and construction practices (based on the existing body of knowledge) for inclusion in a High Performance Water/Wastewater Facilities guideline (similar to the New York State Education Department's Collaborative for High Performance Schools (NY-CHPS)). These practices include, but are not limited to, benchmarking, asset management with integrated energy management practices, and use of renewable technologies;

- Identifying potential New York State-specific climate change impacts to bulk water quality, bulk water quantity and municipal treatment infrastructure, which can be used to help provide guidance to resource managers and state planners.

Eligibility

If you are proposing a biogas project located at a facility that is eligible to participate in the Customer-Sited Tier (CST) Renewable Portfolio Standard (RPS) Anaerobic Digester Gas (ADG)-to-Electricity Program (PON 1146), you are encouraged to submit your project under PON 1146. Please contact Kathleen O'Connor at (518) 862-1090, ext. 3422, kmo@nyserdera.org for more information.

Available Funds, Cost-sharing and Recoupment

A total of \$2,000,000 is available. All Category 1, 2 and 3 proposals must be cost-shared. A minimum of 50% cost-sharing is **required** for proposals requesting NYSERDA funding through a Category 1, 2 or 3 project. Cost-sharing of 25% and collaboration with professional associations/relevant research foundations is **preferred** and strongly encouraged for Category 4 projects. Recoupment may be required for your project; please refer to Section V - "Recoupment" and Section VI - "General Conditions" for more information.

III. PROPOSAL REQUIREMENTS

General Information

Proposers must submit seven (7) copies of their proposal - one (1) signed original and six (6) complete copies. A signed and completed Proposal Checklist (see Attachment A) must be attached to the front of all copies of the Proposal.

Proposals lacking the appropriate signed and completed Proposal Checklist will not be accepted.

Bindings, report covers, or other presentation material should not be used; a stapled document is preferred. Each page of the proposal should include the name of the proposer, the PON number, and the page number.

In addition to the Proposal Checklist (Attachment A), the Disclosure of Prior Findings of Non-responsibility form (Attachment B), and the Contract Proposal Pricing Form (Attachment C), all proposals must include items A - H as follows:

- A. Project Description
- B. Project Benefits
- C. Statement of Work and Schedule
- D. Technology Transfer Plan or Commercialization Plan (as appropriate)
- E. Proposer Qualifications
- F. Budget
- G. Cost-Sharing Summary
- H. Letters of Commitment or Support (as appropriate)

The category-specific proposal requirements and evaluation criteria (items A - D) are provided in Section III. Please take care to provide the appropriate requirements for the type of project being proposed. **Additional proposal requirements and evaluation criteria (items E - H) for all project types are provided in Section IV.**

Proposals that meet all Program and Proposal Requirements will be reviewed for technical merit and project cost/benefit by a Technical Evaluation Panel (TEP). The TEP will score and rank the proposals using the Evaluation Criteria provided within Sections III and IV.

Procurement Lobbying Requirements

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 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.

IIIa. SPECIFIC PROPOSAL REQUIREMENTS and EVALUATION CRITERIA CATEGORY 1 PROJECTS (Full-scale Demonstrations)

A. Project Description (Recommended: 3-5 pages)

Describe the technology. Identify the specific need to be addressed by the project. Discuss the factors that are limiting penetration of the technology in NYS’s municipal treatment sector, and describe how this project would alleviate these factors. Provide relevant details of previous demonstrations of the technology.

B. Project Benefits (Recommended: 2-3 pages)

Use Table 1 (below) to estimate the potential site-specific energy, environmental, economic, and/or other benefits of your project based on data generated from previous demonstrations. Additionally, estimate the potential number of New York State facilities where this technology could be applied and describe the particular conditions that would be required to achieve this penetration. If possible, provide a reasonable estimate of the statewide energy and environmental impact if the technology were adopted by these facilities.

Table 1: Host Site Benefits

Estimated Reduction in Power Demand (kW)	Estimated Annual Energy Usage Change (kWh)	Estimated Annual Energy Usage Change (MMBTU)	Estimated Annual Energy Usage Change (\$)	Other Benefits (e.g., improved environmental quality, reduced chemical requirements, etc.)

C. Statement of Work and Schedule (Recommended: 3-4 pages)

Describe each of the tasks that will be required to achieve the objectives of the project [e.g., “Task 1: Design”, “Task 2: Installation”, “Task 3: Sampling and Analysis”, “Task 4: Marketing”, “Task 5: Project Management” (including project meetings which involve NYSERDA), and “Task 6: Reporting” (including progress reports and final project report)]. At a minimum, you should describe what will be accomplished under each task and who will perform the work. *(The tasks listed above are provided for example purposes only. The tasks included in your proposal’s Statement of Work should address the specific objectives of your project.)*

Prepare a schedule showing when each task will be performed, including major milestones and project completion.

D. Marketing Plan (Recommended: 3-4 pages)

Identify the relevant characteristics of the target market for the technology [e.g., facility type, estimated number of facilities, regulatory and other trends which could potentially affect implementation of the technology, etc.]. Describe your marketing strategy in detail and explain why it should be successful. Provide sales estimates and a time frame for achieving this penetration in the identified market. If a competing technology exists, briefly explain the customer’s economic motivation for using your technology.

Items E-H continue under Section IV, which begins on page 9. (Items E-H are required for all categories.)

Category 1 - Evaluation Criteria (Items A - D)

- 1) Does the proposal present a convincing argument that the technology has a good potential for widespread adoption in NYS?
- 2) Does the proposal convey clear and adequate benefits to the host site, including energy benefits?
- 3) Does the proposal convey clear and adequate benefits to the greater NYS audience?
- 4) Is the approach laid out in the statement of work likely to meet the objectives of the project?
- 5) Is the schedule reasonable?
- 6) Is the marketing strategy well conceived and appropriate?

IIIb. SPECIFIC PROPOSAL REQUIREMENTS and EVALUATION CRITERIA CATEGORY 2 PROJECTS (Pilot Testing)

A. Project Description (Recommended: 3-4 pages)

Describe the proposed technology. Identify the specific need to be addressed by the project.

B. Project Benefits (Recommended: 2-3 pages)

Estimate the potential benefits (energy, environmental, economic, and/or other) to the host site should the technology be implemented at full-scale upon completion of the pilot test?

C. Statement of Work and Schedule (Recommended: 3-4 pages)

Describe each of the tasks that will be required to achieve the objectives of the project [e.g., “Task 1: Design”, “Task 2: Installation”, “Task 3: Sampling and Analysis”, “Task 4: Dissemination of Project Results”, “Task 5: Project Management” (including project meetings which involve NYSERDA), and “Task 6: Reporting” (including progress reports and final project report)]. At a minimum, you should describe what will be accomplished under each task and who will perform the work. (*The tasks listed above are provided for example purposes only. The tasks included in your proposal’s Statement of Work should address the specific objectives of your project.*)

Prepare a schedule showing when each task will be performed, including major milestones and project completion.

D. Dissemination of Project Results (Recommended: 1-2 pages)

Identify the audience with whom you will share project results and your approach for doing so.

Items E-H continue under Section IV, which begins on page 9. (Items E-H are required for all categories.)

Category 2 - Evaluation Criteria (Items A - D)

- 1) Is the technology innovative and a significant improvement over conventional alternatives?
- 2) Does the proposal convey clear and adequate benefits to the host site, including energy benefits?
- 3) Is the approach laid out in the statement of work likely to meet the objectives of the project as proposed? Does it convey a sound research design and include adequate monitoring, data collection and analysis efforts?
- 4) Is the schedule reasonable?
- 5) Has an appropriate audience been targeted and is the plan to transfer project result to this audience clear and reasonable?

IIIc. SPECIFIC PROPOSAL REQUIREMENTS and EVALUATION CRITERIA CATEGORY 3 PROJECTS (Product Development)

A. Project Description (Recommended: 3-4 pages)

Identify the specific need to be addressed by the project. Describe the proposed technology and how it is an improvement compared to existing alternatives.

B. Project Benefits (Recommended: 2-3 pages)

Estimate the potential energy and other benefits of your project. *The proposal must show potential economic benefit to NYS in the form of creation or retention of jobs within the State.*

C. Statement of Work and Schedule (Recommended: 3-4 pages)

Describe each of the tasks that will be required to achieve the objectives of the project [e.g., “Task 1: Design”, “Task 2: Installation”, “Task 3: Sampling and Analysis”, “Task 4: Commercialization”, “Task 5: Project Management” (including project meetings which involve NYSEERDA), and “Task 6: Reporting” (including progress reports and final project report)]. At a minimum, you should describe what will be accomplished under each task and who will perform the work. *(The tasks listed above are provided for example purposes only. The tasks included in your proposal’s Statement of Work should address the specific objectives of your project.)*

Prepare a schedule showing when each task will be performed, including major milestones and project completion.

D. Commercialization Plan (Recommended: 3-5 pages)

- a) **Project Timeline:** Provide a multi-year timeline (e.g., graph) showing the paths, activities, milestones, resources, timing to take the technology from its current state of development to commercial deployment, and cost sharing in relation to total costs.
- b) **Marketing:** Identify target markets and their relevant characteristics, e.g., size, competition, trends (regulatory, technological, etc.); describe your proposed marketing strategies, explain why they should be successful, and provide sales estimates. Provide an estimate of the price of the product or service that eventually will be commercialized and provide a comparison of that price to competing products or services. Briefly explain the customer’s economic motivation for buying the new product or service, versus alternatives.
- c) **Design & Production:** Describe remaining technical development steps leading to start of manufacturing or deployment. Describe plans for setting up facilities for manufacturing or other deployment activities. Discuss any key issues such as: need for specialized production equipment or strategic alliances; critical make/buy decisions or cost/volume issues; and, plans for ancillary activities such as service support functions.
- d) **Finance:** Estimate funds required to go from the current stage of development to a financially self-sustaining level of commercialization; include funding for R&D and initial marketing and manufacturing/deployment programs. Identify potential funding sources. Identify any potential strategic partners.

Items E-H continue under Section IV, which begins on page 9. (Items E-H are required for all categories.)

Category 3 - Evaluation Criteria (Items A - D)

- 1) Is the technology innovative and an improvement over existing alternatives?
- 2) Does the technology have an energy benefit compared to existing alternatives?
- 3) Does the proposal convey clear and adequate benefits to NYS, including creation or retention of jobs within NYS?
- 4) Is the approach laid out in the statement of work likely to meet the objectives of the project?
- 5) Is the schedule reasonable and provided in adequate detail?
- 6) Is the commercialization strategy well-conceived and appropriate?
- 7) Does the technology have good potential for widespread adoption?

III.d. SPECIFIC PROPOSAL REQUIREMENTS and EVALUATION CRITERIA CATEGORY 4 PROJECTS (Applied Research)

A/B. Project Description and Benefits (Recommended: 5-7 pages)

Describe the relevance of the topic to NYS's WTPs/WWTPs, NYS and/or NYSERDA's overall objectives (as appropriate), including the benefits of the project. Describe the objectives of the project.

C. Statement of Work and Schedule (Recommended: 3-4 pages)

Describe each of the tasks that will be required to achieve the objectives of the project [e.g., "Task 1: Design", "Task 2: Installation", "Task 3: Sampling and Analysis", "Task 4: Technology Transfer (or Commercialization)", "Task 5: Project Management" (including project meetings which involve NYSERDA), and "Task 6: Reporting" (including progress reports and final project report)]. At a minimum, you should describe what will be accomplished under each task and who will perform the work. *(The tasks listed above are provided for example purposes only. The tasks included in your proposal's Statement of Work should address the specific objectives of your project.)*

Prepare a schedule showing when each task will be performed, including major milestones and project completion.

D. Dissemination of Project Results (Recommended: 1-2 pages)

Identify the audience with whom you will share project results and your approach for doing so.

Items E-H continue under Section IV, which begins on page 9. (Items E-H are required for all categories.)

Category 4 - Evaluation Criteria (Items A - D)

- 1) Is the topic of significant relevance to NYS and/or NYS WWTPs or WTPs?
- 2) Is the statement of work likely to meet the objectives of the project?
- 3) Is the schedule reasonable?
- 4) Has an appropriate audience been targeted and is the plan to transfer project result to this audience clear and reasonable?

IV. ADDITIONAL PROPOSAL REQUIREMENTS and EVALUATION CRITERIA ALL PROJECTS (Categories 1, 2, 3 and 4)

E. Proposer Qualifications

List the project manager, subcontractors, and all other project participants, and explain their individual roles, responsibilities, qualifications and relevant experience. Identify any special facilities or capabilities possessed by the project participants that are relevant to the project.

F. Budget

Complete the Contract Pricing Proposal Form (Attachment C). Indicate requested NYSERDA funding in the column labeled "Funding & Cofunding via NYSERDA. Include non-NYSERDA cash and in-kind contributions in the column labeled "Cost-sharing and other co-funding". This form, and its instructions, can be downloaded from www.nyserdera.org/Funding/stdforms.asp or requested from the individuals listed on Page 1.

G. Cost-Sharing Summary/Recoupment

The proposal **MUST** show non-NYSERDA funding of at least 50% of the total project for proposals requesting NYSERDA funding in Categories 1, 2 or 3 projects. Cost-sharing of 25% is **preferred** and strongly encouraged for Category 4 projects.

Cost sharing can be from the proposer, other team members, and/or other government or private sources. Direct labor (where 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. NYSERDA will not pay for efforts which have already been undertaken. The proposer cannot claim as cost-share any expenses that have already been incurred.

Note: For all Category-type projects, the level of cost-sharing requested from NYSERDA should be appropriate for the level of effort required to complete the project (as proposed) and the anticipated benefits to NYS.

Show the cost-sharing plan in the following format (expand as needed):

Source	Cash	In-Kind Contributions	Total
NYSERDA	\$		\$
Proposer	\$	\$	\$
Others (list individually)	\$	\$	\$
Total	\$	\$	\$

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 principle for indirect costs.

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

NYSERDA will seek recoupment of any product development project requesting NYSERDA funding over \$50,000. Recoupment is defined as a royalty based on sales of the product developed. NYSERDA's standard royalty terms are outlined in the Sample Agreement (attached).

H. Letters of Commitment or Support

If you are relying on any other person, organization or business to participate in the proposed project, include a letter from that entity, signed by a person authorized to contractually obligate the organization, describing their commitment.

Evaluation Criteria (Items E -H) - Applicable to ALL Categories

- 1) Based on the evidence provided, do the project participants have the necessary qualifications, experience and resources to perform the proposed work?
- 2) Is the cost reasonable when measured against the project's objectives, expected benefits, and statement of work?
- 3) Are the billing rates reasonable and appropriate? Has supporting documentation of indirect costs been provided?
- 4) Does the level, type and source of cost sharing indicate a sufficient commitment to the project by the proposer? (For Category 4 projects, does the proposal include cost-sharing?)
- 5) Is the in-kind cost sharing verifiable and necessary for completing the project?
- 6) If applicable, do letters of support exist and do they reflect the level of involvement (e.g., co-funding, services, etc.) of the person, organization or business.

V. RECOUPMENT

Recoupment is required for any new product development projects requesting NYSERDA funding over \$50,000. Please refer to "Recoupment" language in "General Conditions" section, below.

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, including those 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, must be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501. 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/Offerer 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/Offerer 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 4 year period, the Proposer/Offerer 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 is available at 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 multiple awards under this solicitation. Two due dates (“rounds”) are scheduled under this PON; all, or none, of the available funds could be allocated to projects selected from either round. NYSERDA 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 dates 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.

Recoupment - For any new product development projects requesting NYSERDA funding over \$50,000, NYSERDA will require a royalty based on sales of the new product developed. NYSERDA's standard royalty terms are 1.5% of sales for products produced in New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to the amount of funds paid by NYSERDA to the Contractor, whichever comes first) and 5% of sales for products produced outside of New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to three times the amount of funds paid by NYSERDA to the Contractor, whichever comes first).

VII. OTHER OPPORTUNITIES

NYSERDA has a number of programs available to New York State municipalities, businesses and industries. These include technical assistance and implementation assistance programs, as well as others. Information can be found on our websites at www.nyserda.org or water.nyserda.org, by e-mailing info@nyserda.org, or by telephoning toll free at 1-866-NYSERDA.

VIII. ATTACHMENTS

- Attachment A - Proposal Checklist
- Attachment B - Disclosure of Prior Findings of Non-responsibility form
- Attachment C - Contract Proposal Pricing Form (CPPF) and Instructions (or see our [standard forms](#) page for other formats)
- Attachment D - Sample Agreement