NEW YORK CITY PRIVATE FLEET PROGRAM

Program Opportunity Notice (PON) No. 1213

PROPOSALS DUE: August 19, 2008 by 5:00 PM*

The New York State Energy Research and Development Authority (NYSERDA), in partnership with the New York City Department of Transportation (NYC DOT), announces the **New York City Private Fleet Program** (the "Program"). This public-private partnership is designed to encourage the use of alternative-fuel vehicles (AFVs) and emission controls by private-sector companies and non-profit entities operating vehicles in New York City.

This PON solicits proposals for projects that maximize the environmental, energy, and economic benefits of accelerating the introduction of AFVs, corresponding infrastructure for AFVs and advanced diesel emission controls into private fleets in New York City. Priority will be given to projects that: result in the greatest emissions reduction per Program dollar; reduce the greatest amount of petroleum fuel per Program dollar; leverage private and public cost-sharing for infrastructure development and vehicle acquisition; represent a planned approach to introduce AFVs and/or emission controls into the proposer's fleet; and offer unique and innovative partnerships and approaches to meet critical needs and priorities.

Approximately **$6 million** is available through this PON to be awarded on a competitive basis.

Category A: NYSERDA will fund up to:

- 50% of the incremental cost[1] of acquiring or converting one or more new, dedicated-compressed natural gas (CNG) or electric light-duty vehicles (gross vehicle weight ≤ 14,000 pounds);
- 80% of the incremental cost for acquiring one or more new, dedicated-CNG, electric, or hybrid-electric, medium- and/or heavy-duty vehicles (gross vehicle weight > 14,000 pounds);
- 80% of the cost of converting one or more medium- and/or heavy-duty vehicles to dedicated-CNG use or to dual-fuel technology optimized to use 80% CNG; and
- 50% of the cost for equipment and installation of CNG refueling equipment or electric vehicle charging equipment up to a maximum of $300,000 per project (Total combined amount awarded under the infrastructure category for all projects awarded funding in this round will not exceed $600,000).

Category B: NYSERDA will fund up to:

- 80% of the cost of purchasing and installing California Air Resource Board (CARB) or Environmental Protection Agency (EPA) verified/certified emission reduction equipment on medium and heavy duty diesel vehicles.

Proposal forms are included in this PON. Ten (10) applications with a completed and signed Proposal Checklist (**Attachment 1**) must be attached to the front of each copy, one of which must contain an original signature, clearly labeled and submitted to:

Roseanne Viscusi, PON No. 1213
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203-6399

Program questions can be directed to **Patrick Bolton,** at **(866) - NYSERDA, ext. 3322** or **ppb@nyserda.org.**
Contractual questions may be directed to **Doreen Darling** at **ext. 3216** or **djd@nyserda.org.**

*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.

No communication intended to influence this procurement is permitted except by contacting Patrick Bolton(Designated Contact) at (518) 862-1090, ext.3322 or ppb@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.

[1]The incremental cost of a vehicle is the additional cost for purchasing an alternative-fuel or electric vehicle compared to the cost of a petroleum-powered vehicle of comparable size and style.

Periodically, the New York State Legislature will provide tax credits for alternative-fueled vehicles. Proposers may want to check the New York State Tax Law Sections 187-b, 210(24), 606(I)(1) and 1115(p) to see if they are available. Federal tax incentives may also apply (see Internal Revenue Code §30 and §179A.)

I. INTRODUCTION

The Program helps private sector companies and non-profit entities operating vehicles within the five boroughs of New York City to acquire alternative fuel vehicles (AFVs) and advanced diesel emission control devices (DECD). NYSERDA, in partnership with the New York City Department of Transportation (NYC DOT), seeks projects that will maximize the environmental, energy, and economic benefits of accelerating the introduction of these vehicles, refueling infrastructure, and emission controls into private fleets in New York City. This public-private partnership is designed to encourage the use of AFVs by private-sector companies and non-profit entities operating vehicles in New York City. The Program is funded utilizing Federal Congestion Mitigation and Air Quality (CMAQ) funds. These funds are awarded to projects by NYSERDA on a competitive basis for up to 50% of the incremental cost of acquiring or converting new light-duty (gross vehicle weight < 14,000 pounds) natural gas or electric vehicles. Light-duty, hybrid-electric vehicles are ineligible. This funding can also be used to pay up to 80% of the incremental cost for new or converted medium and heavy-duty (gross vehicle weight > 14,000 pounds) dedicated CNG, dual-fuel (80% CNG), electric, or hybrid-electric vehicles. Up to 50% of the cost of equipment and installation for CNG refueling or electric vehicle charging stations (**Category A**) and 80% of the cost of purchasing and installing CARB or EPA verified/certified diesel emission reduction equipment on medium and heavy duty diesel vehicles is also eligible for funding (**Category B**).

II. ELIGIBILITY PROPOSERS FOR PROGRAM - BOTH CATEGORY A & B

Proposer must be a private-sector (non-governmental) company/organization or a non-profit entity, owning or leasing a fleet that is primarily operated in New York City. Federal, State, and municipal government agencies are ineligible to apply for funds. Gas corporations, electric corporations, alternative-fuel providers and their affiliates are eligible to apply only for medium and heavy-duty vehicle projects. Ineligible entities cannot apply on behalf of an end-user eligible fleet.

ELIGIBLE PROJECTS FOR PROGRAM - CATEGORY A

Eligible project activities include purchasing new, light-duty dedicated-CNG or electric vehicles; purchasing new, medium- or heavy-duty electric, hybrid-electric, dedicated-CNG, or dual-fuel vehicles (80% CNG); converting new or currently-owned medium- and/or heavy-duty vehicles to electric, hybrid-electric, dedicated-CNG or dual-fuel technology (80% CNG); and purchasing and installing corresponding fueling or recharging infrastructure. All light-duty vehicles must be new AFVs from original equipment manufacturers (OEMs). All medium- and heavy-duty vehicles must be new AFVs from OEMs, or in the case of conversions, must be less than five years old or have accrued less than 50,000 miles at the time of proposal. Alternative to the age and mileage requirement, the Proposer can provide acceptable proof and written certification that vehicles funded under the Program will remain in service for a period of at least six years with a presumed remaining life of at least ten years. Vehicles meeting the age and milage requirements do not need to provide this information. All conversion technology must have the proper approvals from the U.S. EPA.

All light-duty vehicles, defined as having a gross vehicle weight (GVW) of less than or equal to 14,000 pounds, must be dedicated to run only on electricity or CNG. Medium- and heavy-duty vehicles, defined as having a GVW of greater than 14,000 pounds, may be dedicated-CNG, dual-fuel (using an 80%/20% mix of CNG and diesel), battery-powered electric, or hybrid-electric.[2]

Vehicles must have been manufactured primarily for use on public streets, roads, and highways and must be sold under standard commercial terms. All vehicles must be owned or leased by the Proposer. Leases must be for the useful life of the vehicle or a minimum of seven years for medium or heavy-duty vehicles. Vehicles must be motor vehicles registered with New York State and authorized to operate primarily in New York City. Vehicles may be owned or leased by a private-sector company Proposer that is under an operating agreement with an otherwise ineligible entity (i.e. local school district). Vehicles must be used in the manner and location as stated in the proposal

[2]Eligible hybrid-electric vehicles as defined by Internal Revenue Code §30 and §179A.

for the useful life of the vehicle. Non highway capable vehicles are not eligible for the Program.

At least 75% of the annual miles accrued on the vehicle(s) included in the proposal must be within New York City. Proof that vehicles meet this requirement may be requested by NYSERDA. Preference will be given to those vehicles that are also housed in New York City.

Purchase of vehicles, which is defined as the execution of a purchase order, lease or contract, or conversion of vehicles must take place after August 19, 2008 (Proposal Due Date). Vehicles must be used in the manner and location as stated in the proposal for the useful life of the vehicle or the award may be recaptured, requiring repayment of award funds to NYSERDA. The amount recaptured will be determined by NYSERDA based on the amount of time the vehicle(s) is in service in the manner described in the proposal.

Proposers may apply for funding for up to 50% of the incremental cost of purchasing one or more light-duty vehicles that use a dedicated alternative source of propulsion energy restricted to CNG or battery electric vehicles. NYSERDA may fund up to 80% of the incremental cost of purchasing one or more medium- and/or heavy-duty vehicles or the cost of converting one or more medium- or heavy-duty vehicles to dedicated-CNG, dual-fuel technology (80% CNG), electric, or hybrid-electric.

Eligible projects may also include costs associated with CNG fueling equipment or electric vehicle recharging equipment that will be used to establish a new station, or may be used to add equipment to an existing station. If the equipment is being added to an existing station, there must be a demonstrated need for increasing the fueling or recharging capacity of the station due to an expansion of AFVs in the Proposer's fleet. The Proposer's justification for increasing the fueling capacity of the station should be provided in the proposal. Projects that request funding for compressed natural gas fueling equipment must also apply for natural gas vehicles that are eligible under this Program. Likewise, proposals that request funding for electric vehicle charging equipment must also request funding for Program-eligible electric vehicles. NYSERDA will fund up to 50% of the cost of equipment and installation of compressed natural gas refueling equipment or electric vehicle charging equipment, up to a maximum award of $300,000.

The incremental cost of the vehicle is the additional cost for purchasing an alternative-fuel vehicle compared to the cost of a gasoline or diesel-powered vehicle of comparable size and style. A single proposer can receive a maximum of $1.25 million of the funds available for this round of the Program. A single proposer can receive a maximum award of $300,000 for infrastructure project funding available for this round of the Program. The total combined amount awarded for all infrastructure projects for all Proposers will not exceed $600,000 in this round of the Program. NYSERDA reserves the right to award all or part of the funds requested. Additional funding rounds are expected in the future.

Recipients will be required to provide milestone reports based on the proposed schedule of equipment procurement. Recipients will also be required to provide brief semi-annual reports for three years following the introduction of the funded, equipment. Such reports should include data on the operation of the vehicles including: fuel usage, maintenance events and costs, problems and concerns, and emissions test results (if available).

Funds awarded through the Program should be committed (purchase orders or contracts executed) within nine (9) months of the date of award. Funds not committed by that date may be reallocated to other projects which were not initially awarded funds, or may be added to funds available in subsequent rounds of the Program.

In cases where one private or non profit entity operates or controls more than one operating subsidiary, each subsidiary is considered a separate Proposer.

Proposers must agree to operate the vehicles on similar routes and within the same geographic area as described in the proposal on which the award was based throughout the useful life of the vehicles.

INELIGIBLE PROJECTS FOR PROGRAM FUNDS

Vehicles fueled by propane, hydrogen, ethanol, methanol, or light-duty hybrid-electric vehicles are ineligible for funding. There is no incremental cost for ethanol vehicles, and methanol vehicles are no longer supplied by OEMs. Propane vehicles are not allowed to operate in New York City.

Projects for fueling or recharging equipment that do not include Program-eligible vehicle conversions or the acquisition of vehicles that would use such equipment are ineligible to apply.

Demonstration, research, and development projects are ineligible for funding through this solicitation.

III. PROPOSAL REQUIREMENTS - CATEGORY A

Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k
Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws 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.

Proposers must submit **ten (10)** 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 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.

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 PON number, and the page number. The proposal must be in the following format:

A completed and signed Proposal Checklist (**Attachment 1**) must be signed by a person authorized to contractually commit the organization and attached to the front of each of the **ten (10)** sets of proposal forms. At least one copy must contain an original signature. All proposals **must** include a completed *Disclosure of Prior Findings of Non-Responsibility* form (**Attachment 2**) (for disclosing whether any New York State agency or authority has made a formal determination that the proposer is non-responsible). See additional information under the General Conditions in Section VI.

Proposals should also include **Attachment 3**: Vehicle Project Information, **Attachment 4**: Infrastructure Project Information (if applicable), and **Attachment 5**: Vehicle Project Narrative. These proposal forms require information and documentation related to each of the selection criteria, however additional documentation to support the proposal is strongly encouraged.

Note: **Attachment 8**, the Sample Agreement does not need to be executed and submitted. It is intended to allow you to review NYSERDA's standard contract terms only. If the Proposer intends to object to any of these terms they should include a separate attachment that lists the objections and provide alternate terms.

COST SHARING

The proposal should show non-NYSERDA funding of at least 20% for medium and heavy-duty vehicles and 50% for light-duty vehicles and infrastructure of the total cost of the project. Cost sharing can be from the Proposer, other team members, and other government or private sources except Federal funds. 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. NYSERDA will not pay for efforts which have already been undertaken. The Proposer or Proposing team cannot claim as cost-share any expenses that have already been incurred. The base costs of vehicles can not be used to meet this minimum cost share. Show the cost-sharing plan in the following format (expand table as needed):

	Cash	In-Kind Contribution	Total
NYSERDA	$	$	$
Proposer	$	$	$
Others (list individually)	$	$	$
Total	$	$	$

IV. SELECTION PROCESS - CATEGORY A

To be considered for an award, each proposal must meet the following minimum qualifications:

- It must be submitted by an eligible entity and be consistent with the eligibility criteria;
- It must provide the required documents, sufficient information and supporting documentation to enable NYSERDA to evaluate the proposal based on the evaluation criteria; and
- The proposed project must, at a minimum, result in a reduction of both petroleum usage and environmental emissions.

Proposals will be reviewed by NYSERDA to determine whether the proposal meets the minimum requirements as set forth in this PON. Proposals that do not meet the minimum requirements will not be considered for funding. Reasons for removing the proposal from consideration for funding shall be provided to the Proposer in writing.

With the assistance of the NYC DOT and a Technical Evaluation Panel (TEP) of internal and external experts, NYSERDA will evaluate all proposals that meet the minimum qualifications described above. A list of Program proposals, beginning with the proposal ranked the highest by the TEP, will be developed. Projects that receive the highest scores and are recommended for funding will be awarded funding. NYSERDA will enter into contracts with each entity awarded funds.

V. EVALUATION CRITERIA - CATEGORY A

Proposals that meet the minimum qualifications will be evaluated based on the following five criteria:

1. Reduction in environmental emissions per Program dollar invested:
   Factors: the annual mileage and duty cycle of vehicles and the amount of criteria pollutants that will be eliminated by proposed vehicles based on the type of fuel and technology that will be used to power the vehicle:

2. Reduction in petroleum usage per Program dollar invested:
   Factors: the type of fuel (unleaded gasoline or diesel) that would be used to power a petroleum-powered vehicle of comparable size and style:

3. Amount of cost-sharing and leveraging of private and public funds for infrastructure development and vehicle acquisition:
   Factors: contribution by Proposer or others beyond the required cost-sharing for the project either in cash or for in-kind services, partnerships which leverage other funding, and other comparable factors:

4. Proposer's past history with AFVs, future plans, and access to fueling:
   Factors: previous financial commitment to AFVs, long-term plans for introducing AFVs into the fleet, availability of fueling facilities in the area:

5. Unique partnerships, including involvement with community groups, innovative use of the technology, and whether project addresses critical needs or priorities:
   Factors: proposer's commitment to improving the emissions profile of the fleet and informing the public of the benefits of the project, advancement of new technologies, potential economic benefits to New York State and

other comparable factors, participation of certified minority- and women-owned business enterprises.

VI. ELIGIBLE PROJECTS FOR PROGRAM - CATEGORY B

This PON solicits proposals for projects that maximize the environmental and economic benefits of introducing diesel emission control devices (DECD) for diesel-fueled vehicles into New York City private fleets and accelerating the introduction of these emission-reducing technologies into the market. Priority will be given to projects which result in the greatest emissions reduction per Program dollar invested; provide the greatest economic benefits for New York State; leverage private and public cost-sharing for equipment acquisition; and are consistent with other clean-fuel vehicle activities and priorities.

The cost of purchasing, including installation of this equipment, is eligible for reimbursement as long as the equipment is not required to be installed on the vehicle by local, State or Federal law or mandate. Equipment must be EPA or CARB certified or verified. Eligible DECD equipment and technologies include, but are not limited to, particulate traps or filters and catalytic converters that decrease the emissions of particulate matter, hydrocarbons, oxides of nitrogen, carbon monoxide, or toxic air pollutants, and are not part of a standard or required engine configuration (i.e., if the equipment is required by law to be installed on the vehicle for the vehicle, then the equipment would not be eligible). Equipment must be sold to the proposer under standard commercial terms from one or more EPA-CARB certified/verified, DECD manufacturers or their authorized vendors.

The websites below show the list of current CARB and EPA DECD technologies and manufacturers.
www.epa.gov/otaq/retrofit/verif-list.htm
www.arb.ca.gov/diesel/verdev/vt/cvt.htm

Payments may be awarded for up to 80% of the equipment and installation costs of the eligible, DECD technology on one or more currently operating diesel-powered on road vehicle. A proposal for a Category B project requires that the diesel-fueled vehicle to be retrofitted, be categorized by type of retrofit technology that will be used to reduce the emissions of the vehicle, and by the vehicle and engine manufacturer and engine model. Proposers awarded Program funds will be reimbursed for eligible costs upon submission and approval of invoices.

Recipients will be required to provide milestone reports based on the proposed schedule of equipment procurement. Recipients will also be required to provide brief annual reports for three years following the introduction of the funded, emission-reducing equipment. Such reports should include data on the operation of the vehicles including: fuel usage, maintenance events and costs, problems and concerns, and emissions test results (if available).

Funds awarded through the Program should be committed (purchase orders or contracts executed) within nine (9) months of the date of award. Funds not committed by that date may be reallocated to other projects which were not initially awarded funds, or may be added to funds available in subsequent rounds of the Program.

In cases where one private or non profit entity operates or controls more than one operating subsidiary, each subsidiary is considered a separate Proposer.

Proposers must agree to operate the vehicles on similar routes and within the same geographic area as described in the proposal on which the award was based, throughout the useful life of the vehicles.

Vehicles that are retrofitted with eligible equipment for which State-assistance payments are awarded, may be operated by another entity through an operating license or operating agreement, provided such agreement is consistent with Federal income tax regulations pertaining to the use of proceeds from tax-exempt bonds (i.e., a school district owns the buses but contracts for the operation of the publicly owned buses).

INELIGIBLE PROJECTS FOR PROGRAM FUNDS

Vehicles owned by public entities such as local, State, or Federal entities are not eligible for Program funds. Off road vehicles and equipment are not eligible. Vehicles must be highway capable and legally registered as a vehicle in New York State. Fuel additives and biofuels are ineligible for Program funds even if they have been verified by CARB or EPA. The Program can only pay for equipment. Demonstration, research, and development projects are ineligible for funding through this solicitation.

VII. PROPOSAL REQUIREMENTS - CATEGORY B

Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k
Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws 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.

Proposers must submit **ten (10)** 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 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.

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 PON number, and the page number. The proposal must be in the following format:

A completed and signed Proposal Checklist (**Attachment 1**) must be signed by a person authorized to contractually commit the organization and attached to the front of each of the **ten (10)** sets of proposal forms. At least one copy must contain an original signature. All proposals **must** include a completed *Disclosure of Prior Findings of Non-Responsibility* form (**Attachment 2**) (for disclosing whether any New York State agency or authority has made a formal determination that the proposer is non-responsible). See additional information under the General Conditions in Section VI.

Proposals should also include **Attachment 6**: Emission Controls Information and **Attachment 7**: Emission Controls Narrative. These proposal forms require information and documentation related to each of the selection criteria, however additional documentation to support the proposal is strongly encouraged.

Note: **Attachment 8**, the Sample Agreement does not need to be executed and submitted. It is intended to allow you to review NYSERDA's standard contract terms only.

COST SHARING

The proposal should show non-NYSERDA funding of at least 20% of the cost of the equipment including installation. Cost sharing can be from the proposer, other team members, and other government or private sources except Federal funds. Contributions of direct installation 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. NYSERDA will not pay for efforts which have already been undertaken. 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 (expand table as needed):

	Cash	In-Kind Contribution	Total
NYSERDA	$	$	$
Proposer	$	$	$
Others (list individually)	$	$	$
Total	$	$	$

VIII. SELECTION PROCESS - CATEGORY B

In order to be considered for an award, each proposal must meet the following minimum qualifications:

-- The proposal must be submitted by an eligible entity and be consistent with the eligibility criteria and Special Provisions described in this PON.
-- The proposal must provide required documents, sufficient information and supporting documentation to enable NYSERDA and the TEP to evaluate the proposal based on the selection criteria.
-- The Project must result in a reduction of environmental emissions.

Proposals will be reviewed by NYSERDA to determine whether the proposal meets the Program's minimum qualifications. Proposals that do not meet these qualifications will not be considered for funding. Reasons for removing the proposal from consideration for funding shall be provided to the proposer in writing.

NYSERDA and a TEP will evaluate all proposals which meet the qualifications, based on the selection criteria described in Section IX. A list of retrofit Projects will be developed beginning with the proposal ranked the highest by NYSERDA and the TEP. Projects which receive the highest scores and are recommended for program funding will be awarded Program funds until the funds available for the current round are exhausted. NYSERDA will enter into contracts with each entity awarded Program funds.

IX. EVALUATION CRITERIA - CATEGORY B

Proposals that meet the minimum qualifications will be evaluated based on the following four criteria:

1. Amount of environmental emissions reduced per New York City Private Fleet Program dollar requested:
   Factors: expected emissions reduction from proposed technology as compared to baseline emissions certification of the diesel vehicles; emissions reduction over the life of the project including oxides of nitrogen and particulate matter; duty cycle (i.e., urban, rural, suburban); annual mileage; and Program dollars requested.

2. Amount of cost-sharing by Proposer or other public and private partners:
   Factors: previous financial commitment to the introduction of emission reduction technology; contribution by the Proposer or others to offset a portion of equipment costs; unique partnerships which leverage other funding; and other comparable factors. Providing cost share above the 20% minimum required.

3. Proposers commitment to diesel emission reduction projects:
   Factors: Proposer's previous commitment to diesel emission reduction projects; long term plans for adopting more diesel emission reduction projects; and Proposers evidence of organizational resources and expertise to accomplish these tasks.

4. Significant partnering and project impact:
   Factors: partnerships involved in the project including community groups; innovative approach and technologies; plans to introduce emission reduction technology and improve the emissions profile of the fleet and to inform the public of the benefits of the project; Proposer a certified minority- or women-owned business enterprise; and cost-effective approach. Special consideration is given to Proposers who incorporate the installation of closed crank-case ventilation filters in combination with tailpipe emission reducing devices.

X. 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 excepted. 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 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.tax.state.ny.us/pdf/2006/fillin/st/st220td_606_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSERDA. *See,* ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf.

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 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.

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XI. Attachments:

Attachments

Attachment 1 - Proposal Checklist
Attachment 2 - Disclosure of Prior Findings of Non-Responsibility Form
Attachment 3 - Vehicle Project Information
Attachment 4 - Infrastructure Project Information
Attachment 5 - Vehicle Project Narrative
Attachment 6 - Emission Controls Information
Attachment 7 - Emission Controls Narrative
Attachment 8 - Sample Agreement