

I. INTRODUCTION

Proposals are sought for projects that will ultimately lead to the deployment of systems that improve the efficiency, performance and reliability of the existing passenger transit systems within the jurisdiction of the New York City MTA and that provide readily-quantifiable benefits as follows:

- **Mobility & Reliability benefits** are sought in the form of improvements to New York City transportation systems that will allow predictable trip times.
- **Energy benefits** are sought in the form of reduced petroleum use, electrical energy use, or electrical demand/peak load reduction.
- **Environmental benefits** are sought in the form of enhanced sustainability and reduced air pollution, especially if the product or system assists New York State and New York City in complying with federal clean air laws, and reductions in other transportation-related pollution, including greenhouse gases.
- **Economic benefits** are sought in the form of increased economic viability of New York State businesses and the creation or retention of jobs in New York State. Benefits also are sought in the form of reduced overall life-cycle costs to the MTA.
- **Safety & Security benefits** are sought in the form of methods and products which protect the transportation infrastructure and its users from harm, minimize the negative effect of any man-made or natural disaster, and/or facilitate the response and recovery from a disaster. Benefits are also sought in mitigating adverse quality-of-life issues, as they pertain to transportation.

Examples of technology/application areas of interest in this solicitation include, but are not limited to:

1. Available or Near-Term Technologies

- **Ventilation of Subway Cars, Stations and Tunnels** - Subway car air conditioning is essential to passenger comfort. However, air conditioning loads increase electrical demand, and the heat exhaust associated with air conditioning contributes to station overheating in the summer months, resulting in the need to air-temper a number of station platform areas. The subway system is ventilated solely through the natural piston action of subway trains. The MTA is interested in technologies, including subway car demand control ventilation and platform edge doors, that can reduce electrical demand related to air conditioning (while maintaining passenger comfort) and/or control tunnel ventilation to reduce station overheating.
- **Station Lighting** - Post 9/11 security concerns have resulted in a demand for increased light levels in subway and commuter train stations. The MTA is interested in lighting technologies that can maximize light levels, while decreasing electrical loads.
- **Elevators and Escalators** - The MTA system includes hundreds of elevators and escalators. The MTA is interested in technologies that improve efficiency, reduce electrical demand, and increase reliability. Demand control escalators and hydraulic elevator lifts are examples of technologies that may have MTA applications.

2. Technological Synergies

- **Platform Edge Doors and Subway Car Air Conditioning Controls/Improvements** - Reducing the loss of tempered air in stations (e.g., via platform edge doors) and simultaneously decreasing heat exhaust from train car air conditioning units (e.g., via demand control) may result in synergies that have the potential to substantially reduce energy use.

- Photovoltaic Cells and Battery Storage Systems - With its many elevated and surface-level train stations, the MTA owns substantial square footage of roof space that could potentially house photovoltaic cells. However, since these stations receive a natural light, electrical demand during the day is minimal, and generally will not support the cost of a photovoltaic installation. The combination of efficient and cost effective photovoltaic cells and battery storage systems could allow the use of stored photovoltaic energy at night and change the economics of such projects.
- Wayside Energy Storage Systems and Regenerative Braking - Regenerative braking provides the potential for capturing energy that would otherwise be lost into the contact rail. A wayside energy storage system could provide the means to store regenerative braking energy and return it to the contact rail at the moment it is needed. The combination of these two technologies has great potential to decrease both energy demand and reduce voltage spikes.
- Aluminum Contact Rail and Regenerative Braking - The lowered resistance of aluminum contact rail in conjunction with regenerative braking also has the potential to both decrease energy usage and allow for reduced voltage demand.

3. Emerging Technologies

- Buses - Ultracapacitor hybrids, hydraulic hybrids, and fuel cell powered buses.
- Rolling Stock - Lightweight aluminum rail cars
- Renewable Power – Small wind power or kinetic hydro power applicable to MTA bridges infrastructure.

Note: This solicitation is open to any technology that results in reduced energy use and/or demand reduction within the New York City MTA passenger transit system. The preceding examples are included for illustration only. Proposals shall be evaluated in competition with each other, however, a portion of the funds for this PON have been set aside for electrified transportation projects and proposals in that topic area will be evaluated as a separate category competing for the set-aside funds. All other proposals will be evaluated against each other in a “general” category. Projects in the electrified transportation category should be beneficial in reducing electrical energy use or demand on the electrical grid. NYSERDA is particularly interested in, and seeking proposals that reduce electrical energy use or demand on the electrical grid.

II. PROGRAM REQUIREMENTS

Project Types – Three types of projects and will be considered for funding:

1. **Studies Leading to New Product Development, Testing of Emerging Technologies, or Demonstration of Existing Underutilized Commercial Technologies.** Studies may comprise feasibility assessments, engineering studies, and related analysis necessary to establish the energy, environmental, and additional benefits of a proposed product or technology, its financial impacts, and additional potential impacts in the areas of operations, maintenance, safety, reliability, mobility, and security of existing commercial technologies, that have not been previously deployed in New York State to any significant extent. Projects funded of this type will be limited to a maximum of \$50,000 of New York State funds per project.
2. **Testing of Emerging Technologies** to establish potential benefits and barriers to implementation. of emerging, pre-commercial transportation technologies. Projects funded of this type will be limited to a maximum of \$150,000 of New York State funds per project.

3. **Demonstration of Underutilized Commercial Technologies**, including existing commercial technologies that have not been previously deployed in New York State to any significant extent. Projects funded of this type will be limited to a maximum of \$500,000 of New York State funds per project.

A **New Product Development** refers to any new technology, product, or system that is not commercially available or at the point of commercial product readiness.

An **Underutilized, Commercial Technology** is defined to be a product or system that is sold or traded in reasonable quantities on the open market within the course of normal business operations at prices based on established catalog or market prices with industry-standard deliveries, terms, and warranties, but which have not been previously applied or deployed within New York State transit systems to any significant extent.

An **Emerging Technology** is defined as a product or system that has relatively recently been advanced to commercial readiness and availability, but has not been previously applied or deployed within any transit system to any significant extent.

Project Scope – Projects selected for funding must:

- Address energy improvements to the existing mass transit systems of the NYC MTA.
- Further the key strategies and policy objectives of New York State as described in the State Energy Plan, at http://www.nyserda.org/publications/sep_annual_report.pdf, and of the MTA as described in The Interim Report of the Blue Ribbon Commission on Sustainability and the MTA, at <http://www.mta.info/environment/pdf/Interimforweb.pdf>
- Emphasize the ultimate deployment of technical solutions rather than basic research.
- Provide readily-quantifiable mobility and reliability, energy, environmental, economic, safety and security benefits in New York State and New York City.
- Be consistent with metropolitan transportation plans in New York State and New York City, and with transportation-related regulations at the federal or state level.
- Provide cost-sharing by the proposer or third parties:
 - In the form of cash or in-kind labor, materials, equipment, facilities, and other resources, subject to reasonable and verifiable valuation. Co-funding may be from the proposer or other private or government sources. New York State funds cannot be used to reimburse or replace normal expenses of other government organizations.
 - Preferably in the amount of 50% or more of the total project cost. The quality of the proposer's co-funding is examined during the proposal evaluation process. Cash, labor, and materials are considered superior to other types of co-funding. The level of co-funding will be considered an indicator of the proposer's commitment to the success of the project and the type of co-funding offered should be appropriate for the proposer's financial condition and the product's stage of development (degree of risk).

Proposers may submit multiple proposals, but each proposal must address one technology/application area or synergy between technologies/application areas.

Project Schedule, Phasing and Teaming – The following guidelines should be considered when developing proposals:

- Projects are expected to begin within six months of the proposal due date. The project schedule should not exceed 24 months, except to indicate the approximate duration of future phases (beyond the proposed phase) of a multi phase project.
- Requirements for Multi phase Projects – Multi phase projects are acceptable as long as the proposal:
 - Briefly describes all phases along with significant milestones, and provides an estimate of the total cost and schedule for all phases.
 - Only requests funding for one clearly-defined phase and adheres to the funding limit for the appropriate project category as described under “Project Categories” above. The proposer must accept that any contract awarded to fund one phase of a multi phase project does not in any way obligate New York State to fund later phases. Funding requests for additional phases may need to be submitted under a future PON for competitive evaluation.
- Teaming arrangements are encouraged, where appropriate, to enhance the likelihood of project success. Teams may include commercial firms, industry associations or research organizations, universities, government agencies, end-users, and other stakeholders. **Include letters of interest or commitment from each identified team member in an appendix to the proposal.**

Other Considerations – In addition, note that:

- A proposal may be considered **non-responsive** if it fails to comply with the requirements above, the Proposal Requirements of Section III, or the General Conditions of Section VI.
- Prior to an award being made, potential contractors may be required to demonstrate: access to financial resources sufficient to perform the proposed work, technical experience and adequate facilities (or the ability to access them), a good performance record, and the ability to qualify for an award under applicable laws and regulations.

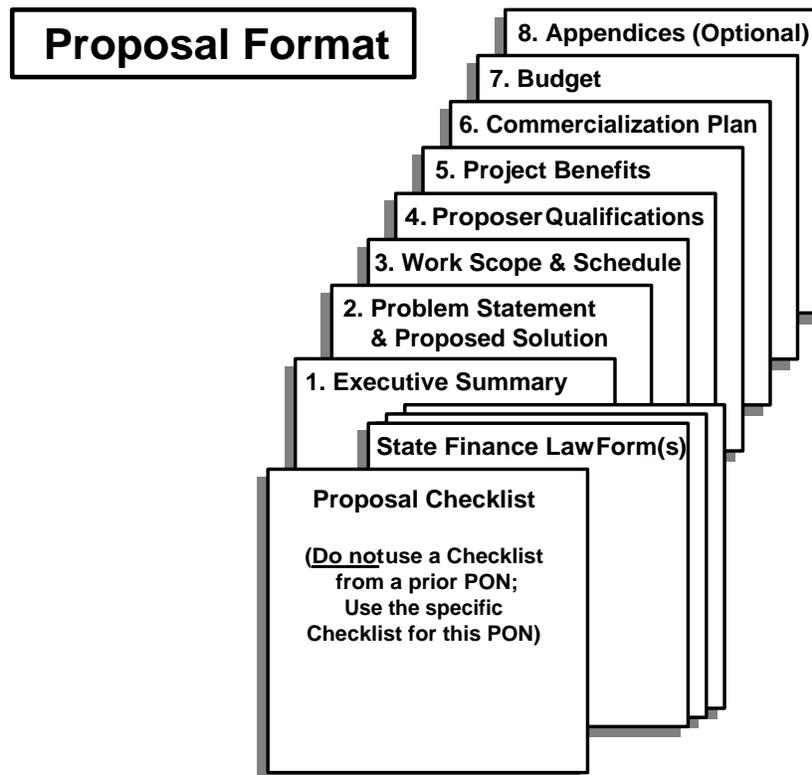
III. PROPOSAL REQUIREMENTS

It is suggested that total proposal length should be 20 pages or less, not including supplementary material, such as letters of interest or commitment, which may be included in appendices. Suggested page limits for each section are provided below in parentheses. **If you believe proprietary information must be submitted to present an adequate proposal, please contact an individual listed at the beginning of this PON and comply with the Section VI instructions for submitting proprietary material.**

Rigid bindings and other elaborate presentation material should not be used – a staple in the upper left corner is preferred. Your goal as a proposer should be to concisely present the information needed to fully address the evaluation criteria (see Section IV). Proposals that grossly exceed the page limits or fail to follow the format guidelines may be rejected as non-responsive.

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

Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response 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 and should present the items in the sequence indicated below.



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

Note the following:

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

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, the following 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.

Proposal Sections – Sections of your proposal should be as follows:

1. Executive Summary (one to two pages) – Briefly summarize your proposal, emphasizing:

- The transportation-related issue or opportunity being addressed, and its significance to New York State.
- Your proposed solution, how it will address the issue or exploit the opportunity, and also be consistent with the State’s key policy objectives with respect to transportation energy.
- A list of the project team members and their qualifications to do the work.
- Benefits if the project is successful. Include an estimate of market potential and quantify the energy, environmental, economic, and safety benefits to the extent possible.
- User economics. Provide an estimate of the price of the product or service that eventually will be implemented and the price(s) of relevant alternatives. Briefly explain the economic motivation for implementing the new product or service, versus alternatives.

2. Transportation-Related Issue and Proposed Solution (three to four pages) – Describe:

- The transportation-related issue or opportunity being addressed, and its significance to New York State.
- Which key policy objectives as described in the State Energy Plan, (http://www.nyscrda.org/publications/sep_annual_report.pdf) and of the MTA as described in The Interim Report of the Blue Ribbon Commission on Sustainability and the MTA, (<http://www.mta.info/environment/pdf/Interimforweb.pdf>) does your proposal address and to what extent would successful implementation of the proposed solution help to meet the relevant policy objective(s).
- Alternative solutions, and why your proposed solution is more effective than the alternatives.
- If applicable, your solution’s relevance to any New York City metropolitan transportation plan or transportation-related regulation.
- If this proposal addresses a subsequent phase of a previously funded research project, the results of the earlier phase(s) and current project status.

3. Proposed Work Scope and Schedule (three to four pages) – Provide:

- Technical or performance goals for proposed demonstration or qualification project.
- A list of major tasks to be accomplished and a three- or four-sentence description of each. Typical task titles may include, but are not limited to, the following: project management and reporting, requirements definition, teaming agreements, test plan development, design, installation, data collection, and demonstration. (Note: NYSERDA will expect to receive written progress reports and a final report, and have occasional project meetings, as part of the project management task. These activities should be considered when developing your cost estimates.)
- The duration of the project and timing of major milestones, such as design reviews, test plan reviews, data collection, and reporting, showing progress toward project objectives and goals.

- If applicable, a brief description of additional phases, beyond the proposed work, that will be necessary to fully achieve New York State implementation, and their anticipated duration.

4. Proposer Qualifications (two to four pages, depending on team size) – Identify:

- Proposer and any other team members and major subcontractors. Note: Subcontracts of \$25,000 or more are subject to competitive bid procedures except where the proposal identifies a specific subcontractor as an integral participant in the proposed work (see Att. E: Sample Agreement).
- Project Manager and other key individuals.
- Qualifications of all entities named above, including relevant experience and references.
- NYSERDA, MTA, NYCT, MNR, LIRR, or NYPA contracts awarded to the proposer, if any, in the past five years.

5. Project Benefits (two to three pages) – Outline benefits as follows:

- Discuss how New York State’s key transportation energy policy objectives will be advanced.
- Quantify the following direct benefits to New York State to the extent possible:
 - Mobility and Reliability benefits
 - Energy benefits (e.g.: electrical energy reduction, and/or demand reduction; fuel economy improvements, etc.)
 - Environmental benefits (e.g.: emission reductions, hazardous material reductions, etc.)
 - Economic benefits (e.g.: jobs created or retained, reduced transportation system life-cycle costs, enhanced viability of NYS business entities, etc.)
 - Safety and Security benefits
- Identify other benefits (e.g.: lowering the cost of compliance with New York State or federal regulations, enhanced quality of life issues, etc.)
- Describe how the success of the project can be measured or verified, and how and for how long these metrics will be provided to NYPA and NYSERDA.

6. Implementation Plan (Two to three pages) – Describe how project results will be leveraged for significant implementation in New York State. Projects undertaking a commercial demonstration should have a detailed implementation plan, whereas an early-stage study should be accompanied by at least a rough outline of how the concept may ultimately be implemented. Cover the following topics:

- **Timeline:** Provide a multi-year timeline showing the paths, activities, milestones, resources, timing to take the technology from its current state of development to significant deployment.
- **Institutional Barriers:** Identify known institutional barriers to implementation, such as the need for changes to current state policies, procedures, or specifications, or the need for inclusion on approved state product listings. If institutional barriers are not clearly known by the proposer, they should be further researched as part of the work effort.
- **Design & Production:** Describe remaining technical development steps leading to commercial production or implementation. Describe plans for setting up facilities for manufacturing or related deployment activities. Discuss any key issues such as: need for specialized production equipment or strategic alliances; cost/benefit issues; and, plans for ancillary activities such as service support functions.
- **Finance:** Estimate funds required to go from the current stage of development to a significant level of implementation; include funding for R&D and initial marketing and

manufacturing/deployment programs. Identify potential funding sources and how those sources will be addressed. Describe proper cost sharing in relation to total costs. Identify any potential strategic partners who could reduce your costs by providing access to marketing/distribution channels, manufacturing facilities or other assets.

- **Organization Plan:** Describe staffing plans for transitioning from the current stage of development to significant deployment; include major organizational functions, such as management, administration, engineering, marketing/sales, and manufacturing.
- **Technology Transfer:** Describe efforts required to identify relevant groups and/or individuals needing information on the proposed technology and develop and/or propose actions to promote, familiarize, and implement the new technology. These may include demonstration projects, developing appropriate workshops or training materials, and presentations at relevant meetings, workshops or conferences.

7. Budget – A Contract Pricing Proposal Form (CPPF), with associated instructions, is provided as Attachment C to this PON. **Each proposal must include a completed CPPF and also a cost-sharing table identifying the allocation of funding by task.**

Cost-Sharing: Cost sharing is required and will be an important consideration in the proposal evaluation process. It is preferred that the proposal contain non-NYSERDA funding of at least 50% of the total cost of the project. Cost sharing can be from the proposer, other team members, and other government or private sources. New York State funds cannot be used to reimburse or replace normal expenses of other government organizations. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. The amount and source of cost sharing should be consistent with the level of New York State funding. For example, labor may be provided at discount rates. Qualification prototypes may be provided at no cost to the project, while products for commercial demonstration may be provided at cost. It is the responsibility of the proposer to adequately quantify and document the level of cost share being provided. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. Show the cost sharing plan in the following format within your proposal (expand table as needed).

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

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

- 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).

- If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
- If rate(s) is based on estimated costs or prior period actual results, include calculations to support the rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

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

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

Letters of Interest or Commitment – If you are relying on any other organization to provide services, equipment or cost share, include a letter from that organization describing their planned participation. Where appropriate, proposed product qualifications and demonstrations should include letters of commitment from the host site or vehicle fleet owner. Also include letters of interest or commitment from businesses or other organizations critical to the future commercialization of the project. Absence of letters of interest or commitment will be interpreted as the proposer not having support from the identified parties.

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

IV. RECOUPMENT PROVISIONS

For any new product development projects requesting NYSERDA funding over \$50,000, NYSERDA will require a royalty based on sales of the new product. Refer to “General Conditions” in Section VI.

V. PROPOSAL EVALUATION

Proposals will be reviewed by a Technical Evaluation Panel (TEP) and will be scored and ranked according to the following criteria, **listed in order of importance**. After the proposals are reviewed, NYSERDA will issue a letter to each proposer indicating the proposal evaluation results. Proposers receiving favorable evaluations will be invited to enter into contract negotiations with NYSERDA. The proposer will be required to submit a detailed statement of work, budget, and schedule, and may also be asked to address specific questions or recommendations of the TEP before contract award.

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

- Conform with key transportation energy strategies in New York State?
- Address mass transit needs in New York State and the New York City MTA?
- Emphasize development of deployable solutions rather than basic research?
- Provide direct and quantifiable energy, environmental, economic, safety, security, mobility and reliability benefits in New York State and the New York City MTA?
- Show consistency with NYC MTA transportation plans and State or federal transportation-related regulations?
- Provide a level of cost-sharing consistent with the project scope and funding?
- Include an Implementation Plan in line with the current stage of development?

Evaluation Criteria in Order of Importance

1. Proposed Solution/Scope – How significant is the issue or opportunity? How pertinent is the issue or opportunity to New York State? Is the proposed project likely to solve the issue or exploit the opportunity? Is the proposed work technically feasible, innovative, and superior to alternatives? Is the work strategy sound and consistent in addressing the State's key transportation energy policy objectives?

2. Project Benefits – How significant are the mobility and reliability, energy, environmental, economic, safety and security benefits to New York State and New York City? Are the expected benefits likely to be realized, given other constraints or barriers? Are there additional significant benefits? Upon implementation, will there be economic benefits in New York State in the form of subsequent manufacturing or technical service activity?

3. Proposer(s) – To what degree does the team have relevant and necessary technical and business background and experience? Does the team include New York State businesses, thereby providing economic benefits in the form of jobs? How firm are the commitments and support from essential participants, cofunders, and related businesses and other organizations?

4. Project Outcome and Cost – Is the overall project cost justified based on the expected benefits? Relative to the project cost, how significant is the potential market or deployment opportunity? Is the implementation or commercialization strategy well-conceived and appropriate for the stage of development? How appropriate are the proposer's co-funding contributions (sources and amounts) with respect to the degree of risk, potential to benefit from the work, and financial status of the organization? Is documentation to support indirect cost included?

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

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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserderda.org/nyserderda.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 found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>. The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a – NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at <http://www.banking.state.ny.us/pr080213a.pdf>). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at <http://www.banking.state.ny.us/pr080213b.pdf>). See guidance available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_507.pdf.

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA expects to notify proposers in approximately ten (10) weeks from the proposal due date whether your proposal has been selected to receive an award.

Recoupment - For any new product development projects requesting New York State 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).

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.

VII. ATTACHMENTS

Attachment A - Proposal Checklist

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

Attachment C - Contract Pricing Proposal Form and Instructions

Attachment D - Sample Agreement
