



**Energy Smart Focus Program**  
Request for Proposal (RFP) 1076  
\$3,100,000 Available

**Proposals Due: March 17, 2008 by 5:00 PM Eastern Time\***

**PROGRAM SUMMARY:**

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from firms to assist NYSEDA in achieving greater energy efficiency awareness and energy efficiency penetration among its customers as it moves toward a sector-based approach to program delivery. Sector-based program delivery is expected to make it easy for customers to access specific programs, services, products and technologies, training and educational materials that are relevant to them; contractors and other allies to help them achieve their energy reduction goals, and trade organizations and other associations for further support. The firms selected will help NYSEDA develop programmatic strategies that are appropriate for each of the sectors, resulting in actions that make their new or existing facilities more energy efficient. Strategies to consider include, but are not limited to: benchmarking, targeted marketing materials and messages, one-on-one interaction, training, development of informational resources and tools, leveraging partnerships with trade associations, integration with regional and national efforts and recognition of sector leaders, as well as guidance for customers in using the existing Power-Saving Partners Program and the **New York Energy Smart<sup>SM</sup>** programs and services.

Proposers may submit proposals for one or more of the following three sectors: Healthcare Facilities, Colleges & Universities and Local Governments. NYSEDA anticipates that it will award one contract per sector, though proposers may submit proposals to more than one sector. Teaming is allowed. The initial contract will be for a one-year period with two, two-year optional contract extensions for a maximum contract duration of 5 years.

**Proposal Submission:** Proposers must submit eight (8) copies of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 1076**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

Informational sessions for potential proposers will be held in Syracuse, NY on February 26, 2008 and in New York City on February 27, 2008. A conference call dial-in number will be available. Additional information is available at [www.nyserda.org](http://www.nyserda.org).

If you have technical questions concerning this solicitation, contact Gregory Lampman at (518) 862-1090, ext. 3372 or [ggl@nyserda.org](mailto:ggl@nyserda.org). If you have contractual questions concerning this solicitation, contact: Doreen Darling at (518) 862-1090, ext. 3216 or [djd@nyserda.org](mailto:djd@nyserda.org).

No communication intended to influence this procurement is permitted except by contacting Gregory Lampman (Designated Contact) at (518) 862-1090, ext. 3372 or [ggl@nyserda.org](mailto:ggl@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.

Sector specific questions should be directed to:

- Colleges & Universities – **Jaime Ritchey, (518) 862-1090 Extension 3517 or [jrr@nyserda.org](mailto:jrr@nyserda.org)**
- Local Governments – **Charle-Pan Dawson, (518) 862-1090 Extension 3244 or [cad@nyserda.org](mailto:cad@nyserda.org)**
- Healthcare Facilities – **Rachel Adams, (212) 971-5342 Extension 3016 or [rra@nyserda.org](mailto:rra@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 NYSEDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEDA's web site at [www.nyserda.org](http://www.nyserda.org).

## **I. INTRODUCTION**

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NYSERDA has spent many years developing a host of very successful programs for its customers. As NYSERDA continues to expand program offerings and add new opportunities and incentives for customers, customers are often confused about how to access programs and services, or more importantly, do not fully understand the menu of opportunities available to them. Some of NYSERDA's programs have become more complex and often involve knowledge of processes outside of NYSERDA's purview, such as permitting of generation sources or access to the New York Independent System Operator (NYISO). Additionally, because of the increased need to reduce demand in the New York metropolitan area, incentive levels are different from the rest of the State, and certain technologies are specific or more appropriate to that locale. For these reasons, it is imperative that NYSERDA move toward an internal structure that supports customers who want assistance. Sectors have varying technological needs, value propositions, and future prospects. Energy efficiency technologies and programs that are keyed to those needs, value propositions, and prospects are likely to be more successful than broad scale efforts with no specific target in mind. By providing services specifically designed and packaged to complement a sector's core mission and unique operating characteristics, additional understanding and implementation of energy efficiency can be achieved.

Sectors such as Healthcare Facilities, Colleges & Universities, and Local Governments have substantial energy efficiency and energy cost savings potential, but each has unique barriers to acceptance of new technologies and concepts. For example, many hospitals are typically driven to make upgrades only when equipment failures occur or to remain in good standing when the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Many local governments face issues with how to begin, plan, execute, and finance sustainable projects that reduce both energy consumption and greenhouse gas emissions, even though these projects often have the ability to repay themselves in a relatively short period of time compared to other public investments.

This RFP is designed to select contractors to develop and implement sector specific approaches and services for the Healthcare Facilities, College & Universities, and Local Government sectors of New York State. Each sector approach will use the existing portfolio of NYSERDA programs in conjunction with other strategies and services appropriately customized. Strategies and services to be considered may include, but are not limited to: benchmarking, targeted marketing materials and messages, one-on-one interaction, training, development of informational resources and tools, leveraging partnerships with trade associations, sustainability initiatives, integration with regional and national efforts, recognition of sector leaders, and help with accessing NYSERDA incentives and other opportunities.

## **II. PROGRAM REQUIREMENTS**

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### **A. General Services Requested**

The objective of the Energy Smart Focus Program (the Program) is to provide targeted sectors with customized services so that customers may better understand and implement: energy efficiency and peak-load reduction measures, sustainable design and operation, renewable energy, and alternate-fuel vehicle projects as appropriate to the sector. In addition to energy-related benefits, strategies will vary by sector and be developed to leverage non-energy benefits, such as: satisfying environmental regulations, improving

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productivity, promoting economic development, improving indoor environmental quality, and implementing maintenance savings, which often influence energy efficiency decisions.

Each sector will be assigned a NYSERDA project manager who will be responsible for overseeing the selected Proposers efforts and coordinating internally to ensure that there is consistency in the information provided to customers and that it reflects the goals and objectives of the **New York Energy Smart<sup>SM</sup>** Program. The selected Proposers will also be required to coordinate with other NYSERDA project managers and contractors. Through the Business Partners Program, NYSERDA has selected contractors to assist in developing strong working partnerships with our existing market supply channel participants (lighting vendors, product distributors, HVAC contractors, etc.) to further promote energy efficiency to commercial customers. Contractors selected as a result of this Program solicitation will need to work closely with the Business Partners Program Contractors to incorporate the partnership component into their sector-based plan of action.

The Program will be an information transfer and marketing effort that will use existing core **New York Energy Smart<sup>SM</sup>** and Power Savings Partners programs along with the services and strategies developed by the sector selected proposers. A list of generalized potential services is provided below. Services and strategies which are more specific to individual sectors are provided in the next section of this solicitation. While proposers should consider including the strategies and services below in their proposal, not all of them need to be included. It is expected that successful proposers will choose services and strategies appropriate for the sector, modify and prioritize them, and provide additional services and strategies not included, in an effort to better achieve the goals of this Program.

- Benchmarking - A rating methodology that scores and tracks a facility's energy usage and other factors over time to help establish relative efficiency and improvement goals. Benchmarking may also compare a facility's energy use to its peers, identifying facilities with higher potential for energy savings.
- Targeted marketing materials and messages - materials designed to motivate key market stakeholders to take action. These materials may offer technical or historical sector information and strategies. Examples include: sector case studies, white papers, technical information, customization and repackaging of program information, etc.
- One-on-one interactions and outreach - direct customer assistance will help facility managers and decision-makers develop action plans and take advantage of energy efficiency and demand management opportunities. The focus will be on recruitment of new participants to NYSERDA programs and developing and maintaining ongoing customer relationships.
- Training - may include educating customers on energy efficiency and demand reduction strategies, program opportunities, efficient operation of equipment and processes, procurement of energy-efficient products, etc. Training should encourage a long-term commitment to superior performance and be strategically tied to program resources and services.
- Partnerships with trade associations - establish partnerships with organizations and associations that result in ongoing education specific to the sector, reduce duplication of efforts, and facilitate the ability to reach the associations' constituents through established resources like newsletters, conferences, websites and training. These partnerships can increase the effectiveness of other strategies by leveraging additional resources.
- Materials and Tools - may include the development of guidelines, technical resources, simple estimator tools and other technical resources designed to assist customers achieve program goals.

- Integration with regional and national efforts - collaboration with organizations such as: the U.S. Environmental Protection Agency (EPA), U.S. Department of Energy (DOE), Northeast Energy Efficiency Partnership (NEEP), the Consortium for Energy Efficiency (CEE), the American Council for an Energy Efficient Economy (ACEEE), Motor Decisions Matter, ENERGY STAR<sup>®</sup>, Pump Systems Matter, and the Compressed Air Challenge.
- Assistance with Sustainability – construction and operation of facilities can have enormous direct and indirect impacts on the environment. By assisting interested “customers” in evaluating and implementing sustainable practices, energy efficiency is often enhanced.
- Recognition - may include awards, promotions and other forms of customer recognition demonstrating customer efforts to reduce consumption or improve their energy efficiency. Recognition efforts should be designed to lead to recruitment of other “customers” and create additional interest in maintaining efficiency in the target sector. Organizations and/or individuals may be recognized.

The sector-specific approach will be defined by the proposer and must include the services and strategies to provide the greatest impact on energy awareness and energy efficiency penetration into the sector. It is anticipated that each sector will require a unique portfolio of services and strategies. The proposal must explain how these services and strategies will integrate with existing NYSERDA programs. If the proposer's team is in a unique position to provide or leverage services, these additional benefits should be identified as part of the proposal.

Descriptions of sector strategies and services should be as detailed as is reasonable in the proposal. It is anticipated that a majority of the efforts will be funded on a time and materials basis. Where possible, the funds and hours allocated to a particular service or strategy should be estimated and included in the proposal. Similarly, if a lump sum task is included, the actual task costs and deliverables should be detailed.

Proposers are encouraged to propose and justify the best portfolio of services. This portfolio may or may not require use of all available funds, and the services provided may be modified at NYSERDA’s discretion during contract negotiations or over the course of the contract. NYSERDA encourages, but does not require, cost-sharing (e.g., in-kind contributions, funding from other organizations, etc.) for all projects.

## **B. Specific Services Requested**

The following are brief descriptions of sector-specific information and services. Where a service is required, it must be included in the proposal. Where information or suggestions are provided, proposers should consider including them in their proposals, but may modify and add to them as they deem appropriate. It is important to remember the overall goal is to offer a portfolio of services and strategies which provide the greatest impact on energy awareness, and energy efficiency penetration into the sector in a cost-effective manner.

### **Colleges & Universities**

This sector includes any and all higher education facilities and campuses in New York State including but not limited to: private colleges and universities, community colleges, and State universities. This sector includes all buildings, infrastructure, vehicles, and operations of campuses.

- The proposal should demonstrate the proposer’s proficiency with the following topics:

- Energy efficiency, renewable energy, and environmental improvement technologies applicable to Colleges and Universities.
- Processes and procurement methods which can vary substantially based on the type of college/university.
- Power purchasing (including green power purchasing options) rate analysis and aggregation opportunities.
- It is anticipated that proposers will be providing the following services for a limited number of campuses with the purpose of creating a roadmap or template for other similar campuses to follow.
  - Develop a baseline inventory of a campus (including dormitory, classroom, office, and other facilities) energy consumption (electric, gas, fuel oil, and other) and resulting waste streams, including quantifying greenhouse gas emissions.
  - Gathering all appropriate information from local utilities.
  - Assist in the planning, financing and implementation of strategies to reduce their environmental footprint and lower their energy costs. This should include, but not be limited to leveraging the use of existing NYSERDA programs.
  - Development of a long-term plan for energy efficiency and sustainability.
- The proposer must demonstrate the ability to perform outreach activities to assist in the delivery of NYSERDA programs and services. This includes, but is not limited to: arrange site visits and meetings with appropriate campus staff, create case studies and training materials, and explore the beneficial need of creating a conference or workshop such as the SUNY Sustainability Conference held in November, 2007.
- Proposers must reach out to state and national organizations such as Association of Physical Plant Administrators (APPA), Society for College and University Planning (SCUPA), and others to see how energy currently plays a role in the organization(s) and examine ways to further promote and integrate sustainability to their members. The proposal must demonstrate how these efforts will be cost effectively accomplished and what the deliverable will be.
- The proposal must demonstrate how the success of the Program will be tracked and monitored. Items may include benchmarking and monitoring of energy performance, report on metrics, maintaining a state-wide database of customer contacts and details of Program impacts, developing feedback tools to evaluate the service and recommend opportunities for continuous improvement.

### **Healthcare Facilities**

For the purposes of this RFP, Healthcare refers to the following facility types: acute care, hospitals, behavioral health, outpatient or ambulatory clinics, and long-term (assisted) care. This sector includes all buildings, infrastructure, equipment and operations of the healthcare facilities.

- The proposal must detail how a strategic marketing plan which promotes energy efficiency within the healthcare sector will be developed.
- The proposal must present a strategy to motivate hospital participation in NYSERDA's programs by communicating energy and non-energy benefits that align with the objectives, goals, and metrics common to New York State healthcare institutions.
- The proposer must demonstrate how they will leverage the public sector (e.g. local, state, and federal government entities, including the New York State Department of Health and the Joint Commission) and appropriate legislation (e.g. fiscal, regulatory and health and safety requirements) to incorporate energy efficiency as a necessary part of Healthcare standards and requirements.

- The proposer must explain how they will identify and work with consulting and design firms to promote inclusion of energy efficiency measures in the design, construction and rehabilitation of Healthcare facilities.
- The proposal must include a plan to inform, educate, and promote Green Guide for Healthcare (GGHC) and Leadership in Energy and Environmental Design (LEED). Additionally, the proposal must include methods to provide cost-effective Professional Engineering certifications as required by ENERGY STAR®, LEED, and GGHC to apply for Leader Awards or Building Labels for healthcare facilities across New York State.
- The proposal must include the establishment of an advisory group to facilitate communication of energy efficiency options and programs to the sector as well as to provide feedback on the planning and execution of the Program.
- The proposal should demonstrate the proposer’s proficiency and/or familiarity with the following topics:
  - Experience with successful healthcare sector marketing.
  - Knowledge of energy benchmarking methodology for hospitals and healthcare facilities.
  - Awareness of near-term policy changes taking place for healthcare in New York State.
  - Understanding of GGHC and LEED for both new construction and existing buildings.
  - Familiarity with how to leverage Medicare/Medicaid along with other funding to support energy efficiency.
  - Skill in maintaining and establishing relationships with healthcare facilities and associated trade organizations across New York State.
  - Comprehension of hospital decision-making and purchasing methods.
- The proposal must demonstrate how the success of the Program will be tracked and monitored. Items may include, report on metrics, maintaining a state-wide database of customer contacts and details of Program impacts, developing feedback tools to evaluate the service and recommend opportunities for continuous improvement.

**Local Governments**

For the purposes of this RFP, a local government is defined as a general purpose government at the village, town, city, or county level. This sector includes all buildings, infrastructure, vehicles and operations under the purview of local government jurisdiction.

- The proposer must demonstrate the ability to assist local governments in the planning, financing and implementation of strategies to reduce their environmental footprint and lower their energy costs. In order to successfully conduct these efforts, the proposer must be able to demonstrate proficiency with:
  - Assisting a local government in the development of a baseline inventory of energy consumption and resulting waste streams, including greenhouse gas emissions, by municipal, industrial, residential, commercial, and transportation sectors
  - The variety of locale-specific initiatives that can be implemented by local governments to reduce energy and emissions, including at a minimum energy performance contracting, LEED certification, and implementation of renewable energy projects.
  - The various policy implications of implementation at the local government level, including its relationship to the localities’ planning methods, zoning ordinances and building codes. The proposer must demonstrate familiarity with drafting resolutions reflecting these policies.

- The local budgetary process and financing mechanisms, such as municipal leasing, and how these mechanisms aid implementation.
- Fostering partnerships between local advocates and/or administrative bodies leading the initiative, various municipal sectors, local stakeholders and the public. At a minimum, this will include convening stakeholder public meetings and charrettes, as well as small-group meetings with local government officials.
- Many state and national organizations target local governments to provide some type of service and information to the sector such as conferences, newsletters, training, site specific assistance, etc. The proposal must outline how these organizations will be identified, prioritized, and detail how they will be leveraged for the benefit of New York State local governments. Additionally, the proposer may be asked to develop unique training methods for local government officials related to the practice of sustainability.
- To assist in the delivery of NYSERDA programs and services, the proposer must be able to develop marketing, outreach, and training materials such as newsletters, case studies and toolkits. The proposal must also include strategies for sponsoring conferences and workshops that will promote the program. The proposer must be able to leverage existing resources and entities such as New York State Energy Smart Communities Coordinators.
- The proposer will be required to coordinate with NYSERDA’s Focus on Municipal Water and Wastewater contractor.
- To track and monitor the success of the Program, the proposer must provide benchmarking and monitoring of energy performance, report on metrics, and maintain a database of customer contacts and details of program impacts. The proposer may be asked to develop feedback tools for local government officials to evaluate the scope of services and provide opportunity for continuous improvement to the Program.
- The proposer may be asked to coordinate activities with NYSERDA’s representative on the New York Oceans and Great Lakes Ecosystem Conservation Council, in order to promote an “Ecosystem Based Management” approach to sustainable practices and initiatives.

**C. Geographic Coverage and Sector Funding**

System Benefits Charge (SBC) funds will be used for this program. As such, program efforts are limited to the electric utility service areas of: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and, Rochester Gas and Electric Corporation.

Table 1 lists the sectors and funding through this program. Services will be limited to facilities within SBC Territory, defined as all of New York State excluding Long Island in which the customers of the Long Island Power Authority are ineligible for SBC Programs. If site specific services are to be provided to individual customers, those customers must be electric distribution system customers of the aforementioned utilities and pay into the SBC.

**TABLE 1.**

<b>SECTORS</b>	<b>MAXIMUM 5-YEAR FUNDING</b>
Colleges & Universities	\$1,000,000
Healthcare Facilities	\$1,000,000
Local Governments	\$1,100,000

Proposers may propose to serve one or more sectors. Proposers opting to submit a proposal for more than one sector must indicate such on the Proposal Checklist. Separate proposals are required for each sector. Proposals to each sector will be evaluated, scored, ranked, and selected within each sector.

**B. Contracting**

This Program shall not serve as a marketing vehicle for any specific firm. Firms selected through this RFP will not be eligible to participate in other NYSERDA programs with customer leads that are developed while performing services under this contract.

The initial contract term for each sector will be for one-year with provisions for two, two-year renewals for a total of five years at NYSERDA’s discretion. Proposals should be written for the full five-year period. NYSERDA reserves the right to adjust funding based on program participation and incorporate programmatic changes as needed.

Due to the nature of the Focus Program, proposers are encouraged to consider teaming arrangement to better leverage the diverse range of expertise necessary. If the proposer's team is in a unique position to provide or leverage services from their own, or other organizations, this opportunity should be identified. A prime contractor and a single contact will be required for all proposals.

**III. PROPOSAL REQUIREMENTS**

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**A. Proposal Format**

Proposers must submit eight (8) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFP. If proposing to more than one sector, proposers must provide separate proposals for each. 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 not be accepted.

Proposals that include teaming arrangements must designate one party as the prime contractor. Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Text font size should be no smaller than 11 and care should be taken not to exceed pages limits provided. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number, and the page number.

**B. Procurement Lobbying Requirements**

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

**C. Executive Summary** (one page limit)

Summarize the proposed effort.

**D. Introduction/Background** (two page limit)

- Discuss the rationale for the approach
- Identify the major goals and objectives of the proposed approach and strategy.
- Identify the market participants or other stakeholders targeted.
- Identify the market participants collaborating in the proposed project.
- Provide an overview of the Sector Approach Plan to be detailed further in the Statement of Work.

**E. Statement of Work** (seven page limit)

The Statement of Work should be a detailed plan of how the proposer will accomplish the project objectives. The Statement of Work should clearly articulate a set of tasks consistent with the program criteria established in this solicitation. The Statement of Work will also serve as the primary contractual document that identifies the deliverables for the project. It is an action document that specifically delineates each step or procedure required to accomplish the project objectives. Therefore, each action should be identified, indicating who will perform it, how it will be performed, timing, cost, deliverables, and its anticipated result(s). Proposals should be realistic, clear, and specific.

**F. Project Outcome and Benefits** (three page limit)

Describe the anticipated impacts of the proposed effort, both in terms of energy and non-energy impacts. Explain how the proposal's approach is comprehensive and why the firm/team is in the best position to undertake this effort. Explain how the approach is unique and why it will work compared to other approaches. Define the economic benefit to New York State, as well as the data collection and evaluation plans that will measure success. Explain what metric information (number of sites, square footage benchmarked, millions of gallons treated, individuals trained, etc.) will be collected and how success will be determined.

**G. Proposer Qualifications** (three page limit)

- Identify all project team members (name, business address, telephone number), including the party who will assume the ultimate responsibility for success of the project and their qualifications to undertake the proposed work. Attach resumes of key personnel in an appendix (will not count towards page limitations).
- Provide a list of relevant project staff and define their roles and responsibilities on the project.
- List and briefly describe two to three recent relevant or related projects that have been undertaken and successfully completed by the project team members. Describe the results of the projects.
- Discuss the project team's familiarity with and understanding of New York markets.

#### **H. Work Schedule and Staffing Plan** (three page limit)

Prepare a work schedule highlighting tasks and major milestones in terms of weeks or months after execution of the Agreement. Define an appropriate and realistic schedule consistent with the Statement of Work for task deliverables, including progress reports (*e.g.*, monthly quarterly, etc) and a final report, and incorporate them into the work schedule. The schedule should allow time for approval of tasks by NYSERDA. The work schedule should also include a project staffing plan which indicates the roles, responsibilities, and anticipated hours allocated to all key personnel. Note that hours allocated in the work schedule must be consistent with those in the budget.

#### **I. Budget**

A total project budget, including all cost elements, must be provided. This must be a task-based budget that shows cost details including direct and indirect costs, production, overhead, labor, and subcontractors, if applicable, related to each task. The intent must be to define the cost and emphasis of individual tasks in relation to others. The Proposal must also provide budget estimates for materials, equipment, and travel. A single Contract Pricing Proposal Form should be submitted with each proposal with a separate Reporting Schedule for each Task (see Attachment C). The Reporting Schedules can be customized to most clearly demonstrate costs.

Attach supporting documentation (see Attachment D) 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 proposed 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. At NYSERDA's discretion, funds may be reallocated between tasks.

#### **J. Letters of Commitment**

Include letters of commitment from any subcontractors, co-funders, or other organization directly involved in the project.

#### **K. Other Attachments**

Include as appropriate to support the proposal.

## **IV. PROPOSAL EVALUATION**

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Eligible proposals, meeting solicitation requirements, will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA, a Department of Public Service staff member, and selected

outside reviewers. Final rankings will be made by the TEP based on the written proposals. The highest ranked proposer will be recommended for contract negotiations. The TEP will review using the Evaluation Criteria below in order of importance.

**A. Strategy and Overview (35 points)**

Are the goals, objectives, and proposed strategy feasible? Are they likely to obtain the desired results? Does the proposed strategy address the unique characteristics of the sector? Does the proposed strategy reflect an understanding of the sector in New York? Does the proposed strategy address mid-stream partners and end-users? Is the Statement of Work for the sector comprehensive, realistic, and consistent with the proposal requirements?

**B. Cost (20 points)**

Is the overall cost reasonable? How cost-effective is the proposal based on the strategy and overview included? Are allocations of task hours justifiable? Are the billing rates reasonable and appropriate? Is there documentation in support of the indirect cost rates? Does the proposal team describe the ability to use junior and senior staff as appropriate to be cost effective while achieving program success?

**C. Qualifications of Proposer(s) and Experience (20 points)**

Does the Project Team have the necessary background and experience? Does the proposal team demonstrate recent experience in similar type projects and will there be a main contact who will handle the project? Does the proposal team show a balance of technical, operations, marketing, administrative or other expertise necessary to accomplish the project? Does the proposal team demonstrate a familiarity with the Sector that they propose to provide services to? If submitting and selected for more than one proposal, does the proposal team have the ability to effectively manage multiple efforts?

**D. Reporting Market Effectiveness (15 points)**

How does the evaluation plan effectively track the success of the proposal? Is the reporting plan reasonable and appropriate for the tasks? Is the metrics tracking plan sufficient to demonstrate program success? Does the proposal include a plan to measure success?

**E. Other (10 points)**

Does the proposal leverage added value opportunities? Does the proposal team have past experience or familiarity with NYSERDA and its programs? Does the proposal clearly define the economic benefit to New York State? The proposal team who possess, or can obtain through cooperative or joint ventures, the following capabilities will be favored under this RFP:

- The ability to dedicate staff as appropriate.
- Previous experience in the conduct and delivery of sector services.
- The ability to deliver service effectively and economically.
- Demonstration of past energy-related work.
- Other factors deemed appropriate by NYSERDA.

## **V. GENERAL CONDITIONS**

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**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 [www.nyserda.org/nyserda.regulations.pdf](http://www.nyserda.org/nyserda.regulations.pdf). However, NYSERDA cannot guarantee the confidentiality of any information submitted.

**Omnibus Procurement Act of 1992** - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development  
Division for Small Business  
30 South Pearl Street  
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development  
Minority and Women's Business Development Division  
30 South Pearl Street  
Albany, NY 12245

**State Finance Law sections 139-j and 139-k** - NYSERDA is required to comply with State Finance Law sections 139-j & 139-k. State Finance Law §139-j(6) requires that NYSERDA incorporate a summary of its policy and prohibitions regarding permissible communications during a covered procurement.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between NYSERDA and a Proposer/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 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](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](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](http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf).

**Contract Award** - NYSERDA anticipates making one award per sector through 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 approximately eight (8) weeks from the proposal due date whether your proposal has been selected to receive an award.

**Limitation** - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest.

**Disclosure Requirement** - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

## VI. ATTACHMENTS

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Attachment A - Proposal Checklist  
Attachment B - Disclosure of Prior Findings of Non-Responsibility Form  
Attachment C - Contract Pricing Proposal Form and Reporting Schedule  
Attachment D - Project Personal and Rates  
Attachment E - Sample Agreement