

Comprehensive Media Placement Services Request for Proposal (RFP) 1211 \$6,000,000 Available

Proposals Due: July 1, 2008 by 5:00 PM Eastern Time

Request for Proposals (RFP) 1211 seeks proposals for buying various forms of media for NYSERDA's residential programs. Other NYSERDA programs could also use the selected contractor to buy media for their programs. Proposers will need to indicate the cost of services for media placement. The types of media include, but are not limited to, broadcast television, cable television, radio, daily newspapers, outdoor messaging, other print and geofocused Internet/Web site ads.

Targeted markets include: Western New York, Central New York, Finger Lakes Region, North Country, Southern Tier, Capital/Saratoga Region, Hudson Valley, and New York City.

The selected contractor will need to design media buys based on targeted demographics and approved program marketing strategies and plans, to be provided to them by the NYSERDA Project Manager. The selected contractor would also be required to provide reports to NYSERDA with standard industry performance metrics.

The initial contract term will be one year with the potential to renew annually for up to two additional years, subject to funding availability. NYSERDA anticipates making one award. Media buys totaling approximately \$6 Million across all media types are anticipated to be made over the next three years. Additional funds may be added to the contract at any time during the contracting period as marketing plans are developed. Total amount to be spent on any one media type will depend on marketing plans that will be developed by NYSERDA and its contractors. NYSERDA reserves the right not to award any contracts.

Proposal Submission: Proposers must submit twelve (12) 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 1211 NYS Energy Research and Development Authority 17 Columbia Circle Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Lori Clark at (518) 862-1090, ext 3202 or lac@nyserda.org. If you have contractual questions concerning this solicitation, contact Doreen Darling at (518) 862-1090, ext. 3216 or djd@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Lori Clark (Designated Contact) at (518) 862-1090, ext.3202 or lac@nyserda.org. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserda.org.

I. INTRODUCTION

The New York State Energy Research and Development Authority (NYSERDA) is a public benefit corporation established pursuant to Title 9 of Article 8 of the Public Authorities Law of the State of New York. Pursuant to a January 30, 1998 order of the New York State Public Service Commission (Commission), NYSERDA became the administrator of statewide public benefit programs funded by a System Benefits Charge. In Opinion No. 98-3, the Commission established a system for funding public benefit programs for energy efficiency, research, demonstration and development, low-income services, and environmental protection. The Opinion listed four energy efficiency services program areas that should be supported by System Benefits Charge funds, including programs that "emphasize permanently transforming the market for energy-efficient products and services or reducing market barriers..."

To support program marketing strategies and plans, NYSERDA seeks to secure cost-effective media placement services for television, radio, print, outdoor messaging, Internet and other mass-media. Multi-media approaches to increasing consumer awareness of ENERGY STAR® and residential energy efficiency programs have proven successful over the past five years, showing a greater awareness and understanding of ENERGY STAR® in New York State than in other states not employing such tactics, and driving consumer participation in programs. Web site and hotline activity dramatically increases during time periods that media is purchased, demonstrating the correlation between the multi-media activity and consumer response. Services will support NYSERDA's **New York**

Energy \$martsm residential programs, including ENERGY STAR® programs, and enhance consumer awareness and understanding of energy-efficient products, services, and homes. In addition, trade-specific mass-media is an effective way to educate and recruit potential mid-stream partners. Visit www.GetEnergySmart.org for information on **New York Energy \$martsm** programs and www.energystar.gov for general information on ENERGY STAR®.

II. Program Guidelines

The types of media include, but are not limited to, broadcast television, cable television, radio, daily newspapers, outdoor messaging, other print and geo-focused Internet/Web site ads. It does not include weekly community newspapers, as NYSERDA previously contracted for those services.

The media will be placed in the **New York Energy \$martsm** territory. This target market includes the New York State service territories of Central Hudson Gas & Electric Corporation, Con Edison Company of New York, Inc., New York State Electric & Gas Corporation, National Grid Company, Rochester Gas and Electric Corporation, and Orange and Rockland Utilities, Inc. This effort should not target Long Island residents, *i.e.*, customers of the Long Island Power Authority.

Funding amounts for media buys will be established as marketing plans are developed by NYSERDA over the contract period.

III. Program Requirements

- Only residents in the New York Energy \$martsM territory are eligible to participate in New York Energy
 \$martSM programs and shall be targeted for those programs.
- The selected contractor must offer cost-effective ways of reaching the target audience through NYSERDAdeveloped advertisements, which direct the audience to the www.GetEnergySmart.org website or the tollfree 1-877-NY-SMART hotline.
- Media plans need to be flexible with time frames and deadlines based on NYSERDA's marketing needs and advertising/promotional materials.
- NYSERDA will provide all creative elements for all advertising and media.
- All media plans requested by NYSERDA from the selected contractor will include a detailed schedule that provides the tentative dates, region, length/size of ads, creative due date, frequency, placement, cost of advertising based on rates of the media outlet, detail any added-value opportunities and detailed agency fees. Plans must be accompanied by a strategy based on region and socioeconomic status of the audience. Plans should heighten interest and increase awareness and understanding of energy efficiency, the ENERGY STAR® message, and availability of the ENERGY STAR® initiatives under the New York

Energy \$martsM Program for residential consumers, or assist consumers in participating in the programs.

- The selected contractor will need to:
 - Work with NYSERDA staff to finalize the proposed media-buying plans.
 - Provide monthly status reports on activity, progress, and current funding status.
 - Provide on-going and final accounting of marketing impacts (number of impressions on TV, radio, print, Web site hits, etc.)
 - Work with the media outlet to make good on buys not meeting original performance projections.

IV. PROPOSAL REQUIREMENTS

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments, beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number, and the page number.

Because of the complexities of media-buying in New York State and for the sake of comparison, proposers shall provide all costs and agency fees associated with their media-buying process and describe why they are qualified to perform and complete the services requested under this RFP.

The proposal must be in the following format:

- A signed and completed Proposal Checklist (Attachment A) must be attached to the front of all copies
 of the Proposal. Proposals lacking the appropriate completed and signed Proposal Checklist will
 not be accepted.
- Executive Summary & General Information (2 page limit). Identify the proposer and team members, if applicable. The proposers should briefly identify key information about their organization. Responding proposers or proposing teams must include the following information for each team member:
 - Firm name, address, telephone number and fax number, an e-mail address and contact person;
 - Year firm was established:
 - Name and address of parent company (if applicable);
 - If your firm is not New York-based, a discussion of the mechanism that will guarantee the provision of prompt and efficient services in New York State.
- **Proposer Qualifications (2 page limit)**. Provide the qualifications of the proposer. Describe relevant experience and demonstrated capability in buying media in New York State, experience with obtaining added value from various media outlets, and identify the party who will assume the ultimate responsibility for the contracted services. Attach resumes of key personnel in an appendix. Provide evidence of your organization's financial stability. This may be satisfied by showing your organization's audited financial statements for the past three years or a current Dun and Bradstreet report.
- Relevant Projects (2 page limit). List and briefly describe in media buying that has been undertaken in New York State within the past two years and successfully completed by the proposer. Provide a detailed description of the media buy and services completed for each client, the added value (if any) negotiated on the client's behalf, and describe the measurable outcome of each project. Please describe the cost of the media buy, the approach based on the demographic of the target audience, and the reporting/tracking of the performance of the media buy.
- Clients. Attach a list of proposer's current clients for whom media buying services are provided. Indicate the three largest accounts, as calculated by the percent of proposer's annual gross billings for each account. List any New York State government agencies for whom proposer has provided media buying services within the past five years. Provide three references, at least two of which must be from current clients.
- **Description of Services (Media plan and related fees)**. The proposer must demonstrate the ability to effectively develop plans and purchase various media based on NYSERDA's marketing needs. Describe the protocol for developing a comprehensive media plan. Also describe the protocol for evaluating special ad hoc advertising offers received by NYSERDA from numerous media outlets. This includes

demonstrating what factors make certain media valuable and cost-effective based on standard industry performance metrics for target audiences, *i.e.*, newspaper circulation, television ratings, online "hits" or "click-throughs," etc. Describe the method(s) for measuring and tracking the success of a comprehensive media plan. Describe how these services benefit New York State economically.

- Cost. Provide a detailed explanation of how service and agency fees are generated. Indicate whether there is a percentage, flat rate, hourly rate, etc. for developing media plans, evaluating ad-hoc media offers, placing buys, tracking and measuring results/reach and reporting successes. Explain your agency billing procedures and how special media rates obtained benefit NYSERDA. Describe how NYSERDA will benefit from preferential, volume or other pricing values achieved by the proposer as a result of a contract for services. Provide example billings to illustrate how proposer is compensated.
- **Letters of Commitment**. Include letters of commitment from any other organization directly involved in the project.

Proposers must submit twelve (12) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this 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 emailed copies will not be accepted.

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.

If indirect rates are provided in your service costs, attach supporting documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:

- 1. Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).
- 2. If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
- 3. If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting 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.

V. Proposal Evaluation

Proposals that meet Requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below. Listed in order of importance.

Relevant Experience and Qualifications. Are key personnel's education and experience relevant to project needs? Does the proposal demonstrate familiarity with the different types of media across New York State? Does the proposal demonstrate experience in buying media throughout New York State? Does the proposer demonstrate experience with buying media for NYSERDA's target market? Is a list of current clients attached?

Are three references included two of which are current clients? Has a main contact who will handle the project be identified?

Cost. Is the overall cost reasonable? How cost-effective is the proposal based on the fees or rates for mediabuying? Would NYSERDA appropriately benefit from special pricing achieved from buys? Are hourly rates and overhead rates, if applicable, reasonable and appropriate for completing each task and for the personnel completing the tasks?

Comprehensiveness and Applicability of Media-buying Approach. Does the proposer demonstrate the ability to complete all aspects of the project? Has the proposer demonstrated the ability to reach targeted markets with past projects? Does the proposer address demographic and geographic reach in its media buys? Is the proposal clear and well-defined, including the research, implementation, and tracking of a media plan? Do the protocols described adequately address program needs?

Responsiveness to the RFP. Does the proposer present a sound approach for helping NYSERDA accomplish increased program participation and consumer awareness? Has the proposer demonstrated a clear understanding of the project goals and objectives? Does the proposer appear to have the flexibility to accommodate potentially short notification times and tight deadlines? Has the proposer demonstrated a basic understanding of the **New York Energy \$mart** Program media needs?

Reporting Market Effectiveness. Does the proposal identify a plan to effectively measure and track the success of the media buy?

Other. Does the proposal leverage added value opportunities without any cost impact? Does the proposer have past experience or familiarity with NYSERDA and its programs? Does the proposal demonstrate economic benefit to 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 <u>substantial injury to the competitive position</u> 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 "<u>Confidential</u>" or "<u>Proprietary</u>" on each page at the time of disclosure. This information should include a written request to accept 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 one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each proposal 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 with the successful proposers. NYSERDA expects to notify proposers approximately 4-6 weeks after the proposal due date whether a specific 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.

VII. Attachments:

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-Responsibility

Attachment C - Intent to Propose

Attachment D - Sample Agreement