



Proposals Due: August 1, 2008 by 5:00 PM Eastern Time\*

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from individuals, firms, and teams interested in providing evaluation advisory services for the Energy Efficiency Portfolio Standard (EEPS) electric and gas efficiency programs (EEPS programs). The EEPS programs are funded by a statewide System Benefits Charge (SBC) and are designed to enhance delivery of energy efficiency products and services to accomplish the Public Service Commission's (PSC) energy efficiency goals as outlined in its June 23, 2008 Order. The scope of evaluation advisory services will encompass programs offered by NYSERDA, New York's publicly-owned utilities, the New York Power Authority (NYPA), Long Island Power Authority (LIPA), and other program administrators. The EEPS programs are currently funded at about \$176 million annually through June 30, 2011.

NYSERDA requests the services of a contractor to assist Department of Public Service (DPS) staff in (1) providing advice and consultation regarding evaluation policies, protocols, and procedures, (2) reviewing and providing comments on evaluation plans, solicitations and evaluation reports prepared by program administrators, and (3) providing ad hoc briefings, presentations, reports, workbooks, and other such reports that may be requested by DPS staff. For further information, please see http://www.dps.state.ny.us/Case 07-M-0548.htm.

The initial term of this contract will be for one year up to a maximum funding amount up to \$250,000. After the initial one-year term, the contract may be renewed annually, at NYSERDA's option, for an additional two years at, respectively, up to \$150,000 and \$100,000.

Proposal Submission: Proposers must submit ten (10) 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, RFQ 1265 NYS Energy Research and Development Authority 17 Columbia Circle Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Larry Pakenas at (518) 862-1090, ext. 3247or ljp@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 Larry Pakenas (Designated Contact) at (518) 862-1090, ext. 3247 or ljp@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 a completed and signed Proposal Checklist will be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at <a href="https://www.nyserda.org">www.nyserda.org</a>.

#### 1. Introduction

### **Objective of Solicitation**

On June 23, 2008, the New York State Public Service Commission (Commission) issued an Order — Case 07-M-0548, *Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard, Order Establishing Energy Efficiency Standard and Approving Programs*, Issued and Effective June 23, 2008 — establishing the State's Energy Efficiency Portfolio Standard (EEPS) and approving a subset of "fast track" and "expedited" programs (EEPS programs) to commence immediately. The procedural history leading up to the Order is included therein.

The Order directed that all EEPS programs be subject to common evaluation protocols and that evaluation activities be funded at five percent (5%) of program budgets. The Order further directed that an Evaluation Advisory Group be formed to advise Department of Public Service (DPS) DPS Staff on developing evaluation protocols and to provide advice on other critical reporting issues. The Evaluation Advisory Group will consist of program administrators, stakeholders, and other State entities.

A contractor will be retained to assist NYSERDA, DPS Staff, and the Evaluation Advisory Group with the services outlined below. The purpose of this solicitation is to retain the services of an outstanding individual, firm, or team with expertise in diverse areas related to the theory and practice of evaluating gas and electric energy efficiency programs. The Contractor must have extensive experience and knowledge of the evaluation field to render credible and persuasive advice and assistance within a variety of program settings, including:

Public benefit programs offered by public authorities, including NYSERDA, the New York Power Authority, Long Island Power Authority, and the Dormitory Authority;

Programs delivered by investor-owned utilities;

Programs delivered by other administrators such as energy service companies, nonprofits and municipalities.

#### 2. CONTRACTOR REQUIREMENTS

#### 2.1. General Requirements

The Contractor will be required to be familiar with and fully understand, in detail, the large portfolio of EEPS programs to be offered by multiple program administrators across New York. Selected responsibilities of the Contractor are listed below. The Contractor shall be available to conduct additional evaluation-related activities requested by DPS Staff and as directed by the NYSERDA Project Manager.

## 2.2. Requested Services

The Requested Services have been assigned letters for use in preparing Attachment C — Project Personnel, Availability, and Rates and should not be construed as indicating priority order.

- A. Establish statewide evaluation and reporting protocols for use by program administrators that include standardized evaluation techniques, terminology, and reporting formats. The protocols should relate to specific programs and to general research issues such as methods for reporting forecasted annual customer demand and energy consumption and measuring demand and energy reductions achieved by programs.
- B. Attend and participate in Advisory Group meetings.
- C. Establish evaluation priorities and recommend proportional budget allocations for program administrators

- and programs consistent with Commission guidelines.
- D. Establish an evaluation cycle for all programs offered under the EEPS.
- E. Review program progress with respect to the Commission's goals and offer programmatic recommendations based on program performance.
- F. Establish ongoing data collection requirements and recommend tracking system specifications for use by program administrators.
- G. Coordinate statewide evaluation studies such as:
  - 1. Identifying methodological issues that could be cost-effectively addressed on a statewide or regional basis. Relevant issues could include best practices for measuring free ridership, techniques for accurately measuring program costs, and studies of operating hours of efficiency measures, for example, in residential compact fluorescent lamps (CFLs).
  - 2. Identifying process, impact, and baseline market evaluation studies that might be cost effectively conducted on a statewide or regional basis (e.g., ENERGY STAR® appliance sales, appliance saturation studies, consumer behavior, economic impacts of energy efficiency programs).
  - 3. Developing a priority list of essential studies to be conducted on statewide or regional basis, and coordinating the implementation of these studies based on need, funding, and other appropriate factors.
- H. Review pertinent energy use and market trends in New York (e.g., end-use electricity consumption levels, load pockets, sales of energy consuming equipment including ENERGY STAR® appliances) as they relate to the EEPS programs and goals. Provide analysis and programmatic recommendations.
- I. Provide advice and consultation to all program administrators on evaluation policies, protocols, and procedures, as directed by NYSERDA.
- J. Review and recommend action on evaluation plans that accompany program designs submitted by program administrators
- K. Review solicitations prepared by program administrators for consultants to perform evaluations and other related tasks.
- L. Review assumptions to be used in benefit/cost tests and related cost effectiveness analyses.
- M. Review evaluation reports prepared by program administrators.
- N. Review periodic program administrator implementation progress reports.
- O. Conduct additional specific work tasks related to evaluation, as directed by the Project Manager, and assist with unplanned, *ad hoc* evaluation activities as funding is available.

#### 2.3. Deliverables and Reporting Requirements

The Contractor shall prepare and submit the following deliverables and periodic reports:

Ad hoc briefings, formal presentations, summaries, white papers, guidelines, workbooks, and other reports requested by NYSERDA that document the results of the work completed under the tasks assigned to the Contractor.

Periodic progress reports will be required by NYSERDA. Reporting may include accounts of work completed, comparing scheduled with actual progress on assigned work, comparing budget with actual spending by task, identifying problems and issues of concern, suggesting appropriate resolution for problems and issues, and identifying future activities to be completed.

## 2.4. Contractor's Responsibility

The selected contractor under this RFQ must be available to timely complete at DPS staff request and under NYSERDA's direction all of the tasks outlined in Section 2.2. Requested Services.

The selected contractor must assume overall responsibility for all tasks and complete the deliverables listed in Section 2.3. Deliverables and Reporting Requirements of this RFQ. The Contractor must commit to begin delivery of services by September 2, 2008, or immediately upon contract execution, whichever is sooner.

## 2.5. NYSERDA's Responsibility

The NYSERDA Project Manager will be responsible for defining and communicating the specific work tasks to be undertaken by the Contractor. The Contractor shall then be responsible for developing work plans and deliverables, and coordinating the work with DPS staff.

#### 3. COMPENSATION

Funding for this contract will not exceed \$500,000 over three years and will be paid in annual increments of up to \$250,000, \$150,000, and \$100,000 in the first, second, and third years, respectively. The contract will be for one year with two one-year extensions, at NYSERDA's option, for a maximum period of three years.

The firm or individual selected for participation will be offered a time-and-materials contract.

## 4. PROPOSAL REQUIREMENTS

Proposals will be entertained from individuals, firms, and teams. Firms and teams must identify who will have responsibility for all facets of the contracted work including invoicing and payments. Proposals must address the following areas:

## 4.1. Staffing and Costs

For each proposing individual, firm, or team: identify which of the Requested Services each individual is qualified to perform, each individual's name; name of firm (for teams), title, educational degree(s), area(s) of specialization, and fully loaded hourly rates for the first, second, and third years. Resumes should be included for each named individual and must clearly demonstrate each individual's ability to develop and apply industry best-practice evaluation approaches for the work anticipated under this Contract, as well as demonstrate the proposer's qualifications for overseeing complex evaluation activities.

## 4.2. Schedule and Contractor Availability

NYSERDA anticipates awarding a one-year contract, with the possibility of annual renewal at NYSERDA's discretion, for two additional years. The selected Contractor must begin delivery of services by September 2, 2008, or immediately upon contract execution, whichever is sooner. Proposers should refer to the June 23, 2008 Order for a discussion of EEPS reporting and compliance filing requirements.

For each individual named, the proposer must provide the average number of hours that can be devoted to the Services Requested listed in Section 2.2. above, from September 2, 2008 through September 1, 2009. Proposers must ensure that named individuals will be immediately available on short notice.

## 4.3. Potential Conflict of Interest

In order to avoid any real or perceived conflict of interest, consultants and firms that are currently performing program evaluation and program implementation work for NYSERDA, New York State utilities, and other potential New York program administrators, within and outside of New York, will not be selected unless they can

demonstrate that such work does not present a conflict of interest.

Proposers having any real or perceived conflict of interest may still submit a proposal. The proposer must identify the nature of any potential conflicts of interest among team members in providing services to NYSERDA and DPS under this RFQ and fully discuss possible conflicts of interest, actual and perceived, which could arise in connection with performance by team members under the proposed contract. Proposer should describe how the firm would resolve conflicts of interest.

In the event that NYSERDA or DPS determines that a team member may have a conflict of interest, or the appearance of a conflict of interest, NYSERDA and DPS may: (1) exclude the proposer from consideration for an award; (2) adjust the scope of work to avoid the conflict or appearance of conflict; or (3) negotiate other appropriate actions with the team member to avoid the conflict or appearance of conflict.

Once selected, the contractor may not perform program evaluation and program implementation work for NYSERDA, New York utilities, or any other program administrator for the duration of the contract.

## 5. PROPOSAL FORMAT

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, effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFQ number, and the page number. The proposal must be in the following format:

Section 1: Introduction and general information about the proposer.

Section 2: Areas of expertise and relevance to required services listed in Section 2.2.

Section 3: Cost of services

Appendices: Resumes of key personnel

Client contacts and references

**Section 1: Introduction and general information about the proposer.** (Limit to two pages.) The proposer should provide a general description of proposer's experience and expertise and the geographic and functional scope of proposer's activities. For firms and teams, the proposer should identify the project manager who will serve as contact within the organization for all requests for services, and provide full contact information for the individual. The locations of offices that would provide services should be indicated and, if offices are located outside New York, proposer should explain how unnecessary and excessive travel costs will be mitigated.

Proposers should summarize their understanding of NYSERDA's requirements, especially with respect to their ability to provide timely assistance, their general approach to fulfilling them, and describe why NYSERDA should select the Proposer.

Section 2: Areas of expertise and relevance to requested services described above. Proposer should briefly discuss its areas of expertise and identify readiness to provide Requested Services. Proposer should group Services where appropriate. Include:

- Key staff available to provide services and qualifications to provide services
- Similar projects and services provided to existing and former clients
- Additional information Proposer deems relevant.

Resumes of personnel and client contacts and references should be included in appendices.

**Section 3: Cost of Services.** Proposals must include billing rates for all three years for all key personnel identified in the proposal, including the primary contact. (See attachment C.)

Attach documentation to support indirect cost (overhead) rate(s) in the 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 rates are approved by an independent organization, such as the federal government, provide a copy of such approval.
- 3. If rates are based on estimated costs or prior period actual results, include calculations to support proposed rates. Calculations should provide adequate information for NYSERDA to evaluate and confirm that the rates 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 adjustments for such differences. Requests may be made for financial statements or other financial information needed to support such audit.

## **Appendices**

Resumes of Key Personnel
Client Contacts and References

## 6. CONTRACTOR EVALUATION

#### 6.1. **GENERAL GUIDELINES**

As noted above, assurances of objectivity will be essential for the Contractor seeking to be selected through this solicitation.

Ability to respond in a timely manner with appropriate personnel and expertise will be considered in the evaluation process. Proposers must detail how they plan to respond promptly to requests for assistance from NYSERDA.

A proposer will be awarded a contract based on their expertise and qualifications to perform selected services outlined in this RFQ. Proposers should detail their expertise and specify the types of activities they are able to perform and are encouraged to include potentially relevant expertise and technical skills in addition to those listed in Section II. Capabilities and Expertise Sought.

# 6.2. CONTRACTOR SELECTION

Proposals received by the due date and meeting the submission requirements established in the RFQ will be reviewed and ranked by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff, DPS Staff, and outside experts.

Proposals will be evaluated against each other and against the selection criteria.

NYSERDA, through its TEP, will review each proposal and may contact references to determine whether a proposer has the necessary resources to successfully provide services requested through this RFQ.

NYSERDA will negotiate a contract for services in fulfillment of the needs of this RFQ on the basis of demonstrated competence and qualifications. Contract negotiations may include proposer's labor rate schedules, indirect cost rate, and other direct cost estimates to ensure the work is accomplished at fair and reasonable cost. The contracts will not guarantee a specific amount of work.

The following factors will be considered by the TEP:

Expertise with respect to Requested Services listed in Section 2.2.

Previous experience in the conduct and delivery of similar services.

Demonstrated ability to effectively and economically deliver the Requested Services.

Costs of service

Proposers must submit ten (10) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Qualifications. 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.

#### 7. GENERAL CONDITIONS

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

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

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

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

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

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

**State Finance Law sections 13**9-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/rregulations/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. See

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 prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA at 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 on line.

**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 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 no more than thirty (30) days following the proposal date whether the 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:

Attachment A — Proposal Checklist

Attachment B — Disclosure of Prior Findings of Non-Responsibility

Attachment C — Rate Schedule

Attachment D — Sample Agreement