



**Acidic Deposition, Mercury Research and Synthesis**  
Program Opportunity Notice (PON) 1292  
**\$1.0 Million Available**

Proposals Due: **June 10, 2009** by 5:00 PM Eastern Time\*

NYSEKDA, with the assistance of the New York Academy of Sciences and external working groups, has developed a long-term research plan for the Environmental Monitoring, Evaluation and Protection (EMEP) program which is available through the NYSEKDA website at [www.nyserda.org/environment/EMEP/emeplan2007.pdf](http://www.nyserda.org/environment/EMEP/emeplan2007.pdf). This PON builds on the completed and ongoing research associated with components of this research plan. While all components of acidic deposition and mercury research plan are eligible, the key policy-relevant questions which will be given priority in this solicitation are summarized below:

- How have mercury pollution and the acidification of New York's ecosystems impacted New York's economy? In economic terms, what would ecosystem recovery mean to New York State?
- How has anthropogenic mercury deposition impacted New York's estuarine, marine and coastal ecosystems?
- How is acidic deposition impacting the biota and chemistry of streams in New York State? What proportions of New York's streams are chronically or episodically acidified to levels impairing biological diversity? Has reduced SO<sub>x</sub> emissions aided in stream recovery?
- How will ecosystem response to acidic deposition be influenced by other concurrent environmental stressors such as invasive species and climate change?
- How can the collective research data and literature be used to better inform policy? What are the ecosystem-related research gaps that need to be addressed in order to better inform energy and environmental policy?

This PON also offers a competitive fellowship program to support up to two Ph.D. students of New York State academic institutions conducting research in support of the goals of the EMEP research plan and the key policy-relevant questions provided above. Up to \$20,000 per student, per year for a two-year term is available.

**\$1,000,000 is available.** Although NYSEKDA funding is limited to \$250,000 per project, projects of all sizes are encouraged. Project durations are expected to be in the range of one to three years. Total funds available may not be sufficient to fund all proposals received. Cost-sharing by proposers of at least 25% is desired. Leveraging of other research funding is strongly encouraged. In-kind cost-sharing is acceptable.

**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, PON 1292**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle, Albany, NY 12203-6399**

Technical questions regarding this solicitation should be directed to Gregory Lampman at (518) 862-1090, ext. 3372 or [ggl@nyserda.org](mailto:ggl@nyserda.org). For contractual questions, contact Nancy Marucci at (518) 862-1090, ext. 3335 or [nsm@nyserda.org](mailto:nsm@nyserda.org).

No communication intended to influence this procurement is permitted except by contacting Gregory Lampman (Designated Contact) at (518) 862-1090, ext. 3314 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.

**\*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 NYSEKDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEKDA's web site at [www.nyserda.org](http://www.nyserda.org)

## **I. INTRODUCTION**

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Proposals will be considered responsive to this solicitation only if they support the goals of the Environmental Monitoring, Evaluation and Protection program (EMEP) as defined in the long-term research plan available at: <http://www.nyserdera.org/Programs/Environment/EMEP/emepplan2007.pdf>. Proposers are encouraged to address one or more of the targeted research areas in Section III. See the NYSERDA EMEP Research Plan for more comprehensive information on each research topic. NYSERDA funding is limited to \$250,000 per project. Preferred projects provide data in a form that is useable by policy analysts, policy makers and resource managers; utilize research/analytical capabilities in New York State; are comprised of interdisciplinary teams of environmental, economic and social scientists, and public policy analysts; and leverage out-of-State, federal or other resources to address critical environmental issues in New York State.

## **II. PROGRAM REQUIREMENTS – EMEP FELLOWSHIP PROGRAM**

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NYSERDA PON 1292 offers a competitive fellowship program to support up to two Ph.D. students at academic institutions in New York State doing research in support of the goals of this PON. To qualify, students must be in a Ph.D. degree program, with a dissertation research area that aligns with one of the targeted EMEP research areas. Fellowships will provide support for up to two years. Annual support will be in the form of up to a \$20,000 stipend to the student, payable through the institution, and may be supplemented by the student's institution. See Section IV for EMEP Fellowship proposal requirements. Proposals must be submitted under a cover letter from the student's academic advisor.

## **III. PROGRAM REQUIREMENTS – TARGETED RESEARCH AREAS**

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### **A. Ecosystem Economic Valuation**

#### Problem Statement:

The links between the natural and social sciences are weak in some areas, which undermine efforts to perform economic valuation of ecosystems or evaluate changes in benefit-cost analysis. A particular weakness between social science and economic valuation is the lack of information and modeling (analogous to MAGIC or PnET) about how terrestrial ecosystems respond to changes in pollutants or other stressors. Integrated social and scientific assessments can build a crucial bridge between scientific findings and the social science community, especially in reference to valuation of resources. It also provides a method for identifying the value of additional information that can inform research priorities over the chain of effects linking human activities to ecological conditions. All meaningful economic analysis considers changes in ecological resources from a baseline to a changed condition. To help with economic valuations, it is important to relate scientific findings to endpoints and parameters that people can understand, such as human health, recreation, and wildlife.

#### Policy Questions:

- In what ways does mercury pollution and the acidification of ecosystems impact New York's economy through alteration of ecosystem services? To what extent has the economy been impacted as a result of these pollutants?
- What would ecosystem recovery in New York State mean in economic terms?

#### Research Focus

- Conduct assessments leading to the development of baseline information needed for risk assessments and benefit-cost analyses to improve the knowledge that informs the valuation of ecosystems. The integrated baseline must be comprehensive with respect to pathways linking human activities and effects. The effort needs to elaborate on assessments of water chemistry and include additional ecosystem components, such as terrestrial and biota (forests, soils, invertebrates, fish, birds, and other wildlife), and their respective functions and subsequent human benefits (supporting, regulating, provisioning and cultural services).
- Collect more information about the different human uses and non-uses of ecosystems, their current magnitudes and value, and how such uses and their values respond to changes in ecosystem quality.

## **B. Mercury Biogeochemical Processes**

### Problem Statement

There is high uncertainty about how mercury methylation processes in aquatic environments are affected by changing levels of organic matter, DOC, or N inputs. In general, it is understood that sediments with hypoxic and sulfidic conditions depress methylation processes. Given current efforts to reduce eutrophication, it is important to investigate whether these efforts will result in unintended effects, such as enhanced methylation rates in sediments.

### Policy Questions:

- How has anthropogenic mercury deposition in New York impacted New York State's estuarine, marine and coastal ecosystems and biota?
- What factors influence the production of MeHg in estuarine, marine and coastal ecosystems?

### Research Focus

- Provide better source characterization to understand the proportional contributions of N to coastal environments and its relationship with mercury methylation processes.
- Collect high-quality scientific information designed to improve understanding of Hg and MeHg biogeochemistry and bioaccumulation in the coastal marine environment. For example, systematic studies could be conducted of the distribution of MeHg in selected marine organisms, such as fish in the NY/NJ Harbor and the NY Bight. These could include migratory piscivorous species (e.g., bluefish, striped bass) and non-migratory site-specific finfish and shellfish (e.g., cunner, quahog). Any proposed monitoring and data collection activities should build on or coordinate with ongoing related efforts.
- Conduct research to understand mercury methylation processes and their relationship to organic matter/DOC availability in different environments, including coastal systems, estuaries, streams and lakes.
- Examine the potential for ecosystem recovery from reduced Hg inputs, including estimates of the magnitude of possible improvements and the timescales for recovery to occur.

## **C. Ecosystem Impacts and Recovery from Sulfur, Nitrogen Deposition**

### Problem Statement:

The processes of acidification and recovery take place over long-term time scales and involve various ecosystem components. Currently, data required to evaluate landscape-scale or whole-ecosystem changes ensuing from decreased levels of acid deposition are incomplete or lacking. Research indicates that soil base conditions have been deteriorating over recent years in some acid-sensitive Adirondack lake watersheds, while lake water chemistry has generally been improving. It is expected

that the availability of soil base cations will continue to decline. This is important because the extent to which acid-sensitive lakes will continue to recover is highly associated with soil processes. Moreover, further deterioration of soil conditions could contribute to adverse impacts on biota, vegetation and stream chemistry.

Recent research and sampling efforts have begun to bridge important data gaps regarding the relationship between soil conditions and surface water chemistry. Further research is needed to ascertain how changes in soil conditions over extended periods impact lakes, streams, forests, and other ecosystem components. For example, information is available on lake chemistry, but more information is needed to integrate lake chemistry results with other ecosystem components including both terrestrial and aquatic biota. Furthermore, there is limited information available to evaluate how streams, terrestrial systems, forests, soils, and biota are responding to decreased deposition. There are open questions about how much fish recovery is occurring and how widespread this might be. Several forest communities such as high-elevation red spruce, hemlock, American beech, and sugar maple have shown declines in vigor and, in some cases, replacement by other species.

As acid deposition decreases, it may be possible to accelerate ecological recovery by use of several ecosystem management options. However, if the goal is to return to pre-acidification levels, part of the problem is that essential base cations, especially calcium, are not at, or may not return to, adequate levels for some time. A relevant question is: Do the existing Adirondack and Catskill soil databases constitute an adequate baseline (density, elevation, types of data) for terrestrial and aquatic resource recovery tracking? Additionally, several major liming/mitigation studies over the last 20-30 years have been conducted to evaluate the feasibility of accelerated recovery, but limited information is available to guide resource managers as to which restoration projects work best to promote the recovery of biota and under what circumstances they might be applied.

Changes in deposition are occurring simultaneously with other large-scale influences on ecosystem structure and function. Climate change will undoubtedly cause changes in key ecosystem processes as well as shifts in biological communities. Analyses of the interaction between climate change and the influences of atmospheric deposition will be critical for making long-term predictions of ecosystem health in the region. For example, various biological communities have decreased in extent, persistence, and composition over the past few decades. There have been changes in wildlife populations, such as declines in migrating songbirds and amphibians, yet the major causes of these changes are not well established.

#### Policy Questions:

- How is acid deposition impacting the biota and chemistry of streams in New York State?
- What proportions of New York's streams are chronically or episodically acidified to levels impairing biological diversity?
- Have reduced SO<sub>x</sub> emissions aided in recovery of streams?
- Does sufficient soils data exist to adequately identify ecosystem recovery or continued decline?
- What management tools to aid in accelerated recovery have provided the best result?
- How will ecosystem responses to acid deposition be influenced by other concurrent environmental stressors such as invasive species and climate change?

#### Research Focus

- Link soil and lake information more directly to stream chemistry and forest health.
- Develop stream chemistry indicators of soil and forest health conditions.
- Conduct monitoring to evaluate the full extent of the impacts, focusing on sensitive ecosystems, such as streams and alpine areas.

- Establish a standardized monitoring network based on abiotic and biotic compartments of critical ecosystems (note: this effort would require significant co-funding).
- Reassess past efforts, or conduct experiments and demonstrations for accelerated recovery of terrestrial and aquatic ecosystems and organisms. Do not limit projects to soil restoration; expand restoration efforts to other ecosystem compartments, including forests, fish and other biota.
- Evaluate the success of past efforts to re-introduce fish at certain lakes in the Adirondacks.
- Evaluate the definition and metrics of a restored fish community in Adirondack and Catskill lakes and streams, as well as other sensitive areas of New York State.
- Identify key (sensitive, changing) terrestrial species.
- Investigate whether it is possible to restore ecosystems by adding calcium to soils. Establish a forest soil condition baseline, including the establishment of standardized metrics for forest soils.
- Determine how changes in multiple environmental stressors such as acid deposition, climate change, and invasive species interact to influence biotic and abiotic components of forest ecosystems.
- Quantify the relative contribution of various stressors on biota. Determine species susceptibility to the synergistic effects of acid and mercury deposition as well as changing soil conditions, and establish the deposition-related risks for existing biological communities and their chances for re-establishment.

#### **D. Synthesis of Acid Deposition and Mercury Data to Better Inform Policy**

##### Problem Statement

Several baseline (synoptic and temporal, ongoing) studies and many intensive studies have been conducted especially in the Adirondacks and Catskills to understand the biogeochemistry of acidification and mercury. Several major data gaps have been identified. While individual studies often include environmental policy implications in their findings, there is a need for collective syntheses of long-term monitoring results to inform specific policy strategies. Convening workshops which include key researchers and/or policy makers to address key policy questions would help refine research needs and improve research efficiency.

##### Policy Questions:

- How can the collective research literature be used to better inform environmental policy?
- What research gaps exist which could be necessary to identify and quantify ecosystem response to policy change?

##### Research Focus

- Assess whether adequate monitoring is in place to determine whether ecosystem improvements occur as a result of new environmental policy.
- Address the gaps between ecological and social sciences research and inform environmental policy-
- Conduct a comprehensive synthesis of current and past conditions, including all available data on deposition, water chemistry, soil conditions, forests, and biota. Data gaps in each of these areas with respect to monitoring, intensive process studies, and modeling should be evaluated.
- Evaluate what data sets are best for examining specific issues.
- Determine what methods can be used to scale up from existing data sets/studied ecosystems to a broader region.

#### IV. PROPOSAL REQUIREMENTS – EMEP FELLOWSHIP

(See Section V for Targeted Research Areas proposal requirements)

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Qualified students (see Section II) interested in the EMEP Fellowship Program should submit proposals (under cover letter from their academic advisor) using the format below (note maximum page lengths per section):

- Project title, goals and objectives (1 page).
- Project relevance to targeted EMEP research areas identified in this PON (1 page).
- Research approach and methodology (up to 3 pages).
- Expected products and outcomes (1 page).
- Brief budget justification (note: co-funding is not required, but encouraged).
- A letter of support from your academic advisor.
- Statement of career goals (1 page).
- Copies of undergraduate and graduate transcripts (unofficial is fine at this stage).
- Contract Pricing Proposal form - Complete the attached Contract Pricing Proposal form for the entire project, including any cost-sharing. In-kind cost-sharing is acceptable.
- Disclosure of Prior Findings of Non-Responsibility form (see General Conditions, below).

#### V. PROPOSAL REQUIREMENTS – TARGETED RESEARCH AREAS

(See Section IV for EMEP Fellowship proposal requirements)

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Proposals should follow the format below and provide sufficient and succinct information to complete the required descriptions and answer the questions described in the Proposal Evaluation criteria listed in Section VI. The preferred length of each proposal section is shown. Proposals are subject to return without evaluation if more than 15 pages are submitted (not including the Checklist Cover Sheet, Contract Pricing Proposal Forms, one-page letters of commitment, and resumes), or if a font smaller than 11 point is used. Proposers may contact Gregory Lampman at 518-862-1090, ext. 3372 before preparing a proposal to discuss program goals and proposal requirements.

##### **PART 1: Project Summary (4 pages total)**

###### **A. Proposal Checklist Cover Sheet**

A signed and completed Proposal Checklist must be attached to the front of the proposal. (one Page) *Proposals lacking the appropriate completed and signed Proposal Checklist will be returned.*

###### **B. Project Summary**

Summarize the proposed project. Identify the Targeted Research Area to be addressed (by letter and title) from Section III. Briefly describe how the proposed project will address one or more of the Targeted Research Areas. Address policy issues this research would potentially inform. Briefly summarize the anticipated usefulness of the project. (One page)

###### **C. Summary of Project Methods**

Summarize the proposed project methods and overall research design. Explain why the equipment, models, methods, and other aspects of the work are expected to be capable of

meeting objectives. Describe the extent to which these have been accepted by the scientific community and policy making organizations, or otherwise demonstrated to be valid. (One page)

**D. Usefulness and Value of Project Results**

Detail the project goals and major objectives. Explain how the project results will address, in a timely manner, a problem/opportunity facing New York State with respect to pollutants associated with the generation of electricity. Maximum coordination with other national and state environmental research/monitoring initiatives is desirable. Explain how the project will make use of other relevant data and coordinate with other research/monitoring initiatives (e.g. with field sampling and data analysis) where possible, to provide maximum value to New York State. (One page)

**PART 2: Statement of Work**

**A. Tasks**

The Statement of Work is the primary contractual document that identifies the deliverables and provides the basis for NYSERDA payment. It is an action document, divided by the individual tasks or procedures required to accomplish the project objectives. Each task should be identified with a description of its objective, how it will be performed, who will perform it, and the anticipated deliverables/milestones associated.

As appropriate, tasks should include a brief description of general operating procedures, quality control and quality assurance measures, analytical procedures and statistical analyses to be employed to optimize the quality of the data and project results. (Three to five pages)

**B. Technology Transfer Plan**

The Statement of work must include a task for reporting and information transfer. The following baseline reporting and information transfer work will be required for each project and should be considered in allocating resources for this task:

Baseline reporting and information transfer shall be accomplished through presentations at meetings and completing quarterly progress reports, a final technical report, and an article for a peer-reviewed journal. In addition, each principal investigator will be required to prepare a short paper summarizing the usefulness of their research findings for environmental policy formulation. Principal investigators are strongly encouraged to collaborate with social scientists/policy analysts in preparing these policy papers, and a technical editor for all final documents. Findings to date shall be presented to the EMEP Program Advisory Group and invited guests at annual meetings arranged by NYSERDA staff in Albany, NY. Electronic access to project data shall also be provided after appropriate quality assurance.

Additional methods of information transfer and reporting may be proposed for involving pertinent policy makers or regulators and other target audience representatives during the project, and for using the anticipated project results to achieve projected public benefits. Efforts to increase access to, or use of data collected is encouraged. Outreach or education about project findings, is also encouraged. (One Page)

**C. Master Schedule**

Complete a schedule showing starting and completion times for all major tasks, in terms of months after project initiation. Include major milestones and meetings, tests, demonstrations,

reports, and other key deliverables. The Schedule should reflect the realities of environmental research. (One Page)

#### D. Contract Pricing Proposal Form

Complete the attached Contract Pricing Proposal Form for the entire project, including any in-kind contributions and other cost-sharing. The degree of cost-sharing will be considered in the evaluation of proposals. Cost-sharing of at least 25% is desired. Leveraging of other research funding is preferable. In-kind cost-sharing is acceptable. (Not included in page count).

### **PART 3: Supporting Documentation**

#### A. Management Plan and Qualifications

- Organizational Chart - Prepare an organizational chart listing all *key* personnel. Include any subcontractors and other sponsors involved in the project, showing their roles and responsibilities. (One page)
- Tasking Chart - Prepare a tasking chart, describing approximately in hours or days the effort contributed by each of the *key* personnel to each task and the total effort. (One page)
- Related Projects – Provide a sample of related projects that have been undertaken by the proposer and/or subcontractors. For each project, provide a brief summary, describing its title, scope, funding amount and client contact numbers. NYSERDA may contact listed clients. (One page)
- Resumes - Identify key project personnel. Submit relevant portions of resumes of all key project personnel, including those of proposed subcontractors. Include education and experience that are relevant to the proposed work. (One page each - not included in page count)

#### B. Letters of Commitment or Support

If you are relying on other organizations or businesses to do work, provide services or equipment, data or share in the non-NYSERDA cost, include a letter from that organization or business describing their commitment. If the use of unpublished data from other researchers is necessary for the project to be successful, letters of support showing the availability of these data must be included. **Absence of letters of commitment or support will be interpreted as the proposer not having commitment/support from those parties.** (One page each - not included in page count)

#### C. Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k

Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws are available at: <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>). In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

Proposers must submit ten (10) copies of the completed proposal to the attention of Roseanne Viscusi

at the address on the front of this Program Opportunity Notice. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which must contain an original signature. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will be not be accepted.

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, "PON 1292", and the page number.

**D. Cost Sharing**

While cost-sharing is not required, a cost-share of at least 25% of the total project cost is desired. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. NYSERDA will not pay for efforts which have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. If applicable, show the cost-sharing plan in the following format (expand table as needed):

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

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

- Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).
- If rate(s) is approved by an independent organization such as the federal government, provide a copy of such approval.
- If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculations 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.

**VI. PROPOSAL EVALUATION**

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Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below. **If an investigator(s) identified in a proposal is an investigator on a current EMEP awarded project, as to which project deliverables (such as reports) have been consistently delinquent, such delinquency will be considered negatively in the evaluation of the current proposal.** Fellowship Program Proposals will be evaluated separately (see below).

A. Technical Evaluation Criteria (listed in order of importance)

**Usefulness and Value of Project Results** - Does the proposal address one or more Targeted Research areas? How useful are the project results expected to be in validating or improving New York State policies, regulations, impact assessments, models, or mitigation methods? Will the results be available in a timely manner? How well would the project use and integrate other relevant data and coordinate with other research/monitoring initiatives (e.g., with field sampling and data analysis) to provide maximum value to New York State?

**Soundness of Project Methods and Research Design /Statement of Work and Schedule** - How suitable are the proposed project methods and overall research design for meeting the project objectives and yielding accepted results? How comprehensive, realistic, and explicit is the Statement of Work with respect to the project objectives and proposal requirements? Are specific measurable targets of success provided where applicable?

**Management Plan and Qualifications** –How well has the proposer organized a management plan and a project team with the necessary educational, technical, operations, technology transfer, financing, and administrative experience for successfully completing the project? Does the team include partnerships with other research groups? Has an interdisciplinary team been assembled including environmental scientists, social scientists/public policy analysts, and technologists, as appropriate? How many of the team members are located in New York State? Have letters of support demonstrating the availability of data been included?

**Communication of Results** - How promising is the reporting and information transfer plan for successfully using project results to realize the potential benefits of the project? Has the proposer included review of the draft final report by a technical editor?

**Cost Criteria** - How justifiable and reasonable are the overall costs compared to the expected usefulness of the project results and the level of effort and duration of the project? How justified and reasonable are the proposer's cost allocations and co-funding contributions (cash, in-kind services, etc.)? To what degree does the proposal include meaningful cost-sharing from other key organizations important for the success of the project?

B. Other Considerations

Projects will be reviewed to determine whether they reflect the overall objectives of the **New York Energy \$mart<sup>SM</sup>** Program and NYSERDA, including:

- The balance among projects of long- and short-term benefits and risk/reward relationships, and whether similar projects are presently or have been previously funded.
- The general distribution of projects of diverse topics related to program goals.
- The ways in which the proposed project fits with currently funded projects.
- The ease of measuring project success in quantifiable ways.
- If applicable, the responsiveness of the proposer in conducting other EMEP-funded work.

C. Specific Fellowship Program Proposal Evaluation Criteria

Fellowship Proposals will be based on the:

- Potential usefulness and value of project results as it relates to EMEP goals.
- Soundness of research approach and methodology.
- Qualifications of student as determined by the submitted documents.

## VII. 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 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](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 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/killin/st/st220td\\_606\\_fill\\_in.pdf](http://www.tax.state.ny.us/pdf/2006/killin/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/killin/st/st220ca\\_606\\_fill\\_in.pdf](http://www.tax.state.ny.us/pdf/2006/killin/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 multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA expects to notify proposers in approximately eight (8) weeks from the proposal due date whether or not 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.

## **VIII. ATTACHMENTS**

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- A. Proposal Checklist
- B. Disclosure of Prior Findings of Non-responsibility Form
- C. Contract Pricing Proposal Form
- D. Sample Agreement