



**Radiation Protection Program Support Services
for the West Valley Site Management Program
Request for Proposal (RFP 1559)**

Proposals Due: August 19, 2009 by 5:00 PM Eastern Time*

NYSERDA seeks proposals from firms and/or individuals for Radiation Protection Program Support Services for the West Valley Site Management Program at the Western New York Nuclear Service Center near West Valley, New York.

The initial term of the contract will be one year, with the option to renew annually for up to four additional years at NYSERDA's discretion. The contract is expected to start on or about March 1, 2010.

Proposers must submit seven (7) 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 1559
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Martin Willett at (716) 942-9960, ext. 4027 or mjw@nyserda.org. If you have contractual questions concerning this solicitation, contact [Venice Forbes](mailto:VeniceForbes@nyserda.org) at (518) 862-1090, ext. 3507 or vwf@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Martin Willett (Designated Contact) at (716) 942-9960, ext. 4027 or mjw@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 nonresponsible 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

A. Goals and Objectives

The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals for Radiation Protection Program Support Services for the West Valley Site Management Program (WVSMP) at the New York State Licensed Disposal Area (SDA) located within the Western New York Nuclear Service Center (Center) near West Valley, New York. The objectives of this solicitation are to provide the WVSMP with the services, expertise, and materials needed to implement and support the WVSMP Radiation Protection Program (RPP). Services will include radiation safety support for environmental monitoring, operations, maintenance, and management activities conducted in and around the SDA.

B. Background

On behalf of the people of New York State, NYSEDA holds title to the 3,338-acre Center, the site of the West Valley Demonstration Project (WVDP) and the New York State Licensed Disposal Area (SDA). The area designated as the WVDP is under the exclusive use and possession of the U.S. Department of Energy (DOE). The SDA is managed solely by NYSEDA for the protection of public health, safety and the environment. NYSEDA assumed management responsibility of the SDA in 1983.

West Valley Demonstration Project (WVDP) - The WVDP is located adjacent to the SDA and within the 3,338-acre Center located primarily in the town of Ashford in northern Cattaraugus County. WVDP facilities occupy a security-fenced area of approximately 167 acres. The area and facilities that became the WVDP were the site of the first commercial nuclear fuel reprocessing plant in the United States. The reprocessing plant was operated from 1966 until 1972. In 1972, the reprocessing facility closed for expansion but due to regulatory and other issues, the site operator, Nuclear Fuels Services (NFS), notified NYSEDA that they would be discontinuing operation of the facility. In 1980, Congress passed Public Law-368 (The WVDP Act) authorizing the U. S. Department of Energy (DOE) to take exclusive use and control of the WVDP to carry out the activities described in the Act. DOE is currently conducting activities at the WVDP related to completing the requirements of the WVDP Act.

SDA General Description - The SDA occupies approximately 15 acres of the Center located immediately adjacent to the WVDP. The SDA consists of two sets of parallel disposal trenches, the northern trenches (trenches 1 through 7) and the southern trenches (trenches 8 through 14). The disposal trenches contain approximately 2.4 million ft³ of packaged radioactive waste placed into trenches between 1963 and 1975. The trenches were dug into the native silty-clay soil and then covered with an 8- to 10-foot thick-mounded cap of compacted clay with a drainage swale between adjacent trenches. In addition to the disposal trenches, two storage buildings, referred to as the Tank T-1 and the FRAC Tank buildings are also present. The Tank T-1 building contains several small volume liquid waste containers and Tank T-1 which currently holds 7600 gallons of radioactive leachate removed from Trench 14 in 1991. The FRAC Tank building contains two empty 20,000-gallon FRAC tanks, maintenance materials, and equipment. The FRAC tanks were installed to provide contingency storage volume in the event additional pumping activities to remove trench leachate are required. During 1992 and 1995, the WVSMP installed a soil-bentonite subsurface barrier wall along the western side of Trench 14 to divert groundwater flow away from the south trenches (8 through 14) and covered the trenches with geomembrane covers to prevent water infiltration into the trenches and divert it toward the surrounding stream systems. These measures have effectively eliminated water accumulation in the waste disposal trenches reducing the likelihood that any future pumping activities will be necessary.

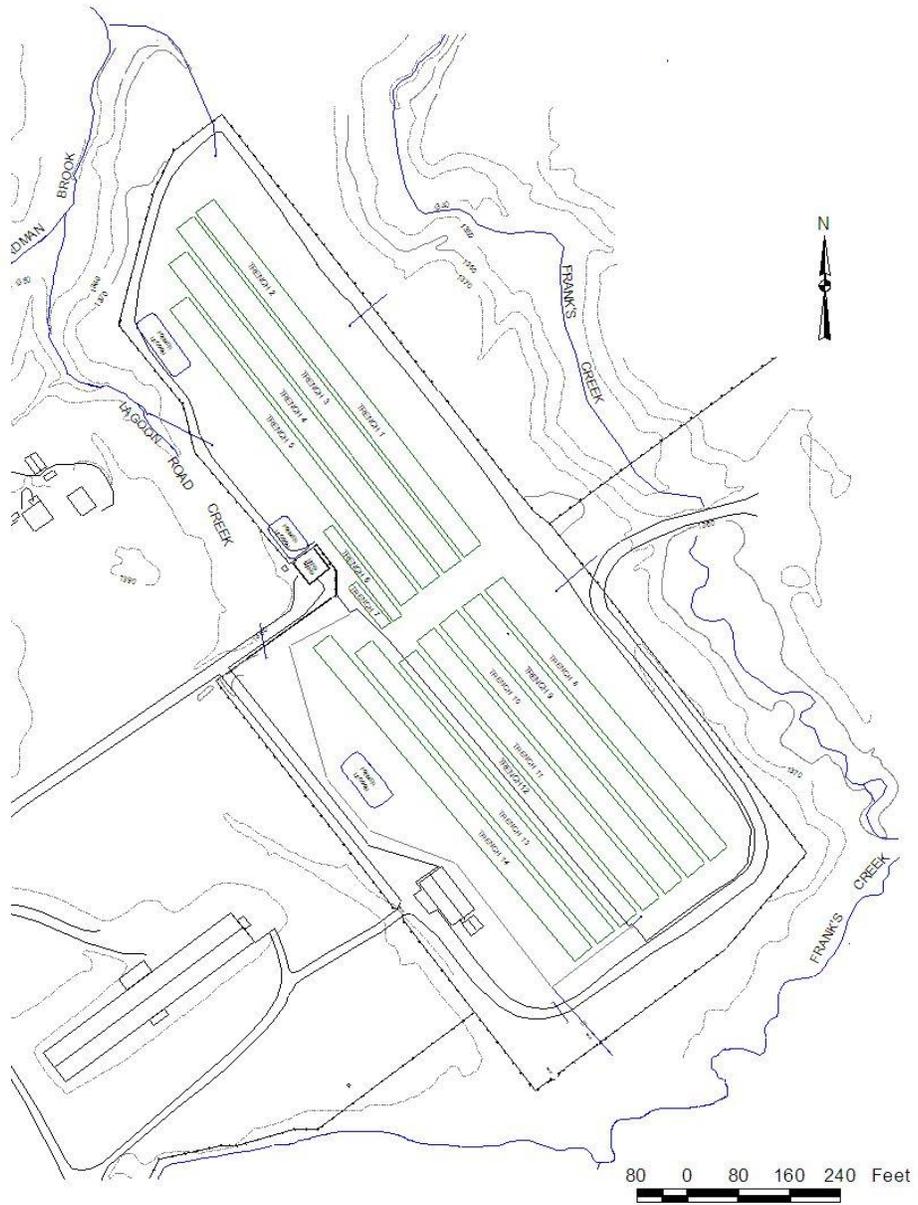


Figure 1-1; Plan View of the SDA

II. PROPOSER QUALIFICATIONS

NYSERDA seeks proposals from firms with relevant experience, trained and educated staff, equipment, and the infrastructure required to provide the radiation safety program support services detailed in this statement of work (SOW).

Examples of supervisory and professional support services that may be required include: radioactive material license preparation, radioactive work supervision and planning, dose assessments and dosimetry program implementation, fixed and field radiological instrumentation use and calibration, procedure preparation, radiological worker training, air emissions assessments for tritium and other radioactive materials, radioactive waste management, and emergency planning and response. Typical field tasks will include:

- Setup of radiological work areas including postings, barriers, labeling, etc.
- Knowledge of ALARA practices (e.g., engineering controls, use of PPE, etc.)
- Supervising the use of PPE and dosimetry as directed by job specific documentation
- Work site monitoring/surveillance
- Monitoring for gross alpha, gross beta and tritium activity during excavation/grading, site characterization, sump or emission point work or radiological liquid management activities
- Contamination evaluation and control with emphasis on tritium experience (e.g., smears, large area wipes, fixatives, postings, ventilation, use of PPE, etc)
- Frisking; personnel and equipment
- Instrumentation use, (i.e., GM, PAC, tritium monitors, ratemeters, scalers, tissue-equivalent microrem meters, scintillation detectors, familiarity with laboratory proportional, gamma spectroscopy, and liquid scintillation instrumentation is also desirable) field calibration and documentation.
- Decontamination activities/methods
- Investigation of abnormal events (e.g., contamination survey planning, setup and mobilization)
- Waste handling, labeling and disposal
- monitoring for compliance with DOT shipping regulations

Qualifying Experience for Radiological Control Technicians (RCT) and Supervisors (RCS) Employed at the SDA

The West Valley Site Management program (WVSMP) requires that RCS and RCTs be qualified through experience and training to perform radiological assessments and fieldwork in support of the WVSMP RPP. Experience supporting radiological work activities at a facility or site(s) with tritium and other by-product materials is preferred. Professional staff with experience and/or training in tritium detection, handling, and containment is desired. In addition, the following training and experience is required for RCT eligibility at the SDA:

- National Registry of Radiation Protection Technologist (NRRPT) certification
- a minimum of five years work experience as a radiological worker, two of which must have been as an RCT

III. SERVICES TO BE PROVIDED

Provide the expertise and equipment necessary to implement and/or support the following radiation protection programs:

- Radiation Protection Instrumentation services;
- Dosimetry services;
- Radiation Surveys of the SDA; and
- Radiation Protection On-Call Support Services.

The specific services required in each of these program areas are described in the five subtasks that follow. The RPP support services must be compliant with the requirements of NYCRR Part 38, Radioactive Materials License (RML) No. C0382, and WVSMP RPP plans and procedures. A copy of the RML and all associated RPP procedures are included in Attachment A.

Additional contractor provided procedures will be required to implement the SDA RPP for such things as contractor instrument operation, calibration, analytical methods, and quality assurance.

Proposals should include a list of contractor procedures available and deemed necessary to provide the support services requested in this solicitation.

Subtask 1 - Radiation Protection Instrument Services

The contractor is required to have field instrumentation available for routine and on-call SDA activities and the ability to expeditiously analyze and evaluate radiological samples (e.g., soil, smears, air filters, etc.) in support of field activities. Leased or contracted instrumentation or laboratory services must be identified by providing vendor name, location, services and/or instruments provided, and availability.

1.1 Instruments

The following analytical and radiation monitoring instrumentation must be available for use:

- Tissue-equivalent microrem meter Micro-Rem meter;
- Ratemeter with GM and alpha probes;
- Gas proportional counter (e.g., Tennelec Model LB-5100, etc) ;
- Liquid Scintillation counter; and
- Gamma spectroscopy instrumentation and software.
- Air monitoring equipment appropriate to the radionuclides being evaluated (e.g., Overhoff tritium monitor, Radon monitoring equipment, CAMs, etc.)

All instruments used to support the SDA RPP must be calibrated and tested in accordance with the following standards and procedures, as applicable:

- RPP013.01, *Instrument Calibration*, in RML 0382-1139;
- ANSI N42.17A, Performance Specifications for Health Physics Instrumentation - Portable Instruments for Use in Normal Environmental Conditions;
- ANSI N323B-2003, American National Standard for Radiation Protection Instrumentation Test And Calibration, Portable Survey Instrumentation for Near Background Operation; and
- ANSI N323D-2002, American National Standard for Installed Radiation Protection Instrumentation.

The contractor should identify the location of facilities to be used to maintain and calibrate the required instrumentation.

1.1.1 Quality Assurance

Instruments used at the SDA or in support of the SDA RPP must be capable of meeting the manufacturer-specified detection limits and be calibrated, tested, and maintained in accordance with manufacturer specifications and the standards specified in Section 1.1.

1.2 Documentation

The contractor will provide the following documentation to demonstrate that monitoring and analysis instrumentation and services are available, appropriately maintained, and calibrated.

1.2.1 Directory of Radiation Monitoring and Analysis Instrumentation

Provide a directory of radiation monitoring and analysis instrumentation available to support SDA activities. The directory should include information, such as:

- instrument manufacturer, model and serial number;
- intended SDA application or use;
- instrument owner and location;
- access to instrumentation or services (subcontract, lease, etc.); and
- availability, limitations, or restrictions for use.

1.2.2 Copies of Procedures for Contractor Supplied Instruments

Provide a list of current operating and calibration procedures that will be used to support the SDA RPP.

1.2.3 Copies of Calibration and Testing Records

Copies of calibration and test/maintenance records for all instruments used to support the SDA RPP shall be provided to NYSERDA within 30 days of the record generation date (i.e., the date of calibration, or the date of maintenance or repair).

Subtask 2 - Dosimetry Services

Provide vendor support services for external and internal dosimetry services and when requested by the WVSMP RSO, provide and issue external dosimeters (i.e., TLDS) and/or supplies and analyses for in-vitro tritium bioassay services. Dosimetry services will be requested in support of nonroutine tasks approved by the WVSMP Radiation Safety Committee (RSC).

2.1 *Dosimetry Service Provider*

The contractor will establish and maintain contracts with dosimetry providers and laboratories that are NVLAP or DOELAP-certified and maintain ELAP certification for radiochemical methods (when available). In addition, dosimetry services must be in compliance with:

- NYCRR Part 38, “Ionizing Radiation Protection,”
- SDA Radioactive Materials License No.C0382,
- RPP012, Personnel Dosimetry, and
- RPP024, Personnel Dosimetry and Bioassay Implementation and Reporting Procedure.

For contract cost estimating, the contractor shall:

- Estimate the level of effort required to initiate and maintain subcontracts with external and internal dosimetry service providers such that services are continuously and readily available for monitoring SDA radiation workers.
- Provide a per unit TLD and tritium bioassay cost estimate.
- For annual cost projections, assume the issuance and processing of 10 TLDs and 4 tritium bioassays per year.

The Contractor should provide the expertise required to perform, when requested, dose assessments or special dose evaluations for events at the SDA.

2.2 *Reporting / Documentation*

2.2.1 *Dosimetry Records*

By the 15th of the month following each calendar quarter, provide the WVSMP with a report of dosimetry/bioassay data for all individual’s that were monitored or for dosimetry badges deployed by NYSERDA.

Annually, provide NYSERDA with Annual Individual Occupational Exposure Reports for all individuals monitored at the SDA during the past year. The annual report data will be issued on NYSERDA form FRM RPP024.05 “*Individual Occupational Exposure Report*” found in RPP024 (see Attachment A). Form FRM RPP024.05 contains the same information found in the U.S. Nuclear Regulatory Commission Form 5.

Provide NYSERDA with all dosimetry records, including historical dose records received from previous employers, for workers monitored on behalf of NYSERDA. Provide NYSERDA with the original reports of each worker’s dosimetry records when received.

2.2.2 *Annual review of Dosimetry Service Provider*

The contractor shall prepare and submit a report documenting an annual review of the dosimetry service provider’s credentials and their testing results. Dosimetry providers must be either NVLAP or DOELAP certified. The report will summarize the information reviewed and conclusions made.

Subtask 3 - Routine Surveys of the SDA

The contractor shall conduct routine radiation surveys of the SDA Trench Caps, the SDA Sumps and the SDA Buildings in accordance with RPP005, *Surveys and Survey Frequencies* (see Attachment A). Surveys of the SDA trench caps, SDA sumps and SDA Buildings should be coordinated so they can be performed by making one quarterly survey visit to the SDA.

3.1 Trench Cap Survey

The overland gamma survey is conducted to provide sufficient gamma radiation level data to identify or detect changing conditions (either external or internal) at the SDA.

3.1.1 Procedure(s)

SDA trench cap surveys will be performed in accordance with the most recent revision of RPP017, *NYS-Licensed Disposal Area (SDA) Biannual Overland Gamma Radiation Survey* (see Attachment A), and pertinent instrument operating and calibration procedures.

3.1.2 Instruments

The contractor is to provide an appropriately calibrated and maintained tissue-equivalent microrem meter for use at the SDA. The NYSERDA-owned Bicon microrem meter will be available as a backup.

3.1.3 Schedule

The overland gamma survey of the SDA trench caps will be performed semiannually in May and September, concurrently with the Trench Sump Survey (see Section 3.2).

3.1.4 Data Assessment

Gamma survey results will be evaluated against results from previous surveys for the following conditions:

- Results exceeding three times the average reading from each location and height above ground surface. Averages will be calculated from the previous 10 surveys (five years).
- Results showing an increasing trend through the previous five surveys

The contractor must maintain current and future data in a database compatible with the NYSERDA NYSIMSII system (MS Access 2007 platform) as a backup to the NYSERDA database. The contractor database will be made available to NYSERDA upon request.

3.1.5 Reporting / Documentation

Within 15 days of performing the overland gamma survey of the SDA trench caps, provide NYSERDA with:

- an overland gamma survey data report will be provided electronically in *.pdf format and as hardcopy. The report will include the following survey and data assessment results; a

description of field conditions, any unusual circumstances, a completed form (FRM036.01 from RPP017), a data assessment results table and a summary narrative of the results.

- an Excel spread sheet or Access database containing survey data and assessment results in a format directly importable to the NYSERDA NYSIMSII database system.

3.2 *Trench Sump Survey*

The SDA trench sump survey is conducted to provide sufficient radiological data to identify potential contamination hazards or changes in radiological conditions at the SDA trench sumps and selected piezometers.

3.2.1 *Procedure*

SDA trench sump surveys will be performed in accordance with the most recent revision of RPP018, *Radiation and Contamination Surveys of SDA Buildings and Sump Covers*, (see Attachment A) and pertinent instrument operating and calibration procedures.

3.2.2 *Instruments*

The contractor is to provide an appropriately calibrated and maintained Bicon Micro-Rem meter and a ratemeter with GM and Alpha probes. The NYSERDA-owned Bicon Micro-Rem meter and Ludlum ratemeter with GM probe will be available as backup instruments. Gas proportional and liquid scintillation counting instruments must be available (either on-site or off-site at laboratory facilities) for evaluation of smears.

3.2.3 *Schedule*

The SDA trench sump survey will be performed semiannually concurrently with the overland gamma survey of the SDA trench caps (see Section 3.1)

3.2.4 *Data Assessment*

Survey results will be evaluated against the previous survey radiation levels (decreasing or increasing) and for the presence of removable and total contamination. Elevated field and smear results must be evaluated for the presence of Radon daughter progeny with results reported pre- and post-decay. Compare all survey results for contamination and radiation control levels outlined in RPP005 and NYCRR 38, Appendix A-10, Table 5.

3.2.5 *Reporting / Documentation*

Within 15 days of performing the Trench Sump Survey at the SDA, provide NYSERDA with:

- a trench sump survey data report will be provided electronically in *.pdf format and as hardcopy. The report will include the following survey and data assessment results; a completed form FRM046.01 from RPP018, and a summary narrative.
- an Excel spread sheet or Access database containing survey data and assessment results in a format directly importable to the NYSERDA NYSIMSII database system.

3.3 SDA Building Survey

The SDA Building survey is conducted to provide sufficient radiological data to identify potential radiological hazards or changes in radiological conditions in SDA facilities.

3.3.1 Procedure

The quarterly SDA Building survey will be performed in accordance with the most recent revision of RPP018, *Radiation and Contamination Surveys of SDA Buildings and Sump Covers*, and pertinent instrument operating and calibration procedures.

3.3.2 Instruments

The contractor is to provide a calibrated tissue-equivalent microrem meter and a ratemeter with GM and Alpha probes for use at the SDA. The NYSERDA-owned Bicon MicroRem meter and ratemeter with GM probe will be available as backup instruments. Availability to gas proportional and liquid scintillation counting instruments will be required for evaluation of survey smears.

3.3.3 Schedule

Building surveys will be performed once each calendar quarter.

3.3.4 Data Assessment

SDA Building survey results will be evaluated against prior radiation survey data (decreasing or increasing) and control levels identified in RPP005 and NYCRR 38, Appendix A-10, Table 5.

3.3.5 Reporting / Documentation

Within 15 days of performing the SDA Building Survey, provide NYSERDA with:

- a building survey data report will be provided electronically in *.pdf format and as hardcopy. The report will include the following survey and data assessment results; a completed form FRM047.01 from RPP018 with a summary narrative
- an Excel spread sheet or Access database containing survey data and assessment results in a format directly importable to the NYSERDA NYSIMSII database system.

Subtask 4.0 Radiation Technician and Health Physics On-Call Support Services

Radiological work in and around the SDA is typically planned in detail, well ahead of implementation, so that contractor support services can be anticipated and planned well in advance. However, the potential exists for uncontrolled and/or unforeseen events to occur that may necessitate the need for immediate radiological support. In the event such occurrences do occur, the following types of services will be required:

- Incident or emergency radiological services including: technical and supervisory support staff, contamination control, postings and radiological PPE supplies, decontamination support, area characterization, site assessment and post- incident recovery activities;
- Radiation area designation and control;
- Radiation surveys and /or sampling;
- Facility assessments and safety planning consultation;
- Attendance at NYSERDA safety planning or status meetings, and
- Source term determination and dose assessment reviews, etc.

Requests for such services will be initiated and authorized by the NYSERDA RSO or Project Manager. To facilitate cost estimates for the on-call support services subtask, include an hourly rate for RCT and health physics/supervisory support. For annual cost projections, assume 80 hours of RCT support and 40 hours of health physics/supervisory support.

IV. PROPOSAL REQUIREMENTS

The Proposer will be required to prepare a proposal, schedule, and firm cost estimate for RPP support services described in this solicitation. The proposal must identify how the contractor will provide all the required services in accordance with the subtask specifications provided below. As part of the proposal, describe any additional subcontracts and procedures that need to be put in place to establish a defensible, compliant RPP.

Proposers must submit seven copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front page 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 e-mailed copies will be 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 is 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. 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. The proposal must be in the following format:

Part I - Technical and Management

- Completed “Proposal Checklist” form (Attachment B) - to be attached to the front page of all copies of Part I of the proposal. Background/Objectives (one-page maximum)
- Approach for Providing Radiation Protection Program Services (six-page maximum)
- Current Qualifications Statement that clearly presents the experience of the firm or individual(s)
- Current Qualifications Statement that clearly presents the education, training and experience of key personnel proposed to be used relevant to the SOW
- Letters of commitment from all participating firms or individuals (if applicable)
- Work Plan including Key Personnel and Schedule for tasks or services that are anticipated to require lead time to have available or implement (five-page maximum)

Part II - Cost and Disclosures

- Cost proposal including hourly rates and any other applicable costs or rates included on the attached “Contracts Pricing Proposal” form (Attachment C, instructions included)
- Up to three (3) Client References (please include contact information)
- Disclosure of Prior Findings of Non-Responsibility -(Attachment D)
- Indictment/Conviction of Felony (if applicable)
- NYSERDA Contracts Awarded (if applicable)
- Prior and/or Competing Proposals (if applicable)
- Firm Cost Estimate for performing the services described in this solicitation
- Exceptions to Terms and Conditions (if applicable)

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

A Technical Evaluation Panel (TEP) will review proposals that meet the proposal requirements above. 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 proposals using the Evaluation Criteria below in order of importance.

A. Technical and Management Criteria

- Quality and depth of the resources and support systems necessary to perform services.
- Qualifications of the firm including the educational background, training and experience of key personnel. Key personnel include field, technical, health physics, supervisory and/or project management staff (Note: proposers should be aware that information may be requested from client references).
- Ability to provide the necessary resources to conduct high quality work in a timely manner.
- Breadth of prior and current experience supporting radiological program support services.
- Approach to provide the required services

B. Cost Criteria

- The reasonableness of the hourly rates proposed
- A comparison of all proposers costs and fees
- A comparison of all proposers firm cost estimate for required activities

Interviews may be scheduled to further assess the qualifications of the proposers. After assessing the proposals from the technical and management criteria, cost criteria, and interviews (if necessary), the TEP will make a recommendation as to which proposer is most beneficial to the WVSMP.

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, nonconfidential 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 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 Nonresponsibility Form includes a disclosure statement regarding whether the proposer has been found nonresponsible 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). 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). The Department has developed guidance for contractors, 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 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 weeks from the proposal due date whether your proposal has been selected.

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 (Mandatory)

Attachment B - Disclosure of Prior Findings of Non-Responsibility Form (Mandatory)

Attachment C - Contract Pricing Proposal Form (CPPF) and CPPF Instructions

Attachment D - NYSERDA Radioactive Materials License (RML) and associated procedures.

Attachment E - NYSERDA Sample Agreement