



Business Partners: Building Performance and HVAC Program
Request for Proposal (RFP) 1713
\$ 1,200,000 Available

Proposals Due: November 16, 2009 by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) seeks to competitively select an implementation contractor to support the **New York Energy Smart Business Partners: Building Performance and Heating, Ventilation and Air-Conditioning (HVAC) Program (the Program)**. The Program goal is to support HVAC contractors, distributors, and energy service businesses interested in working with NYSEDA to increase the availability, promotion, and sales of energy efficient building performance and HVAC products and services for the commercial and industrial sector. The proposer(s) selected through RFP 1713 will help NYSEDA implement a statewide strategy to address the mid-market needs of the Building Performance and HVAC industry. Strategies to consider include, but are not limited to: targeted outreach; recruitment; statewide field support; program training; sales training and support; quality assurance; measurement and verification; monitor, track and report incentives; leveraging partnerships with trade associations; integration with local, state, regional, and national efforts; recognition of Program leaders; and guidance and assistance to participating Business Partners to help realize the energy efficiency goals of New York State.

NYSERDA understands that separate contracts may be necessary to effectively serve both the Implementation Services and Technical and Field Support Services elements of this solicitation. Thus, teaming arrangements are encouraged to fulfill the needs of this RFP where one contract is awarded to the prime contractor with support from subcontractors. The contract will be for a two-year period, with options to renew at NYSEDA's discretion.

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

Roseanne Viscusi, RFP 1713
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Judy Stasack at (518) 862-1090, ext. 3492 or jas@nyserda.org. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or vwf@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Judy Stasack (Designated Contact) at (518) 862-1090, ext. 3492 or jas@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 NYSEDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEDA's web site at www.nyserda.org

I. Introduction

NYSERDA has offered a number of distinct upstream and mid-market programs for suppliers and providers of energy efficient products and services. The programs have supported targeted market development efforts in lighting, building performance, unitary HVAC, motors, and other emerging technologies. Through these efforts, NYSERDA has built a strong network of more than 1,000 businesses. Maintaining market relationships with these Business Partners is extremely important in achieving the energy efficiency goals within New York State. The **New York Energy SmartSM Business Partners Program** (Business Partners Program) supports Business Partners and guides them toward NYSERDA incentive programs as appropriate. The Business Partners Program is designed to increase market visibility and strengthen the overall impact of the targeted market development efforts within commercial and industrial businesses.

The New York Energy SmartSM Business Partners: Building Performance and HVAC Program (the Program) was established to: (1) encourage the installation of energy-efficient HVAC systems, including early replacement of inefficient package HVAC systems (unitary and split system); (2) expand use of fault detection and diagnostics (FDD) and integrated controls equipment for HVAC systems; (3) increase market penetration of building performance energy monitoring systems, existing building commissioning (EBCx) practices and monitoring-based commissioning (MBCx) practices within commercial facilities; and (4) expand awareness of preventative maintenance procedures and benefits. There are four types of mid-market Business Partners to be targeted by this program: (1) HVAC distributors; (2) HVAC contractors; (3) EBCx providers; and (4) energy management and controls services (EMCSs) providers.

The proposer(s) selected through this RFP will actively recruit targeted mid-market actors to become Business Partners in the Program and will use strategies and services customized to support them in overcoming industry-specific barriers to obtain Program goals. Strategies and services to be considered may include, but are not limited to: targeted outreach; recruitment; statewide field support; program training; sales training and support; quality assurance; measurement and verification; monitor, track and report incentives; leverage partnerships with trade associations; integration with local, state, regional, and national efforts where appropriate; recognition of Program leaders; and guidance for and assistance to partners to maximize utilization of the Business Partners Program services and offerings.

NYSERDA recognizes that market transformation strategies may differ per region in New York State, with the New York City market requiring a different strategy from the rest of the State. Proposer(s) may respond to this RFP for Program Implementation or Technical and Field Support Services, or both, with a detailed regional approach that considers varying regional market needs for the proposed element(s) of the Program. Teaming arrangements are encouraged to fulfill the needs of this RFP where one contract is awarded to the prime contractor with support from subcontractors. However, NYSERDA reserves the right to select only one element (Program Implementation or Technical and Field Support Services) from a proposal that responds to both elements of the RFP, if it determines that one contract for each element may provide the best portfolio of services.

Services will be focused within the SBC Territory, the electric utility service areas of: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation; National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation.

Program activities will be supported by additional NYSERDA efforts through 1) incentives to support manufacturers and distributors to promote stocking and decrease first cost of energy efficiency equipment and 2) Workforce Development training incentives to support technical training and curriculum development in the HVAC and building performance industry.

II. Program Requirements

A. General Description

NYSERDA seeks to recruit, equip, mobilize, and support stakeholders in the HVAC, controls/systems, and building commissioning industries (Business Partners). This can be accomplished through, but not limited to, the following activities: (1) Providing field support, program training, sales training and marketing support; (2) incentives to promote energy efficiency improvements; and (3) establishing productive relationships with stakeholder associations, alliances, unions, trade periodicals, specialty consultants such as sales trainers and niche marketing firms. The proposal must detail a strategy to assist NYSERDA in supporting its Business Partners in achieving the Program goals outlined in Section II-B. Proposer(s) are expected to provide evidence that they understand how the many factions and institutions operating in the HVAC, controls, and building commissioning industries are organized, interact, communicate, and compete.

A NYSERDA project manager will be responsible for overseeing the selected proposer(s)'s efforts. The selected proposer(s) will be required to coordinate with other NYSERDA programs, project managers, and contractors.

Proposer(s) are encouraged to respond to this RFP to provide either 1) Program Implementation Services, or 2) Technical and Field Support Services, or both. While this is a statewide effort, all proposals must outline a detailed regional approach that considers varying regional market needs for the proposed Program Element(s). The statewide plan should also include a specific, detailed plan for targeting New York City.

B. Building Performance and HVAC Program Goals

The proposed scope of work must, at a minimum, address the following program goals:

1. Encourage the installation of energy-efficient HVAC systems, including early replacement of inefficient package HVAC systems;
2. Expand use of FDD and controls equipment for HVAC systems;
3. Increase market penetration of building performance energy monitoring systems, EBCx practices and MBCx practices within commercial facilities;
4. Expand awareness of preventative maintenance procedures and benefits;
5. Recruit Business Partners to effectively deliver or show direct influence on a minimum of 100 million square feet, and meet or exceed minimum resource acquisition goals of 45 gigawatt hours, and 9 megawatts of energy and demand savings over the next 2 years; and
6. Coordinate with relevant NYSERDA customer-focused efforts and incentive programs to engage building owners in HVAC and whole-building energy efficiency projects.

C. Targeted Mid-market Business Partners

The proposed scope of work must, at a minimum, address recruitment and support of the following targeted mid-market actors:

1. **“Distributors”**: HVAC and control supply businesses may participate as a Business Partner. To do so, these entities must maintain a HVAC/controls specialist on staff, must execute a Business Partner Participation Agreement, and must complete the Program training.
2. **“HVAC Contractors” or “Contractors”**: HVAC and electrical contractors or other businesses that perform HVAC installation and/or maintenance services may participate as a Business Partner. To do so, these entities must execute a Business Partner Participation Agreement and must complete the Program training.
3. **“Existing Building Commissioning Providers”**: Businesses providing a systematic process for investigating, analyzing, and optimizing the performance of building systems in existing buildings through the identification and implementation of facility improvement measures and ensuring their continued performance may participate as a Business Partner. To do so, these entities must execute a Business Partner Participation Agreement and must complete the Program training.
4. **“Energy Management and Controls Services Providers”**: Businesses involved in controlling and monitoring energy consumption and usage in a building for the purposes of improving the performance of HVAC systems, continuous commissioning, or reduction in energy consumption may participate as a Business Partner. To do so, these entities must execute a Business Partner Participation Agreement and must complete the Program training.

D. Program Elements

The proposed scope of work must, at a minimum, include the following activities supporting one or both of the Program Elements: 1) Program Implementation Services, or 2) Technical and Field Support Services. Proposer(s) are encouraged to include suggestions and justifications for additional strategies that assist NYSERDA in supporting its Business Partners in achieving the Program goals outlined in Section II-B.

1) Program Implementation Services

Attract New Business Partners. The Program strategy shall include active recruitment to the Program for each of the *four types of mid-market actors targeted in this solicitation*: (1) HVAC distributors; (2) HVAC contractors; (3) EBCx and (4) EMCS providers.

Program Training. This training shall outline the Program guidelines and available resources for participating Business Partners. Program training shall also include a full summary of all current Program incentive offerings. Proposer(s) should outline a strategy for continually updating recruited Business Partners with current incentive offerings. Proposer(s) should provide a plan for providing and coordinating statewide training to best advance energy efficient HVAC and building performance improvement opportunities.

Industry Training. Proposer(s) should detail plans to leverage existing training offered through manufacturers and others to provide Business Partners with training including, but not limited to, Spec and Sell Training and awareness/training on the Air-Conditioning Contractors of America (ACCA) Quality Installation Standard. Proposer(s) should also detail plans for providing additional training on the standardized maintenance protocol and operations and maintenance best practices protocol to be developed (see “Quality Assurance Services” below).

Marketing Materials and Strategies to Benefit Business Partners. The awarded Contractor will support content development of NYSERDA marketing materials including, but not limited to, NYSERDA fact sheets, case studies, end-user, and contractor marketing pieces and coordinate activities with NYSERDA

marketing efforts. National efforts, including but not limited to U.S. Environmental Protection Agency (EPA) marketing materials, should be leveraged, as appropriate. Activities shall be coordinated with the other NYERDA implementation contractors to provide the participating Business Partners with marketing support, as appropriate.

Monitoring, tracking, and reporting of NYSERDA incentives. NYSERDA has set aside \$2,100,000 for incentives to be offered to support mid-market Business Partners participating in the Program. It is expected that the awarded Contractor will monitor, track, and report all related incentive activities. The awarded Contractor will make recommendations to NYSERDA for incentive payments, and NYSERDA will review and issue payment to the participating Business Partner, as appropriate.

Reporting and Metrics Management. Measuring Program success and tracking Program activities is necessary for understanding the effectiveness of the Program. The proposal should provide a plan for project tracking, metrics collection, and measurement and verification of Program activities to measure Program success. Final metrics will be determined by NYSERDA at time of contract.

Market Transformation Strategies. Comprehensive strategies to transform the Building Performance and HVAC market, with regional consideration, shall be provided, with explicit descriptions explaining how each strategy will assist in achieving Program goals outlined in this solicitation.

Establish And Support A Program Advisory Group. A Program Advisory Group (PAG) consisting of experts in the sectors targeted by the program should be convened prior to program launch, and conferred with throughout the term of the program. Proposals should provide both a plan and budget to ensure that the PAG's deliberations, opinions and recommendations will be recorded and given due consideration in program design and implementation.

2) Technical and Field Support Services

Field Support Services. Field support has been a successful component of NYSERDA's prior program efforts. Targeted field support, including circuit-riding, where appropriate, should be proposed statewide.

Sales Training and Support. This training shall include Spec and Sell Training as well as compelling business case scenarios and appropriate Sales Training to help Business Partners position their services within specific targeted markets.

Quality Assurance Services. Proposer(s) should provide strategies that will be used to ensure quality installations of all systems implemented by participating Business Partners, including use of ACCA Quality Installation Guidelines for unitary HVAC equipment. The awarded contractor will develop a standardized maintenance protocol and operations and maintenance best practices protocol for participating Business Partners to follow for use with their customers. Proposer(s) should review available research and protocol, including but not limited to the report at the following link, to develop protocol: http://www.neep.org/initiatives/RTU_Report_DFTA_Final_32509.pdf

Establish And Support A PAG. A PAG consisting of experts in the sectors targeted by the program should be convened prior to program launch, and conferred with throughout the term of the program. Proposals should provide both a plan and budget to ensure that the PAG's deliberations, opinions and recommendations will be recorded and given due consideration in program design and implementation.

E. Funding and Geographic Coverage

There is \$1.2 million available for the **New York Energy Smart Business Partners: Building Performance and HVAC Program**, under this solicitation. NYSERDA reserves the right to adjust funding based on Program success, funding source approval requirements, availability of new funds, or other factors addressing the Program. NYSERDA reserves the right to incorporate Program changes as needed.

Services will be focused on facilities within the SBC Territory, the electric utility service areas of: Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation.

F. Contracting

This Program shall not serve as a marketing vehicle for any specific firm. Current NYSERDA contractors are eligible under this RFP; however, the proposer(s) selected through this RFP will not be permitted to use customer leads that are developed while performing services under this contract to participate in other NYSERDA programs (i.e. FlexTech). Include a listing of all current contracts with NYSERDA and how conflict between contracts will be avoided.

III. Proposal Requirements

Proposers must submit eight (8) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Proposal. A completed and signed Proposal Checklist (Attachment A) must be attached as the front cover of your proposal, one of which must contain an original signature. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will not be accepted.

Proposals that include teaming arrangements must designate one party as the prime contractor. Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. A single staple in the upper left hand corner is preferred. Text font size should be no smaller than 11 and care should be taken not to exceed page limits provided. Double sided printing is encouraged. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will negatively 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.

A. 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 (Attachment A) including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form (Attachment B). Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

B. Proposal Format

Please clearly identify which of the Program Elements you are responding to within the proposal.

You may respond to one or both of the Program Elements: 1) Program Implementation Services, or 2) Technical and Field Support Services.

Executive Summary (two page limit)

- Summarize the proposed effort.

Introduction and Background (three page limit)

- Discuss the rationale for the proposed approach.
- Identify all entities/team members collaborating in the proposal.
- Identify the major goals and objectives of the proposed approach and strategy.

Statement of Work (ten page limit)

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

Outcome and Benefits (five page limit)

- Describe the anticipated impacts of the proposed effort, both in terms of energy and non-energy impacts.
- Explain how the proposal's approach is comprehensive and why the proposer is in the best position to undertake this effort.
- Explain how the approach is unique and why it will work compared to other approaches.
- Define the economic benefit to New York State, as well as the data collection and evaluation plans that will measure success.
- Explain what metric information (market penetration, number of sites, projects recruited for implementation services, etc.) are recommended to determine success.

Proposer Qualifications (seven page limit)

- Identify all team members (name, business address, telephone number), including the party who will assume the ultimate responsibility for success and their qualifications to undertake the proposed work.
- Provide a list of specific HVAC, controls, and building commissioning organizations and individuals with whom you plan to work/coordinate/collaborate during the execution of your proposed program and how you propose to work with them.
- Attach resumes of key personnel in an appendix (will not count towards page limitations).
- Address how you are poised to weather the current economic situation.
- Provide an organization chart displaying relevant staff and define their roles and responsibilities.
- Describe each area in enough detail to convey your depth of industry knowledge.

Work Schedule and Staffing Plan (four page limit)

- Prepare a work schedule highlighting tasks and major milestones in terms of weeks or months after execution of the Agreement.

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

Budget

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

Letters of Commitment

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

NYSERDA reserves the right to direct limitations or expansions of these proposed services within the bounds of the proposal based on cost-effectiveness and other related considerations.

IV. PROPOSAL EVALUATION

Eligible proposals, meeting solicitation requirements, will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA, a Department of Public Service staff member, and selected outside reviewers. The TEP will review the written proposals, score and rank the proposals. The highest ranked proposer will be recommended for contract negotiations. The TEP will review the written proposals using the Evaluation Criteria below in order of importance. The Program Implementation Services and the Technical and Field Support Services program elements will be evaluated independently of each other by the same TEP.

Qualifications of Proposer and Experience

Does the proposer have the necessary background and experience in New York State? Does the proposer demonstrate sufficient, relevant experience? Does the proposer demonstrate the ability to reach large customers? Does the proposer show a balance of technical, operations, marketing, administrative or other expertise necessary

to accomplish the objectives? Is there depth to the proposing team where full implementation responsibility does not fall on one individual? Does the proposer demonstrate in depth knowledge of and existing relationships with key stakeholders? Does the proposer have previous experience in the conduct and delivery of sector services? Does the proposer clearly demonstrate a history of past energy-related work? Is the proposer poised to weather the current economic situation?

Strategy and Overview

Will the proposed approach maximize the potential for NYSERDA to achieve Program goals? Is the proposed strategy feasible? Does the proposed strategy address the unique regional characteristics in New York State? Is the Statement of Work comprehensive, realistic, and consistent with the proposal requirements? Is the proposed strategy likely to recruit the largest, cost-effective energy savings opportunities?

Measuring and Reporting Effectiveness

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

Cost

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

Other

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

- The ability to dedicate staff as appropriate.
- The ability to deliver service effectively and economically.
- Other factors deemed appropriate by NYSERDA.

V. 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 accept it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/nyserda.regulations.pdf. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. *See*, ST-220-TD (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220td_606_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. *See*, ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf.

Contract Award –NYSERDA anticipates making one or more awards under this solicitation. The contract term will be a two year period with the option to renew at NYSERDA's discretion. NYSERDA reserves the right not to award any contracts in one or more Program elements. NYSERDA also reserves the right to award only one Program element to a proposer or teaming arrangement who has proposed for both Program elements. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support

applications. NYSERDA expects to notify proposers in approximately twelve (12) weeks from the proposal due date whether their 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.

V. ATTACHMENTS

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-Responsibility Form

Attachment C - Contract Pricing Proposal Form

Attachment D – Sample Agreement