

Proposals Due: December 28, 2009 by 5:00 PM Eastern Time

The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals for full-service marketing, graphic services, and public relations to secure one or more agencies immediately for two projects and to determine qualified agencies for future projects to be provided on an as-needed basis to promote its broad range of programs to a variety of audiences. The work will consist of, but is not limited to:

1. Full-Service Marketing:

The successful proposer will develop and execute marketing strategies and tactics targeting a range of consumer and business-to-business audiences and market segments across New York State. The proposer should be familiar with behavioral marketing (i.e., using the outcome of psychological research to obtain a desired reaction from customers) and demonstrate the ability to conduct marketing campaigns that influence consumer as well as business-to-business behavior.

- Develop and execute an integrated marketing strategy for NYSERDA and communicate a consistent NYSERDA brand and message.
- Develop and execute an integrated marketing strategy for individual NYSERDA programs, including Clean Energy Research and Market Development, Energy Efficiency Research, Energy Efficiency Services, Saratoga Technology + Energy Park[®] (STEP[®]). Assignments for Residential Efficiency and Affordability Programs will not be included initially but may be made during the term of this contract.
- Services should include, but not be limited to: planning, messaging, creative strategy and development, research, branding, copywriting, internet marketing, social marketing, direct marketing and database management, media planning and placement, promotional support, public relations, account management, and audience recommendations.

2. Graphics Services

In accordance with NYSERDA brand guidelines:

- Design, layout, and produce print-ready material
- Provide high-quality graphics that are compatible with NYSERDA's electronic platform. Must be able to provide files AND FONTS in non-Mac PC formats of: Adobe Creative Suite 3 or 4, QuarkXPress 6.5 or 8, Adobe Professional, Live Cycle, and the Microsoft Office Suite – 2007.
- Provide fast turnaround on design and graphics projects
- Coordinate photographic shoots and provide stock photography
- Carry out special projects, as identified

3. Public Relations:

- Work with NYSERDA Communications staff to recommend and, as necessary, implement Publicity and Public Relations strategies and tactics to support marketing plans.

The proposer may submit qualifications for any or all parts of this RFQL/RFP. Multiple proposers may be awarded contracts for each of the three segments. One or more proposers may be awarded an assignment based on this RFQL/RFP. For future projects, qualified contractors will participate in mini-bids on individual projects as needed. A contractor will be selected from these mini-bids based on, but not limited to, the following criteria: capability, expertise, cost, and availability. The contract term will be three years, with the possibility of three one-year extensions.

Proposal Submission: Proposers must submit 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, RFQL 1224
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Pursuant to §139-j(2)(a) of the State Finance Law, the individuals below have been designated as persons who may be contacted by Proposers concerning this procurement. The designated individuals may be reached by e-mail or by phoning (518) 862-1090 and selecting the appropriate extension: Technical or content questions should be directed to Paula Rosenberg at (518) 862-1090, ext. 3270, or pr1@nyserda.org. Contractual questions should be directed to Venice Forbes at (518) 862-1090, ext. 3507, or vwf@nyserda.org.

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

I. Introduction

The New York State Energy Research and Development Authority (NYSERDA), a public benefit corporation, has been helping New York save energy since 1975. NYSERDA offers programs, technical support, and funding to help businesses, municipalities, research institutions, and consumers become more energy efficient, protect the environment, and save money. By supporting the development and commercialization of new technologies, NYSERDA programs move New York toward a clean-energy future, deliver economic benefits, and prepare New York workers for green-collar jobs. NYSERDA program staff has significant expertise that enables them to evaluate energy-related projects to ensure the best outcome. NYSERDA invests in programs that support New York State's energy goals – reducing energy consumption while promoting the use of renewable resources and protecting the environment.

NYSERDA is seeking proposals for full-service marketing, graphic services, and public relations to be provided on an as-needed basis to promote its broad range of programs to a variety of audiences. The contract term will be three years, with the possibility of three one-year extensions.

The proposer may submit qualifications for any or all parts of this RFQL/RFP. Multiple proposers may be awarded contracts for each of the three segments. One or more proposers may be awarded contracts for two immediate projects later outlined in this RFQL/RFP. Qualified contractors will participate in mini-bids for each individual future project, as needed. A contractor will be selected from these mini-bids based on, but not limited to, the following criteria: availability, location, cost, experience, staffing, and capability.

II. Contract requirements

This RFQL/RFP is divided into three segments - full-service marketing, graphics services, and public relations. Each segment will be evaluated individually. Proposers may submit qualifications for one, two, or three segments. Multiple proposers may be selected as pre-qualified contractors for all or part of the services proposed. Task Work Orders for full-service marketing may be awarded immediately for Biofuels and STEP projects based on proposer responses to Full-Service Marketing segments of the RFQL/RFP. Master Contracts for pre-qualified contractors will have a term of three years, with the possibility of three one-year extensions.

For future projects, each project will be awarded based on a mini-bid process on an as needed basis solicited to prequalified contractors only and pre-authorized in writing by NYSERDA.

For every mini-bid task awarded, the successful mini-bid contractor will be required to provide task-order project plans and estimates that include:

- Task description, identification of target audience, marketing objective, proposed action plan, and evaluation plan.
- Schedule, including milestones such as first draft, revisions, anticipated completion, and delivery.
- Budget, including breakdown of proposer costs (personal services, creative and production services, estimated travel, and expenses).

Projects will be directed by and coordinated with NYSERDA's Marketing staff. Fast turnaround is frequently required.

1. Full-Service Marketing tasks include, but are not limited to, the following:

- Becoming familiar with previous and ongoing marketing campaigns to fully understand the nature of the proposed work, particularly as it relates to energy efficiency issues and programs developed by NYSERDA, State utilities, Governor's "45 by 15" initiative, Energy Efficiency Portfolio Standard, System Benefits Charge, the U. S. Department of Energy, and other entities.

- Designing and implementing integrated marketing campaigns to meet organization and program objectives, including identifying campaign objectives and developing a messaging strategy (i.e., themes, slogans, logos, graphics, program materials, and communication tools and methods appropriate for specific New York State target audiences).
- Conveying the benefits of energy efficiency to all customers, enabling them to make informed choices with respect to their rights and protections and the services and programs provided by regulated utilities, other State agencies, and competitive suppliers.
- High-level branding and messaging.
- Creating broad awareness and understanding of NYSERDA programs.
- Motivating end-user actions to participate in NYSERDA programs or to use recommended do-it-yourself energy efficiency measures.
- Ensuring that consumers know how to access needed information on energy efficiency and NYSERDA programs and services.
- Developing an integrated media strategy, including targeted consumer and industry publications/media and consideration for new/social media.
- Conducting market research and/or providing other services to gather consumer and business-to-business input necessary to develop and evaluate NYSERDA programs and test strategies prior to implementation.
- Establishing benchmarks for key measures such as awareness, understanding, attitudes, and participation rates, and tracking progress toward such benchmarks.
- Developing exhibits, displays, and educational materials with campaign messages, Web addresses, and toll-free phone numbers.
- Providing copywriting services.
- Providing promotional and collateral support.
- Providing public relations.
- Augmenting audience definitions with available research and industry expertise.

2. Graphics Services tasks include, but are not limited to:

- Developing and distributing collateral and support materials, including creative concepts (e.g., design, layout, copywriting, graphics) for attractive technical publications and plain-language publications such as brochures, tip strips, posters, and other printed materials.
- Developing logos.
- Developing and producing marketing materials, advertising, signage, and display graphics and materials.
- Producing large-format output.
- Acquiring (including obtaining necessary approvals) and manipulating photos. Providing silk-screen services.
- Providing in-house pre-press and high-end color separation services.
- Providing other to-be-determined graphic material and production services.

High-quality graphics must be provided that are compatible with NYSERDA's electronic platform. Must be able to provide files AND FONTS in non-Mac PC formats of: Adobe Creative Suite 3 or 4, QuarkXPress 6.5 or 8, Adobe Professional, Live Cycle, and the Microsoft Office Suite – 2007.

3. Public Relations tasks include, but are not limited to:

- Developing and implementing public relations and publicity plans designed to extend the reach of NYSERDA's priority messages.
- Coordinating with NYSERDA's Communications and Marketing staff to implement recommendations that support business and marketing goals.

III. Proposal Requirements

Procurement Lobbying Requirements

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.

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 RFQL number, and the page number. The proposal must be in the following format:

A. Proposal Checklist

Proposers must submit 10 copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFQL/RFP. A completed and signed Proposal Checklist must be attached as the front cover of the proposals, one copy 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.

B. Introduction, Cover Letter, and Abstract

Proposers must submit a cover letter on company letterhead that references this RFQL/RFP and provide a brief summary of the proposal. Proposers should describe teaming and partnering arrangements and their ability to perform services that meet the overall goals and objectives of the project(s) they are proposing. The cover letter must also include firm name, address, phone and fax numbers, e-mail address, contact person, year the firm was established, and type of firm (partnership, corporation, sole proprietorship, etc.). The cover letter must be signed by a person with the authority to enter into a contract with NYSERDA. A sampling of prior/existing or proposed contracts or other forms of relationships with the State of New York, any of the State's other operating agencies, including public authorities, and any local government must also be provided.

C. Proposal Format

Proposers may choose to respond to all or any combination of the following three segments:

1. Full-Service Marketing
2. Graphic Services
3. Public Relations

1. Full-Service Marketing

In addition to the award of Master Contracts for pre-qualified contractors, Task Work Orders for full-service marketing may be awarded immediately for Biofuels and STEP projects based on proposer responses to Full-Service Marketing segments of the RFQL/RFP.

a. Qualifications

To meet the evaluation criteria for full-service marketing, proposers must address in

narrative form how they will satisfy the requirements discussed within the RFQL/RFP. The narrative must provide adequate information to effectively demonstrate the proposer's capability of performing all the work and services required.

b. Marketing Approach Assignment – Biofuels

Proposers must provide a detailed planning and creative approach to a high-level, integrated marketing campaign for a Biofuel Station Initiative based on the information provided, information available on the NYSERDA Web site, industry data, and other available sources. Media and public relations also should be considered. This is not a request for an actual campaign, just the proposer's approach to developing one.

- Background: NYSERDA recently implemented the Biofuel Station Initiative offering incentives to New York State gas station owners who agree to sell biofuels such as biodiesel and E85 as a means to reducing the State's dependence on foreign petroleum. To date, 110 gas stations are participating in the program; the goal is to increase that number to 300 station participants by 2011. NYSERDA plans to implement a marketing/communications program to provide biofuel stations in New York State with marketing support to inform the public about the benefits of biofuels in general, as well as educate owners of flex-fuel vehicles about E85.
- Goals:
 - Generate awareness among the general public of biofuels as alternatives to traditional fuels.
 - Generate Biofuel Station program awareness and interest among flex-fuel car owners in order to increase business at participating gas stations.
 - Through general awareness efforts, increase retail gas station participation in the NYSERDA incentive program.
- Priority Audiences:
 - New Yorkers, especially those using flex-fuel vehicles, who are within a practical driving distance of participating stations.
 - Retail gas station owners that are not currently participating in the program.
- Primary Messages:
 - Do your part to reduce the nation's dependency on foreign petroleum by using E85 instead of traditional fuels.
 - Since E85 costs less, you can save money on fuel when you use E85 instead of traditional fuels.
 - You may already have a vehicle that can run on E85 or biodiesel instead of traditional fuels.
 - Visit www.nyserda.org [with the appropriate link to a new Web page devoted to biofuels] for more information about E85 and gas stations in your area that provide biofuels.
- Hypothetical Budget: \$500,000

c. Marketing Approach Assignment – Saratoga Technology + Energy Park® (STEP)®

Proposers must provide a detailed planning and creative approach to a high-level, integrated marketing campaign for STEP. Media and public relations also should be considered. NYSERDA is planning a marketing effort based on the information provided, information available on the NYSERDA Web site, industry data, and other available sources to attract STEP tenants. This is not a request for an actual campaign, just an approach to developing one.

- Background –
STEP is a knowledge community in the heart of New York's Tech Valley with significant resources for clean-energy and environmental technology companies that are looking for a strategic location at which to build and grow. More than a physical site, it is a fully integrated knowledge community that includes programs, services, partnerships, and amenities to support the success of companies and their employees. NYSERDA owns and sponsors STEP and is committed to STEP's goal of nurturing the technologies that will address energy needs and environmental conservation for the long-range future.
- Goal – Tenant/Developer Attraction
 - Short term -- Generate leases to fill current available space (~60,000 sq. ft. for four to six tenants.
 - Longer term – Secure one new ground lease and supporting tenants totaling 300,000 sq. ft.
- Priority Audiences – U.S. and International
 - Light manufacturing, assembly, and services companies directly related to clean energy or with operations tied to energy efficiency.
 - Economic development organizations with access to and influence over appropriate tenants/developers.
- Primary Messages:
 - STEP's location makes it possible for companies to tap into a highly skilled workforce and access key research and development facilities.
 - Locating at STEP enables companies to tap into valuable New York State financial incentives.
 - STEP's strategic location in New York State offers a marketplace committed to green/clean industry and a robust supplier base.
 - STEP's campus-like setting and proximity to the Luther Forest Technology Campus and clean-energy manufacturing and research companies create opportunities for synergy and collaboration.
 - Quality of life to be enjoyed in New York's Capital Region makes residing in the area an attractive option for current and potential employees.
- Hypothetical Budget: \$150,000
- Visit step.nyserda.org for additional information.

d. Evaluation Plan

Proposers must provide examples of how they track, monitor, and report program results. Successful proposers will be required to provide metrics that include, but are not limited to:

- Measuring and quantifying results against stated objectives for each task.
- Media reach and frequency based on audience segments, including total number of customer impressions from all media and marketing campaigns, dollars invested by media type for ads, number of ads placed by type, etc.
- Results of all marketing and outreach methods/activities, including, but not limited to, promotional and educational events and media, print advertising, television and radio advertising, Internet-based applications, etc.
- Events and attendance.

e. References, Samples, Case Studies

Proposers must list their most recent relevant projects, including high-level goals undertaken and results successfully achieved by the project team members. Identify any specific areas of corporate expertise the company has, especially as it relates to NYSERDA's mission and program areas. Provide references with contact information for each project. Proposers may provide samples of marketing plans and materials used for those projects as attachments (please limit the material to a reasonable quantity for review purposes). If audio or video material is submitted, it must be restricted to samples of relevant work, and must not exceed four minutes in length. Excessive quantities of material may not be reviewed. When submitting samples or case studies, please include a hard copy of each sample and a DVD containing each sample or case study as PDFs. Letters of reference may be provided in an appendix.

2. Graphics Services

a. Qualifications

To meet the evaluation criteria, each proposer must address in narrative form how it will satisfy the requirements discussed within the RFQL/RFP. The narrative must provide adequate information to effectively demonstrate the proposer's capability of performing all the work and services required.

Proposers should provide details about their firm's resources and procedures for providing graphics services in a timely manner.

b. References, Samples, Case Studies

Proposers must list their most recent relevant projects, including high-level goals undertaken and results achieved by the project team members. Provide names of references with contact information for each relevant project. Proposers may provide samples of design campaigns and materials produced as attachments. However, the material should be limited to a reasonable quantity for review purposes. When submitting samples or case studies, proposers should submit one hard copy of each sample and a DVD containing each sample or case study as a PDF. If web design material is submitted, proposers should include PDF versions of Web pages or Web links on a DVD. Excessive quantities of material may not be reviewed. Letters of reference may be provided in an appendix.

Proposers must include samples of their graphics work, such as:

- Annual reports
- Brochures
- Logos
- Photographic samples of display units
- Sample pocket folder
- Sample corporate identity package
- Sample high-level branding and messaging campaign

The proposer must note the extent of its contribution to the final product, along with a name, title, company name, address, and phone and fax numbers for contacts at the organizations for which these services were performed. NYSERDA reserves the right to request information from any source so named.

3. Public Relations

a. Qualifications

To meet the evaluation criteria, proposers must address in narrative form how they will satisfy the requirements discussed within the RFQL/RFP. The narrative must provide adequate information to effectively demonstrate the proposer's capability of performing all work and services required. Proposers must describe their ability to provide both statewide and regional/local coverage.

b. Evaluation Plan

Proposers should provide examples of how they track, monitor, and report program results. Successful proposers will provide metrics that include, but are not limited to:

- Measuring and quantifying results against stated objectives for each task.
- Media coverage.
- Events and attendance.

c. References, Samples, Case Studies

Proposers should list their most recent relevant projects, including high-level goals undertaken and results that have been successfully achieved by the project team members, especially as they relate to NYSERDA's mission and program areas. Contact information for references should be provided for each project. Proposers may provide samples of materials produced as attachments; however, material should be limited to a reasonable quantity for review purposes. If audio or video material is submitted, it must be restricted to samples of relevant work and must not exceed four minutes in length. Excessive quantities of material may not be reviewed. When submitting samples or case studies, please include a hard copy of each sample and a DVD containing each sample or case study as PDFs. Letters of reference may be provided in an appendix.

Examples may include, but are not limited to:

- Public relations campaigns and plans.
- News releases and press kits.
- Coverage received following event.

D. Personnel and Capabilities

Proposers should indicate how long their firm has been in continuous operation and its lines of business and growth within the past five years. Prior to the proposal due date for the RFQL/RFP, the company must have a minimum of three years experience providing the types of full-service marketing, graphics services, or public relations described in the "Contract Requirements" section above.

Proposers should indicate whether their firm will provide services directly or subcontract with another firm. Résumés of all key project personnel, including those of proposed subcontractors, must be submitted; such résumés should include education and experience relevant to the proposed work.

Identify all project team member organizations (name, address, phone number); their qualifications to undertake the proposed work should be identified. Include the percentage of employees' time that is to be dedicated to NYSERDA's projects. If applicable, proposers should provide a letter of

commitment to participate from each subcontractor in an appendix. Key personnel to be assigned to the project and their roles should be identified, with an appendix including a résumé for each of the key personnel. Proposers should address their overall staffing situation and their ability to assign staff or acquire subcontractors as needed to support specific task orders.

Proposers should provide any other significant information that they deem relevant to demonstrating their experience and why they are qualified to meet NYSERDA's needs.

E. Fee Schedule

Proposers should submit their cost proposal for performing work under an agreement resulting from this solicitation using the attached "Project Personnel and Rates" form (Attachment D) as a template. The cost proposal should clearly indicate the hourly rate range for each title or individual that will be involved in the contract work, including subcontractors. All overhead rates and multipliers must also be included. For each overhead rate or multiplier, the base on which the rate(s) would be applied (e.g., direct labor, materials, etc.) must be provided. Supporting documentation that explains indirect cost (overhead) rate(s) should be included in the proposal, as follows:

1. Describe the basis for the rates proposed (i.e., based on prior period actual results, federal government rates, or other independently approved rates).
2. If rate(s) is (are) approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If rate(s) is (are) based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculations should provide adequate information for NYSERDA to evaluate and confirm that the rate(s) is (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 required financial information may be made if deemed necessary.

For media placement services, cost proposals **must include** proposed across-theboard mark-ups. Also include a detailed explanation of how service and agency fees are generated. Indicate whether you also would propose alternate billing arrangements such as a percentage, flat rate, hourly rate, etc., for developing media plans, evaluating ad-hoc media offers, placing buys, and tracking and measuring results/reach and reporting successes. Since a contract with NYSERDA may provide benefits to the contractor, proposers should discuss their approach to sharing with or passing through to NYSERDA volume discounts associated with media purchases. The overall approach to media placement services should clearly indicate that NYSERDA will receive the best cost available for these services. NYSERDA may choose not to use the media-buying option under this contract.

IV. Proposal Evaluation

Proposals that meet the submission requirements will be reviewed by a Technical Evaluation Panel consisting of NYSERDA staff and selected outside reviewers. A two-phase evaluation format may be used for one or more proposers whose written proposals are favorably reviewed. Those proposers may be invited to present their proposals at NYSERDA's facility in Albany, New York. Proposers may submit qualifications for one, two, or all three of the RFQL segments. Each of the three segments will be scored individually. Contracts may be awarded for all or part of the required services. Contracts may be awarded

for the programs described in this RFQL/RFP – Biofuels and STEP. The successful proposers for these two projects also will be eligible to bid on future projects. Selection of the successful proposal(s) will be made based on the following criteria, which are not listed in terms of importance:

A. Criteria for All Proposers

- The extent to which the proposer demonstrates an understanding of, and develops a proposal to address, project requirements.
- The quality of the proposer's approach as reflected by the responsiveness, thoroughness, and creativity of the strategy.
- The potential of the approach to achieve program goals.
- Cost effectiveness and competitive rates.
- Satisfactory record of performance.

B. Full-Service Marketing

- Proven experience in developing and implementing a comprehensive marketing plan, particularly one that resulted in changes to audience behavior.
- Demonstration of strategic thinking and creativity in approach and execution while maintaining brand consistency and messaging.
- Ability to team effectively with client staff.
- Proven ability to strategically target best-fit audience.
- A clear, comprehensive, creative approach to addressing the needs of the STEP facility.
- Samples that are relevant and thorough and provide measurable results.
- Demonstration of previous relevant experience in developing similar types of projects.
- An evaluation plan that provides mechanisms for comprehensive objectives and measurable results.
- Qualifications, knowledge, skills, and expertise in the subject area; experience with behavioral marketing strategies; and ability to provide public education, administrative, technical, and other expertise necessary to fulfill the requirements of the RFQL/RFP.
- Familiarity with New York State markets.
- Appropriate financial and staff resources, or the ability to obtain such resources, to meet the requirements of the RFQL/RFP.
- Presentation, if applicable.

C. Graphics Services

- Appropriate financial and staff resources, or the ability to obtain these resources, to meet the requirements of the RFQL/RFP.
- Demonstration of the proposer's ability to provide a timely, often rush, turnaround throughout the contract period.
- Previous relevant experience in developing similar types of projects, including coordination with government agencies, community-based and service organizations, and not-for-profits.
- Innovative strategic thinking and creativity.
- Ability to align design concepts with marketing strategies, branding, and messaging to meet the stated goals and objectives.
- Relevant samples that represent the quality of the proposer's work.

D. Public Relations

- Proven experience in developing and implementing a comprehensive public relations plan, particularly one that resulted in changes in awareness and/or behavior.
- Demonstration of strategic thinking and creativity in approach and execution while maintaining brand consistency and messaging.
- A clear, comprehensive public relations approach to addressing the needs of STEP.
- Samples that are relevant and thorough and provide measurable results.
- Previous relevant experience in developing similar projects.
- An evaluation plan that provides a mechanism for comprehensive objectives and measurable results.
- Qualifications, knowledge, skills, and expertise in the subject area; experience with target audience; and ability to provide public education, administrative, technical, and other expertise necessary to fulfill the requirements of the RFQL/RFP.
- Familiarity with New York State markets.
- The ability to align public relations strategy with business marketing strategies, branding, and messaging to meet the stated goals and objectives.
- Appropriate financial and staff resources, or the ability to obtain such resources, to meet the requirements of the RFQL/RFP.
- Presentation, if applicable.

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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. 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 State 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

Executive Order 127 - NYSEDA is required to comply with the provisions of Executive Order 127 (www.gorr.state.ny.us/EO127_fulltext.htm). Pursuant to this Executive Order, proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000 must include:

(1) The name, address, phone number, place of principal employment, and occupation of every person or organization retained, employed, or designated by or on behalf of the proposer to attempt to influence the procurement process and whether such person or organization has a financial interest in the procurement. If a proposer has identified one or more such persons or organizations, a *Contractor's Designated Contact(s)* form, which is available on request or at www.nyserda.org/funding/stdforms.asp, must be completed and filed with the proposal for each person or organization identified.

(2) A disclosure statement regarding the proposer's history of findings of non-responsibility made by any agency or authority within the previous five years where such prior finding of non-responsibility was due to intentional provision of false or incomplete information to a covered agency or authority with respect to Executive Order 127. All proposals submitted in response to this solicitation should include a completed *Disclosure of Prior Findings of Non-responsibility* form, which is also available on request or at www.nyserda.org/funding/stdforms.asp.

State Finance Law sections 139-j and 139-k - NYSEDA 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 - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA 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.nystax.gov/pdf/2007/killin/st/st220td_507_fill_in.pdf). Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA 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 NYSEDA. See, ST-220-CA (available at http://www.nystax.gov/pdf/2007/killin/st/st220ca_507_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 - NYSEDA anticipates making one or more awards under this solicitation. It may award a contract based on initial proposals without discussion, or following limited discussion or negotiations. Each proposal should be submitted using the most favorable cost and technical terms. NYSEDA may request additional data or material to support proposals. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA expects to notify proposers in approximately 10-12 weeks from the proposal due date whether their proposals have been selected to receive awards.

Limitation - This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or procure or contract for services or supplies. NYSEDA reserves the right to accept or reject any or all proposals received, negotiate with all qualified sources, or cancel in part or in its entirety the solicitation when it is in NYSEDA's best interest.

Disclosure Requirement - Proposers must 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 must describe the 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 that may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U. S. government or the New York State Department of Labor.

VI. Attachments:

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-responsibility (mandatory)

Attachment C - Cost Proposal Forms

Attachment D - Sample Agreement