

“STATEWIDE CUSTOMER OUTREACH AND
EDUCATION”

Request for Proposal (RFP)1284
\$9 Million Available

Proposals Due: June 12, 2009
by 5:00 p.m. Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) requests proposals for the design and implementation of a multi-year, multifaceted, statewide outreach and education program in support of the New York State Public Service Commission's (PSC) Energy Efficiency Portfolio Standard (EEPS) initiative and other energy-related issues. The overarching goal of the EEPS program and this RFP is to motivate customers to take advantage of opportunities to maximize the efficient use of energy, either by participating in the EEPS programs available to them or by taking recommended do-it-yourself energy efficiency measures.

The EEPS and this RFP are funded by the System Benefits Charge (SBC). SBC programs are administered by NYSEDA on behalf of the PSC in the service territories of Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., KeySpan Energy of New York, KeySpan Energy of Long Island, National Fuel Gas Corporation, New York State Electric & Gas Corporation, National Grid, Rochester Gas and Electric Corporation, and Orange and Rockland Utilities, Inc.

Proposers must describe how they will plan and execute an outreach and education strategy targeting a range of market segments and must demonstrate familiarity with local markets in New York State as well as be familiar with behavioral economics or behavioral marketing (i.e., approaches that obtain a desired reaction from customers). The proposer should also demonstrate the ability to conduct a statewide outreach and education campaign that influences consumer behavior towards a desired response or action, and demonstrate knowledge of and/or experience with utilizing community-based organizations to accomplish outreach and education objectives. The community-based organization component is envisioned as a subcontracting effort in which larger, intermediary community-based networking organizations are utilized to select, manage and coordinate the grassroots programs of individual community-based organizations.

Work under this RFP is expected to start in August of 2009 through a contract with NYSEDA, in coordination with the PSC. The contract is expected to run three years. Up to \$9 million may be available per year; however, campaign specifics and budgets will be identified as needed. The work will be implemented on a task-order basis. More than one proposer may be recommended for funding based on experience, qualifications, and ability to provide the services identified in this RFP.

Proposal Submission: Proposers must submit ten (10) copies of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 1284
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 relative to this procurement. The designated individuals may be reached as indicated below by e-mail or by phoning (518) 862-1090 and selecting the appropriate

extension: Technical or content questions on this RFP should be directed to Susan Moyer at (518) 862-1090, ext. 3420, or sbm@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) is a public benefit corporation whose mission is developing innovative solutions to some of the State's most difficult energy and environmental problems, while providing economic development benefits to the State. The New York State Public Service Commission (PSC) regulates privately owned cable, electric, gas, steam, telecommunications and water utilities in New York State. Its mandate is to ensure that consumers receive safe and reliable utility service at reasonable rates with the least adverse effect on the environment (Public Service Law, Article 4, Section 65). The Department of Public Service (DPS) is the staff arm of the PSC.

NYSERDA requests proposals for the design and implementation of a multi-year, multifaceted statewide outreach and education program in support of the Energy Efficiency Portfolio Standard (EEPS) initiative and other energy-related issues. The overarching goal of the outreach and education program is to motivate customers to take advantage of every opportunity to maximize the efficient use of energy, by participating in the EEPS programs available to them or by taking recommended do-it-yourself energy efficiency measures.

Proposers must describe how they will plan and execute an outreach and education program that reaches all market segments and must demonstrate familiarity with local markets in New York State. The proposer should also be familiar with behavioral economics or behavioral marketing, and demonstrate the ability to conduct an outreach and education campaign that influences consumer behavior towards a desired response or action. In addition, the proposer will work with the DPS as it encourages and coordinates efforts of community-based organizations and other public and private organizations to promote the initiative. The proposer will establish a plan to evaluate the impacts of the program.

The outreach and education program is expected to start in June of 2009 and will be funded by the System Benefits Charge (SBC). Services will be contracted by NYSERDA (as the administrator of public benefit programs funded by SBC monies) and coordinated with the DPS, who will be responsible for directing program design, development and implementation. The contract is expected to run three years. Up to \$9 million may be available per year; however, campaign specifics and budgets will be identified as needed and a portion of the work may be implemented on a task-order basis based on the outreach and education plan that will be developed by the selected proposer and approved by NYSERDA, the PSC and the DPS. More than one proposer may be recommended for funding based on experience, qualifications, and ability to provide the services identified in this RFP.

II. Program Description

A. Background

DPS staff works to ensure that New York State's utility customers have an awareness and understanding of the services and programs provided by the DPS, NYSERDA, the State's public utilities and competitive providers. Through this solicitation, outreach and education programs are to be expanded to encourage customer participation in an increasing array of new programs and address other energy –related issues emanating from the EEPS initiative. The statewide outreach and education program will target a wide range of market segments and requires a comprehensive implementation plan, including a strong community-based initiative, to reach such target audiences as rural and urban populations, low-income customers and the growing number of elderly and non-English speaking utility customers. The majority of the outreach and education program will focus on the EEPS initiative with the goal of motivating consumers to take specific actions to implement energy-efficiency measures as well as adopt energy efficient behaviors.

EEPS Initiative

In May 2007, the PSC established a new, statewide effort to realize significant energy reductions and contribute to achieving New York State's goal of reducing electricity usage by 15% of the projected levels for 2015. This effort was named the Energy Efficiency Portfolio Standard initiative and is one of the most aggressive energy efficiency programs in the nation. Benefits from implementation include: reduced need to build new generation, reduced uncertainty about fuel supply, a reduction in greenhouse gas emissions and other pollutants, and lower energy bills for customers.

In June 2008, the PSC issued an order implementing an initial suite of expedited "Fast Track" EEPS programs and approving an increase in SBC collections to provide funding for a new statewide outreach and education program to support the EEPS initiative. The PSC stated the following in its Order:

The success of fast track and long-term programs hinges in large part on public awareness, understanding, and willingness to participate. A new statewide outreach and education program must be an integral part of a successful EEPS strategy. We look forward to a dynamic, multifaceted statewide effort that harmonizes the need for a consistent program identity, identifiable by all customers, with the opportunities for full and active participation by all interested parties.

A comprehensive and effective outreach and education program is thus deemed critical to the success of the EEPS initiative. A well planned and executed effort will ensure that customers understand the benefits of energy efficiency and know how to participate in the numerous energy efficiency programs that will be offered across the State. The ultimate goal is to achieve the PSC's aggressive energy reduction targets, with significant participation by and contributions from all customer classes.

B. Program Characteristics

A successful outreach and education program raises consumer awareness of energy-related topics and motivates customers to take positive steps to reduce their energy consumption. The outreach and education program should increase participation in EEPS programs and motivate customer action on do-it-yourself measures. A successful program should also provide consistent, understandable, unbiased, and easily accessible information about the programs available to customers.

The campaign must involve development of communication strategies and educational materials geared to the diverse audiences in New York State, and should eliminate language, education and other barriers to awareness, understanding, and action among participants.

In addition to the Statewide outreach and education program, there will be outreach and education/marketing efforts supporting individual energy efficiency programs sponsored by other entities such as NYSERDA, the utilities, and other third-party providers. The statewide campaign should serve as a platform to integrate and support the outreach and education/marketing campaigns conducted by other parties offering energy efficiency services. Creating a framework that achieves this objective is a critically important part of the statewide program. Special efforts should be made to work with community-based organizations who, through their unique understanding of and interaction with the communities they serve, can effectively assist in raising awareness of energy efficiency and encourage consumer action.

The PSC's decision implementing the initial group of EEPS programs covers a three-year period. The outreach and education program should present at least a three-year plan which demonstrates how the program is initially established, subsequently sustained, and can be enhanced in succeeding years. The plan should include quantifiable measures of success for each year and a process for measuring and reporting the results.

C. Goals

The goals of the Statewide customer outreach and education program include the following:

Regarding the EEPS initiative –

- Convey the benefits of energy efficiency to all classes of utility customers;
- Create broad awareness and understanding of EEPS programs;
- Motivate end-user actions to either participate in EEPS programs or take recommended do-it-yourself energy efficiency measures;
- Ensure that consumers know how to get needed information on energy efficiency programs and services, and do-it-yourself measures; and
- Establish benchmarks for key measures such as awareness, understanding, attitudes, and participation rates, and track progress.

Regarding other energy and utility related issues and programs –

- Increase understanding of the PSC's role, responsibilities, policies and initiatives;
- Ensure consumer awareness and understanding of their rights and protections, and the options available to them to resolve complaints and obtain payment assistance;
- Enable consumers to make informed choices with respect to the services and programs provided by both regulated utilities, other state agencies and authorities, and competitive suppliers;
- Establish a two-way dialogue with consumers to obtain consumer input regarding awareness and understanding, attitudes and informational needs; and
- Increase consumer understanding of how to get additional information and provide comment on energy and utility related issues and programs.

D. Services to be Provided

NYSERDA is requesting proposals from firms that can plan and execute an integrated outreach and education strategy providing a full range of public outreach and education services. The successful proposer will develop an overarching Outreach and Education plan which will be submitted to the PSC for approval prior to implementation. Then, as part of the collaborative effort with DPS staff, the successful proposer may be expected to provide, among other things, the following services:

1. Consumer Outreach and Education Strategies

Design and coordinate consumer outreach and education strategies, particularly as they relate to the EEPS initiative. Activities may include, but not be limited to:

- a. Development of messages, i.e., themes, slogans, logos, graphics and communication tools and methods appropriate for widely diverse consumer groups in the State. Messages shall be in simple, non-technical language. Where applicable, messages may be delivered in large print format for elderly and vision-impaired consumers and may be translated by the proposer or subproposer into additional languages (primarily Spanish) for non-English speaking target audiences.
- b. Development of a public relations plan designed to extend the reach of priority messages.
- c. Development and distribution of collateral and support materials, including creative concepts (e.g., design, layout, copy writing, graphics) for attractive, plain language publications such as brochures, tip strips, posters and other printed materials.
- d. Development of an integrated media strategy, including a mass media (television, radio, print, "out of home" [e.g. billboards, bus cards, subway platform posters], Internet) communications plan, including creative development, production and placement.
- e. Development of an outreach event campaign, including identification of outreach opportunities such as grassroots outreach events and presentations (e.g., fairs and home shows), participation in special events, sponsorships/advertisements at arenas and sporting venues, community events, and newspaper supplements.
- f. Development of exhibit and display materials (including maintenance, storage and transport), and educational materials branded with campaign messages, Web addresses and toll-free numbers.
- g. Development of a tracking, monitoring and evaluation plan.

2. Familiarity with Existing Campaigns

Become familiar with previous and ongoing consumer education campaigns to fully understand the nature of the proposed work. Identify and review outreach and education/marketing campaigns, particularly as they relate to energy efficiency issues and programs, developed by the DPS, NYSERDA, State energy utilities, the US Environmental Protection Agency, the US Department of Energy and other states. Special attention should be given to seasonality of some programs and their synergy with the requested consumer education services.

3. Community-based Outreach and Education

Local community-based organizations help consumers understand the benefits of energy efficiency by sharing and demonstrating these benefits close to home. Community-based organizations can help consumers take advantage of energy efficiency resources and programs.

Provide a detailed, Statewide Community-based Organization Outreach Plan that reflects regional differences including: identification of potential partner organizations (such as not-for-profits, community-based organizations, service organizations and local governments), opportunities for joint/coordinated outreach efforts, and development and implementation of outreach and education campaigns that will effectively incorporate these Centers of Influence. The preferred approach is one in which larger, intermediary community-based organizations are selected as subcontractors through competitive bidding. These organizations would be responsible for the selection, management and coordination of the grassroots programs of individual community-based organizations.

4. Market Research

Conduct market research and/or provide other services to gather consumer input necessary to develop and evaluate outreach and education programs.

5. **Coordination with DPS and NYSERDA**

Explain how the proposer will ensure close coordination with DPS and NYSERDA for the duration of the contract including, at a minimum, the process for identifying and addressing emerging problems and attending meetings at the discretion of DPS staff and NYSERDA. Further, explain how the proposer will provide advice, counsel, and assistance to DPS staff and NYSERDA on matters pertaining to marketing and advertising including, but not limited to, direct marketing, marketing/advertising, policies, behavioral marketing, issues resolution, research, and annual plans to ensure DPS and NYSERDA benefit to the fullest extent possible from the proposer's specialized knowledge and experience.

6. **Project Plans**

Provide:

- Task description – e.g., copy design, layout of four-color, four-panel brochure
- Identification of target audience
- Schedule – include milestones such as first draft, revisions, anticipated completion and delivery
- Budget – include breakdown of proposer costs (personal services, creative and production services, estimated travel, and expenses.)

III. Proposal Requirements

Proposals must be submitted in two parts. Part I must consist of responses to the management and qualification items. Part II must consist of contract cost and pricing information. Each Part must be complete so that it can be evaluated independently. Proposers must submit ten [10] copies of each Part to the attention of Roseanne Viscusi at the address on the front 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 not be accepted.

Procurement Lobbying Requirements

Executive Order 127 and State Finance Law sections 139-j and 139-k – In compliance with Executive Order 127 and §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, an additional form (or forms) must be completed and filed with proposals: (1) a signed copy of the proposal checklist referenced in this solicitation (**mandatory**), (2) a completed Disclosure of Prior Findings of Non-Responsibility form (**mandatory**), and (3) a Proposer's Designated Contact(s) form (if applicable). 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>). NYSERDA has integrated the requirements of these laws into the Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility forms furnished with this solicitation. Additional information is available under the General Conditions below and at the New York State Office of General Services web site at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>

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:

A. Proposal Checklist

A completed and signed Proposal Checklist must be attached to the front of all ten (10) copies. At least one copy of the Proposal Checklist must contain an original signature. Be sure that the individual signing the checklist is authorized to commit the proposer's organization to the proposal as submitted. **Proposals lacking the appropriate completed and signed Proposal Checklist will be returned.**

B. Introduction

Briefly identify the proposer or proposing team (identify all subproposers), and summarize your capability to provide the requested services. Also discuss how a contract resulting from your proposal would provide economic development benefits to New York State. The Introduction should not exceed one page.

C. Qualifications and Project Staff

Prior to the proposal due date for this RFP, your company must be a going concern whose principals have a minimum of three (3) years experience providing the types of outreach and education services described in "services to be provided" section above.

Identify all project team member organizations (name, address, telephone number) and their qualifications to undertake the proposed work. Provide in an appendix a letter of commitment to participate from each subproposer, if applicable. Identify key personnel to be assigned to the project and their roles. Include in an appendix a resume for each of the key personnel. Address your overall staffing situation and your ability to assign staff or acquire subproposers as needed to support this RFP.

List 1-2 of the most recent relevant or related projects, including high level goals and results that have been undertaken and successfully completed by the project team members, and provide references with contact information for each of those projects. You may provide samples of outreach and education plans or materials produced for those projects as an attachment - however, 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 other relevant work, and must not exceed four minutes in length. Excessive quantities of material may not be reviewed. Be sure to attach the material to each of the 10 copies of the proposal to ensure all reviewers have the opportunity to review the material. Letters of reference may be provided in an appendix.

D. Outreach and Education Program

Propose a statewide customer outreach and education program that will address the issues, achieve the goals and objectives, and provide the services stated in this solicitation. Provide an overview of the goals, strategies, theme, messages, approaches, and timing. Identify synergies with other related campaigns and opportunities to collaborate with, or otherwise leverage, those campaigns to increase effectiveness.

The customer outreach and education program should address, but not be limited to, the following:

- An overall outreach and education strategy;
- A community-based organization strategy in which larger, intermediary community-based organizations are selected as subcontractors through competitive bidding;
- A media strategy, including plans for specific media markets such as New York City; Appropriate traditional and non-traditional vehicles for target segments;
- Web site and other Internet-based strategies;
- Identification and plan to target Key market segments and target audiences (low income, seniors, environmental justice communities, etc.);
- Key messages, including appropriate message for diverse audiences;
- Potential cooperative activities with other marketing and outreach efforts;
- Promotional and public relations activities; and

- A tracking, monitoring and evaluation plan.

E. Coordination with Other Programs and Messages

As described in Section IIB. "Program Characteristics," it is likely that there will be outreach and education/marketing efforts supporting individual energy efficiency programs sponsored by other entities such as NYSERDA; gas and electric utilities; State, local, and NYC government agencies; community-based organizations; service organizations; not-for-profits; and other third-party providers. The Statewide campaign should serve as a platform from which the outreach and education/marketing campaigns conducted by other parties offering energy efficiency services can be supported and integrated to maximize the effectiveness of all parties' efforts. Describe the plan for coordinating the Statewide program with the potential programs of other parties/entities so that programs are complementary. Include an explanation of how a consistent Statewide theme and identity can be made to work in coordination with other messages.

F. Evaluation Plan

Describe how you will capture, quantify, and evaluate impacts, such as awareness and understanding levels, consumer actions, changes in behavior, consumer attitudes regarding energy efficiency, electricity and environmental savings, or other measures for program success. Describe how the work will be tracked, monitored and reported. The Proposer shall be required to submit quarterly reports to NYSERDA and DPS for purposes of evaluation. Metrics provided in the quarterly reports shall include, but not be limited to:

- Media reach and frequency based on audience segments, including total number of customer impressions from all media and marketing campaigns, dollars paid by media type for ads, number of ads placed by type, etc.;
- Changes in awareness and understanding of energy-efficient products and services;
- Changes in consumer behavior and quantification of actions taken;
- Results of all marketing and outreach methods/activities including promotional and educational events and media, but not limited to print advertising, television and radio advertising, Internet-based applications, etc.; and
- Events and attendance.

G. Cost Proposal

Submit separately from the foregoing management and qualification materials, your cost proposal for performing the work using the attached "Project Personnel and Rates" form (Attachment C) as a template, for performing the work under Section IIC, "Goals and Services to be Provided". Your cost proposal should clearly indicate the hourly rate range for each title or individual you propose to use, including subproposers. You must also include all overhead rates and multipliers. For each overhead rate or multiplier, provide the base on which the rate(s) would be applied (e.g., direct labor, materials, etc).

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.

For media placement services, cost proposals **must include** a proposed across-the-board mark-ups. Also include a detailed explanation of how service and agency fees are generated. Indicate whether you would also propose alternate billing arrangements such as a percentage, flat rate, hourly rate, etc. for developing media plans, evaluating ad-hoc media offers, placing buys, tracking and measuring results/reach and reporting successes. Explain your agency's billing procedures and how special media rates obtained benefit NYSERDA. Describe how NYSERDA will benefit from preferential, volume, or other pricing values achieved by the proposer as a result of a contract for services. Provide example billings to illustrate how proposer is compensated. The overall approach to Media Placement Services should clearly indicate that NYSERDA and DPS will receive the best cost available for these services.

The budget should NOT include costs to operate a hotline, if a hotline is proposed in the marketing strategy. Hotline costs will be addressed through a program currently managed by NYSERDA.

H. Appendices and Attachments

- Letters of commitment, if applicable, for all team members, funding partners, etc.
- Resumes of key personnel involved with the project
- Samples of relevant material

IV. Proposal Evaluation

Proposals meeting the submission requirements will be reviewed by a Technical Evaluation Panel consisting of NYSERDA and DPS staff and selected outside reviewers. A two-phase evaluation format may be used, with one or more proposers whose written proposals were favorably reviewed being invited to present their proposals at NYSERDA's facility in Albany, New York. Selection of the successful proposal or proposals will be made based upon the following criteria, which are not listed in terms of importance:

- The extent the proposer demonstrates an understanding of, and develops a proposal to address, the project requirements;
- Potential to provide economic development benefits in New York State;
- The quality of the proposer's approach as reflected by the responsiveness, thoroughness, and creativity of the outreach and education program and the potential for the approach to successfully achieve program goals;
- Proven experience in developing and implementing a comprehensive outreach and education program, particularly one that resulted in changes to consumer behavior;
- Knowledge and experience in performing outreach and education through a network of community-based organizations;
- Extent of statewide coverage of proposed outreach activities;
- Demonstration of previous relevant experience in developing similar type projects including coordination with government agencies, community-based organizations, not-for-profits and service organizations;
- Proposer's qualifications, knowledge, skills, expertise in the subject area, familiarity with markets in New York State, experience with behavioral marketing strategies, and ability to provide public education, administrative, technical and other expertise necessary to fulfill the needs of the solicitation;
- Proven experience in media buying across a wide range of vehicles;

- Responsiveness to requirements of the solicitation;
- Cost effectiveness; and
- 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 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, subproposers, and suppliers on its procurement Agreements.

Information on the availability of New York subproposers 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 new 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 Proposers, prior to entering an agreement with NYSERDA, to certify whether the proposer, its affiliates, its subproposers and the affiliates of its subproposers have registered with the New York State Department of Taxation and Finance to collect New York State and local sales and compensating use taxes. The Department of Taxation and Finance has developed guidance and a certification form (ST-220) for Proposers which is available at www.nystax.gov/sbc/nys_proposers.htm. The completed Form ST-220

(which is available upon request or at <http://www.nyserda.org/Funding/stdforms.asp>), will be incorporated in the agreement between NYSERDA and the Proposer.

Contract Award - NYSERDA anticipates making one or more awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each proposal 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 10 -12 weeks from the proposal due date whether your 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 proposer may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

VI. Attachments:

Attachment A - Proposal Checklist

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

Attachment C - Project Personnel and Rates (Contract Pricing Proposal Form)

Attachment D - Sample Agreement