



**“Impact Assessment for the
Natural Gas Efficiency Program”
Request for Proposals (RFP) 1285
Up to \$733,000 Available**

Proposals Due by March 18, 2009: by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from organizations or individuals interested in providing assistance in conducting an impact assessment on several Natural Gas Efficiency Programs. Impact assessment shall include measuring and verifying natural gas savings attributable to the programs, quantifying cost-effectiveness of the programs in terms of the total resource cost test, and completing special projects related to energy savings impacts of specific measures and technologies.

The Natural Gas Efficiency Programs covered by this RFP are administered by NYSERDA with funds from the Consolidated Edison Company of New York (Con Edison) and Niagara Mohawk Power Corporation (also known as National Grid). On September 17, 2008, the New York State Public Service Commission (PSC) issued Orders related to gas efficiency programs in these utility territories:

- Order 06-G-1332 (Con Edison) called for continuation through September 30, 2009 of the Natural Gas Energy Efficiency Programs that were established in June 2005. The nine programs in the Con Edison territory include five residential and four commercial offerings.
- Order 08-G-0609 (Niagara Mohawk) adopted an interim energy efficiency program based on modifications to a joint proposal from National Grid, the Department of Public Service (DPS), and various other parties. The two programs offered by NYSERDA in the National Grid territory are EmPower New YorkSM and Assisted Home Performance with ENERGY STAR. Programs were scheduled to begin on October 1, 2008 and continue through May 15, 2009.

Descriptions of the programs for both utilities are included 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. Proposers will not be reimbursed by NYSERDA for any costs associated with preparation of their proposals. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 1285
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Tracey DeSimone at (518) 862-1090 ext. 3452 or tad@nyserda.org. If you have contractual questions concerning this solicitation, contact: Doreen Darling at (518) 862-1090 ext.3216 or djd@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Tracey DeSimone (Designated Contact) at (518) 862-1090, ext. 3452 or tad@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 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 goal of the activities described in this RFP is to provide a credible and comprehensive evaluation of the Natural Gas Efficiency Program portfolio for each utility and individual program offerings, consistent with available resources, and to provide timely information to the PSC, DPS, utilities funding the programs, and NYSERDA managers and staff about the impacts and cost-effectiveness of the programs.

The objective of the evaluation is to conduct an impact assessment on programs administered as part of the Natural Gas Efficiency Program portfolio offered by NYSERDA in the Con Edison and Niagara Mohawk service territories. Approximately \$11.2 million is available for programs in the Con Edison territory. Specific programs and funding are reflected in the table below. In addition to program funding, separate budgets also support program administration, marketing and evaluation of the Con Edison programs. This RFP makes \$592,116 available for evaluation of the Con Edison programs.

Con Edison Program Summary		Budget (\$Million)
Commercial/Industrial Programs	Technical Assistance Programs (<i>FlexTech & Energy Audit</i>)	\$0.15
	Existing Facilities Program	\$1.9
	Loan Fund	\$0.15
Residential and Low Income Programs	Multi-Family Building Program (<i>Gas Efficiency Performance Program for Non-SBC Firm Gas Customers & SBC Eligible Firm Gas Customers</i>)	\$1.45
	Gas Efficiency Performance Program	\$3.5
	Home Performance with ENERGY STAR®	\$1.5
	New York ENERGY STAR® Homes	\$1.5
	EmPower New York	\$1.0
TOTAL Program Funding		\$11.15

Approximately \$3.06 million is available for programs in the Niagara Mohawk territory. Specific programs and funding are reflected in the table below. In addition to program funding, separate budgets also support program administration, marketing and evaluation of the National Grid programs. This RFP makes \$140,884 available for evaluation of the Niagara Mohawk programs.

Niagara Mohawk Low Income Program Summary	Budget (\$Millions)
Assisted Home Performance with ENERGY STAR	\$1.53
EmPower New York	\$1.53
TOTAL Program Funding	\$3.06

Most of the programs providing natural gas efficiency funding also provide funding for electric efficiency measures under NYSERDA's **New York Energy SmartSM** System Benefits Charge (SBC) funded portfolio, so the selected contractor will be expected to collaborate with other NYSERDA evaluation contractors. Process and market evaluations will continue to be conducted on these programs through the ongoing SBC evaluation.

Therefore, separate process and market studies of these short-term gas funding sources are not anticipated and will not be part of the selected contractor's work scope.

The tasks of the selected impact evaluation contractor are to: (1) develop an Action Plan outlining how you intend to implement the impact assessment; (2) implement the Action Plan, including measurement and verification of the energy impacts and an assessment of attribution of impacts to the programs; (3) assist in calculating the cost effectiveness of the programs in terms of the total resource cost; (4) conduct a study of residential heating systems to understand more about the effects of system sizing; and (5) provide other assistance related to impact evaluation of the Natural Gas Efficiency Programs on an ad hoc basis. Implementation of the Action Plan is expected to be accomplished by conducting file reviews and site visits, metering and monitoring equipment installed through the programs, fielding surveys (*e.g.* in person, telephone, e-mail, etc.), analyzing secondary data, analyzing billing data, conducting engineering analysis and modeling, and assisting in gathering inputs for the total resource cost benefit/cost analysis.

II. PROJECT REQUIREMENTS

A. Services Requested

The goal of this solicitation is to select a single contractor or a lead contractor with a team of subcontractors, to cost-effectively plan, design, and perform impact assessments of NYSERDA's Natural Gas Efficiency programs offered in the Con Edison and Niagara Mohawk territories. The selected contractor must independently evaluate program impacts for a wide array of end-use energy customers (*e.g.* residential, low-income, commercial, industrial, and municipal) in a manner consistent with accepted engineering standards and protocols (*i.e.*, the International Performance Measurement and Verification Protocol (IPMVP) guidelines as established by the U.S. Department of Energy and the New York DPS *Evaluation Plan Guidance for EEPS Program Administrators*).¹

General tasks and assistance required by this RFP include, but are not limited to, the following:

- Task 1. Develop an Action Plan detailing the process, timeline and cost for undertaking activities related to Natural Gas Efficiency Program impact evaluation, including, but not limited to:
- Measuring and verifying energy efficiency measure installation and energy impacts (therms saved) with the goal of producing program-specific realization rates
 - Collecting field data by metering and monitoring installed equipment
 - Conducting reviews to assess reasonableness of engineering calculations and protocols
 - Conducting billing analysis to ascertain savings due to measure installation
 - Assessing free-ridership and spillover with the goal of producing program-specific net-to-gross ratios; Collecting data, through surveys or other means, to inform free-ridership and spillover assessment
 - Developing actionable recommendations for improving program implementation
 - Data analysis, report writing and presentation of results in various forums
- Task 2. Implement the impact evaluation Action Plan, and maintain regular communication with NYSERDA on progress.

¹ <http://www3.dps.state.ny.us/PSCWeb/PIOWeb.nsf>

- Task 3. Provide assistance to NYSERDA staff in conducting benefit/cost analysis of the Natural Gas Efficiency Programs, including:
- Assisting in developing inputs and assumptions for calculating program, sector, and portfolio level benefit/cost ratios. These inputs will include but will not be limited to: savings by measure and review of the incremental and total measure costs, program costs and measure life.
 - Assist in developing inputs and assumptions for calculating program, sector, and portfolio level benefit/cost ratios. These inputs will include but will not be limited to, savings by measure and review of the incremental costs and measure life resources. NYSERDA currently has an in-house cost effectiveness model that these inputs will be used in. The selected contractor will be expected to help gather these inputs as needed for the modeling and be responsible for reviewing the interim results.
- Task 4. Determining if sealed combustion/condensing boilers and furnaces are producing the energy efficiency improvements specified by the manufacturers, and are installed in the proper applications to attain specified efficiencies. This task shall involve metering fuel use and emissions of boilers and furnaces to measure consumption and operating efficiency level, and an assessment of the application of the units and, if necessary, the heating distribution systems. For condensing units, the degree that the units are condensing and conditions that affect efficiencies should be determined.
- Task 5. Provide other assistance related to impact evaluation of the Natural Gas Efficiency Programs on an ad hoc basis.

The Natural Gas Efficiency Program portfolio includes different types of market transformation and resource acquisition programs, so the individual programs may not be evaluated in the same way. The selected contractor will need to credibly and expertly employ a variety of approaches to determine the key impacts attributable to NYSERDA's efforts. The use of sub-contractors and/or teaming arrangements to meet the requirements of this RFP is allowed and encouraged.

Below is a listing of natural gas efficiency programs offered by NYSERDA in the Con Edison and Niagara Mohawk utility territories. The contractor will be required to develop a separate impact evaluation report for each utility portfolio, not each program.² At a minimum, an overall evaluation of the portfolio of programs in each utility territory will be required. Not all of the programs listed will receive the same amount of attention and some programs may not be fully assessed. The final list of programs that would be assessed will be determined through discussions among NYSERDA staff and the selected contractor after contract award. Emphasis will be placed on measuring and verifying savings attributable to the programs with the largest expected therm savings.

Con Edison:

Low-Income and Residential Multi-Family Building Performance Program Portfolio:

1. Multi-Family Building Program: This program funds building-specific incentives, energy assessments, financial packaging, construction monitoring, commissioning, and data collection for Gas Program buildings. The new construction portion of the multi-family program also provides technical assistance and incentive funding to owners and developers of new multi-family buildings. Technical assistance is

² The selected contractor will be expected to blend their results with results developed through an earlier contract covering measurement and verification on Con Edison natural gas funded projects installed through the end of 2008. Additionally, projects from the prior round of program funding in the Con Edison area may serve as the basis of spillover estimates given that some time needs to elapse following

provided in the form of modeling the new building and comparing the model to a building that meets the energy efficiency requirements of ASHRAE 2004.

2. Gas Efficiency Performance Program for Non-SBC Firm Gas Customers: This program is open to owners of multi-family buildings who are Con Edison firm gas customers but do not contribute to the SBC, or have conducted whole-building energy efficiency improvements and require additional gas efficiency measures. Owners follow a process whereby a simple application form will be completed and an energy assessment of the proposed gas efficiency improvement will be required.
3. SBC Eligible Firm Gas Customers: The existing building portion of the program provides technical assistance, financial packaging and incentive funding to owners of existing multi-family buildings. Technical assistance is provided in the form of benchmarking the energy efficiency of buildings and development of an energy reduction plan, wherein engineers assess the condition of the building and make recommendations for installation of energy efficiency measures. Costs of installation are estimated, and compared to an estimated energy performance target; buildings must strive for a 20% minimum performance improvement.

Low-Income and Residential One-to-Four Family Homes Program Portfolio:

1. Home Performance with ENERGY STAR: This is a market transformation program that is designed to change not only the way home improvement contractors deliver their services, but also the types of services that customers demand. Emphasis is on the development of a robust energy efficiency service infrastructure, balanced with mechanisms for ensuring consumer awareness and demand. Contractor training, certification, accreditation, and robust quality assurance procedures ensure that high-quality services are delivered.
2. New York ENERGY STAR Homes: Through this Program, NYSERDA works with residential home builders and Home Energy Rating System (HERS) raters to encourage the construction of homes that are tested to be 30% more energy efficient than homes built to current energy codes. The program has a minimum installed electric savings requirement (currently 600 kWh) and these savings can be accomplished through the installation of ENERGY STAR appliances and lighting.
3. EmPower New York: Provides energy efficiency services to low-income households with income below 60% of State median income, at no cost to the eligible participant. Using a comprehensive energy assessment, the installation of non-electric home performance measures, including blower door assisted air sealing, attic and side-wall insulation, and heating system service and replacement are eligible. Measures will be selected in priority order based on the cost-effectiveness of the measures in accordance with the comprehensive energy assessment.

Commercial Program Portfolio:

1. FlexTech Program: Provides objective, cost-shared analysis of cost-effective efficiency improvements, energy-related process improvements, waste minimization opportunities, and improved productivity. Projects can include feasibility, energy operations management, retro-commissioning, and energy procurement investigations. In addition, the evaluation of load shaping, aggregation, and other gas cost savings opportunities are eligible.
2. Energy Audit Program: Provides walkthrough energy audits to small businesses and other facilities to help them make informed energy decisions and implement energy-efficiency strategies. Audits provide a standardized approach to help identify economically viable improvements that yield energy savings.
3. New Construction Program: Formerly known as the High Performance Building Program, this commercial new construction program provides technical and financial assistance to improve the energy efficiency of new buildings and substantial renovation projects. Incentives will be made available to all building types and eligible customers. Under the whole-building approach, the interactive effects of improvements on

both the heating and cooling energy use will be analyzed, and incentives provided based on the overall energy improvement of the design.

4. Existing Facilities Program: This program consists of three tiers: prescriptive incentives for pre-qualified measures, custom path-technical study, and performance-based incentives for energy efficiency (formerly the Enhanced Commercial/Industrial Performance Program).
5. Loan Fund: This program provides interest rate reductions on loans for energy-efficiency improvements, gas CHP upgrades, and renewable technologies. Customers choose from a network of participating lenders including banks, credit unions, and community development financial institutions. The program offers loans at 6.5 percent below the interest rate normally available.

Niagara Mohawk:

1. EmPower New York: Households with income levels at or below 60% of the State median income are eligible for this program. The estimated number of households to be served is 550. The measures included in this program are attic and wall insulation, blower door assisted air sealing, heating system repair and replacement, water heating and clothes dryer conversions from electric to gas, and related health and safety measures.
2. Assisted Home Performance with ENERGY STAR Program: This program targets households with income levels between 60%-80% of State median income. The estimated number of households to be served is 260. The program measures include attic and wall insulation, blower-door assisted air sealing, heating system and water heater repair or replacement, and related health and safety measures.

Several of the Natural Gas Efficiency Programs are also offered under the Systems Benefits Charge program which provides incentives for electric efficiency measures. Some customers may receive both Natural Gas Efficiency and SBC program funding for their projects. Therefore, the selected contractor hired to conduct impact evaluation on the Natural Gas Efficiency Programs shall be required to coordinate with the other NYSERDA evaluation contractors charged with assessing SBC-funded programs in the following ways: collecting and exchanging data, coordinating samples to prevent or minimize survey fatigue, analyzing data, and developing surveys. The selected contractor shall make themselves fully aware of other SBC-program data collection efforts planned or underway and consider ways to coordinate with any primary data collection needs of NYSERDA staff, and other NYSERDA contractors to prevent duplicative efforts. The selected contractor will be responsible for coordinating with NYSERDA on the design and development of impact evaluation survey instruments. The selected contractor shall also recommend and implement ways to ensure accurate evaluation of the impacts attributable to the Natural Gas Efficiency Programs in this joint funding environment.

B. Contractor's Responsibility

The selected contractor will be responsible for timely completion of the requirements described in Section A, Services Requested. The selected contractor must assume overall responsibility for coordinating and conducting field work and surveys (whether done by the contractor or one or more subcontractors), act as liaison with participating NYSERDA programs and external organizations, and have responsibility for completing the deliverables under the resultant contract. The contractor must complete final impact assessment evaluation reports by February 28, 2010.

The selected contractor shall keep NYSERDA informed either by telephone, in-person meetings, or e-mail, weekly, on the progress of the impact evaluation. Periodic meetings with NYSERDA program staff will be

required. The Contractor must commit to begin delivery of services within 30 days of contract execution. The contractor must complete the Action Plan (Task 1) no more than 60 days after contract execution.

The use of sub-contractors and or teaming arrangements as needed to fulfill the requirements of this RFP is appropriate. If a team is proposed, respondents to this RFP must be able to demonstrate that they have or can create a teaming arrangement that is directly applicable and consistent with the evaluation needs of this RFP. The primary contractor of the team shall be responsible for maintaining continuous correspondence with NYSERDA and ensuring all deliverables applicable to the contract are provided to NYSERDA according to an approved timeline.

Coverage Requirements: The following requirements must be fulfilled by respondents to this RFP:

Geographic Coverage

- Must have and must be able to demonstrate in the proposal the capability to provide qualified, efficient and cost-effective field services across the Con Edison and National Grid territories within New York State.

Customer Coverage

- Must have the experience and ability to work with, and conduct analysis for, a wide variety of energy users including, but not limited to: residential customers (homeowners, renters, low-income households, etc.), commercial buildings, municipal buildings and facilities, and industrial buildings and facilities.
- Due to language barriers multilingual translators are a welcome addition, albeit not a necessity.

Technical Support Requirements:

The selected contractor must have proficiency in the following software applications:

- MS Excel, MS Access, MS PowerPoint, MS Word, and SPSS or SAS.

Reporting Requirements:

Key deliverables to be completed by the selected contractor include, but may not be limited to:

- Draft and final impact assessment Action Plan.
- Draft and final survey instruments.
- Final, cleaned evaluation data files resulting from the evaluation.
- Draft and final impact assessment evaluation reports describing goals and objectives of the studies, activities and methods undertaken, results, analysis of findings and recommendations for program improvements or future study.
- Weekly reporting to NYSERDA of all activities conducted under the contract.

C. NYSERDA's Responsibility

The NYSERDA Project Manager will be responsible for overseeing and managing all tasks undertaken by the selected contractor, including but not limited to assisting in the development of a Statement of Work; reviewing, commenting and approving work plans and subsequent deliverables; coordinating with program staff; promoting coordination between the selected contractor and NYSERDA's other evaluation contractors; approving invoices promptly; and reviewing and preparing work products for reports. To fulfill the requirements from the Commission

Orders and Memoranda of Understanding, NYSERDA's Project Manager will be responsible for compiling and delivering quarterly and final evaluation reports on the Con Edison and National Grid programs based on the selected contractor's work.

D. Available Funds

The initial term of this contract will be for one year up to a maximum amount of \$733,000. Of this total \$592,116 is available for the evaluation of the Con Edison programs and \$140,884 is available for the evaluation of the National Grid programs.

III. PROPOSAL REQUIREMENTS

Proposers must submit ten (10) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFP. A completed and signed Proposal Checklist (attached to this RFP) 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.** Be sure that the individual signing the checklist is authorized to commit the proposer's organization to the proposal as submitted. Proposals that include teaming arrangements must designate one party as the lead contractor. Faxed or e-mailed copies will not be accepted.

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

Section 1. Introduction (Maximum 2 pages)

Proposers shall summarize their understanding of the objectives and requirements of this RFP. Proposers shall briefly identify key information about their organization and other organizations that are part of the proposer's team. Proposers shall describe how the organization or team is qualified to perform and complete the services requested under this RFP.

Section 2. Statement of Work (10 pages maximum)

Provide a general description of how the proposer will assess the impact of NYSERDA's programs consistent with the specific items listed in Section II A through: (1) measurement and verification (M&V), (2) attribution of energy savings achieved from both market transformation and resource acquisition programs, (3) performing cost/benefit analysis and (4) performing an assessment of residential heating systems to understand the effects of system sizing. Describe your approach and methodology, and define your rationale.

Section 3. Management Structure. (3 pages maximum)

Proposers shall identify all team members, including the Principal or Lead contact, who will be responsible for ensuring that the project is timely and of good quality. Provide a clear description of the roles and 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. Provide the names and addresses of subcontractors. Provide an organization chart. Describe how you plan to coordinate the design of the impact evaluation plan and implementation services

among all subcontractors and with NYSERDA and its other evaluation contractors. Discuss how you would manage and maintain flexibility to accommodate potentially short notification times and tight deadlines.

Section 4. Qualifications. (6 pages maximum)

Describe specific experience pertaining to this type of energy program impact evaluation. Discuss proposed teaming arrangements, if applicable. State the team's individual and combined expertise that would enable successful completion of the project. List and briefly describe relevant projects that have been completed by the proposer and team. Indicate which team members were responsible for each project described. Indicate the name and telephone number of at least three references for whom your organization has similar relevant completed projects. Provide resumes of all team members in an appendix.

Section 5. Potential Conflict of Interest. (1 page maximum)

Identify the nature of any potential conflicts of interest among team members in providing services to NYSERDA under this RFP. Fully discuss possible conflicts of interest, actual and perceived, which could arise in connection with performance by team members of the proposed contract. Describe how your firm would resolve conflicts of interest.

In the event that NYSERDA determines that a team member may have a conflict of interest or the appearance of a conflict of interest, NYSERDA may: (1) take this into consideration in evaluating the proposal; (2) exclude the proposer from consideration for an award; (3) adjust the scope of work to avoid the conflict or appearance of conflict; or (4) negotiate other appropriate actions with the team member to avoid the conflict or appearance of conflict.

Section 6. Cost for the total project and proposal (10 pages)

Provide CPPFs for each of the tasks requested under the Statement of Work in Section 2 above.

Indirect Costs. Attach 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. Financial statements or other needed financial information may be requested.

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.

Appendices: Materials to be submitted include:

- Resumes of key personnel that will complete the tasks described in the Section II A.
- Letters of commitment from any subcontractors

IV. PROPOSAL EVALUATION

All proposals received by the due date and meeting the requirements established in this RFP will be reviewed and ranked by a Technical Evaluation Panel consisting of NYSERDA staff and selected outside reviewers. Final rankings and the contract award will be based on the following criteria:

Responsiveness to the Work Scope of the RFP. Does the proposer present a sound approach for accomplishing the objectives of this proposal? Is there a sound rationale or justification for the proposed approach(es)? Has the proposer demonstrated a clear understanding of the project goals and objectives? Does the proposer appear to have the flexibility to accommodate potentially short notification times and tight deadlines? Has the proposer demonstrated a thorough understanding of the programs to be evaluated? Is there clear evidence that the proposer possesses the ability to evaluate these programs? Is the Statement of Work for each task thorough, specific, and consistent with the stated objectives?

Relevant Experience and Qualifications. Are key personnel's education and experience relevant to project needs? Is the project staff's overall capability appropriate? Does the proposing team have experience in conducting similar work? What is the quality of the project staff's performance on past projects or their achievements related to the proposed work?

Comprehensiveness of Approach and Management Plan. Does the proposer demonstrate the ability to complete all aspects of the project? Has the proposer demonstrated the ability to institute appropriate data collection and field monitoring procedures? Are appropriate management and coordination strategies articulated? Are sufficient resources being devoted to the project and each individual task? Is the project organization, including the staffing plan and schedule, clear and well defined? Is the staffing plan sufficient to provide timely deliverables?

Cost. How cost-effective is the proposal? Are hourly rates, overhead rates, and total hours reasonable and appropriate for completing each task? Is the proposer's cost allocation appropriate when compared to the cost allocation of other comparable proposals and their projected results?

Other. Is the proposal well-organized, well-written, and complete? Does the proposal offer economic benefits to New York? (A local office, while not required, would be considered favorably.)

V. 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 texts 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, an additional form (or 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.

VI. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, 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 accepted. 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 & 139-k. State Finance Law §139-j (6) requires that NYSERDA incorporate a summary of its policy and prohibitions regarding permissible communications during a covered procurement.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between NYSERDA and a Proposer/Offerers during the procurement process. A Proposer/Offerers is restricted from making contacts from the earliest notice of intent to solicit offers [such as a "Program Opportunity Notice", "Invitation for Bid" or "Request for Proposal", etc.] through final award of the Procurement Contract (the "restricted period") to other than Designated Staff unless it is a contact that is included

among certain statutory exceptions set forth in State Finance Law §139-j (3) (a). Designated Staff, as of the date hereof, are identified on the first page of this solicitation.

NYSERDA employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Proposer/Offerers pursuant to this law. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period; the Proposer/Offerers is debarred from obtaining governmental Procurement Contracts.

Additional guidance regarding these procurement lobbying requirements and can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires contractors, prior to entering an agreement with NYSERDA, to certify whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors 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 contractors which are available at www.nystax.gov/sbc/nys_contractors.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 contractor.

Contract Award - NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA expects to notify proposers in approximately 8 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 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.

VII. ATTACHMENTS

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-responsibility

Attachment C - Intent to Propose

Attachment D - Project Personnel and Rates

Attachment E - Contract Proposal Pricing Form and Instructions

Attachment F - Sample Agreement

Endnotes