

**Proposals Due: October 14, 2009 by 5:00 PM Eastern Time\***

The New York State Energy Research and Development Authority (NYSERDA) seeks proposals for innovative commercial and industrial projects that are not addressed through other NYSEDA initiatives; complement existing New York Energy Smart<sup>SM</sup> programs; and explore and test emerging technologies for possible inclusion in the current portfolio of Energy Efficiency Services (EES) programs. This RFP offers funding for projects that strengthen the market for energy-efficient products or services through coordinated activities involving market participants at multiple levels. NYSEDA anticipates awarding up to five projects with a maximum of \$500,000 per project. The number of proposers selected for contracting will be determined by funding availability. New and Innovative products, technologies, and services that save energy are encouraged. Below is a list of potential project categories that NYSEDA has interest in, **but not an exhaustive list of the project areas that could be proposed or considered for funding:**

- Information Technology (IT) Energy Efficiency
- New Construction Program (NCP)
- Commercial and Industrial Renewable Technologies
- Supermarket and Retail Market Efficiency
- Advanced Sensors or Meters for a Smart Grid Network
- Light-Emitting Diode (LED) Lighting Technologies

**Proposal Submission:** Proposers must submit four (4) paper copies of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, both of which **must** contain an original signature. One (1) electronic copy of the proposal must also be submitted on a standard compact disk (CD). This electronic document (.pdf format only) must be an exact scanned image of the final paper copy proposal and include all relevant forms and signatures. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 1300  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Alison Neligan at (518) 862-1090, ext. 3397 or [aln@nyserda.org](mailto:aln@nyserda.org). If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext 3507 [vwf@nyserda.org](mailto:vwf@nyserda.org).

No communication intended to influence this procurement is permitted except by contacting Alison Neligan at (518) 862-1090, ext. 3397 or [aln@nyserda.org](mailto:aln@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 Check list will be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSEDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEDA's web site at [www.nyserda.org](http://www.nyserda.org).

## I. Introduction

The New York State Energy Research and Development Authority (NYSERDA) is a public benefit corporation whose mission is to develop innovative solutions to some of the State's most difficult energy and environmental problems. On January 30, 1998, NYSERDA became the administrator of public benefit programs funded by system benefits charge (SBC) monies. Pursuant to Opinion No. 98-3, the New York State Public Service Commission (PSC) established the SBC fund to public benefit programs for energy efficiency, energy research and development, low-income services, and environmental protection. A major component of the SBC program is market transformation initiatives that induce lasting structural and behavioral changes in the marketplace, resulting in increased adoption of energy-efficient technologies. Widespread use of energy-efficient products helps consumers, businesses and industry to reduce utility bills, save money, and generate local economic benefits; reduce pollution and global warming; and increased industrial competitiveness due to greater productivity.

NYSERDA requests proposals for commercial and industrial innovative projects that support our market transformation efforts, and increase participation in our core electric and gas efficiency programs. Programs are expected to begin in the Winter of 2009. NYSERDA anticipates awarding up to five projects with a maximum of \$500,000 per project. The number of proposers selected for contracting will be determined by funding availability. A Technical Evaluation Panel (TEP) composed of NYSERDA staff and external technical experts will be assembled to review and rank each proposal. Successful projects are those that meet the goals and objectives of this RFP.

Proposed projects may target any commercial or industrial sector product or service in the New York Energy \$mart<sup>sm</sup> program area. Proposals should **not** duplicate current NYSERDA program efforts, and should augment, extend or enhance NYSERDA's market transformation efforts. Proposals that are selected will have the following resources made available to them:

- Through the New York Energy \$mart<sup>sm</sup> program, NYSERDA offers incentives and several types of technical assistance services, including engineering, comprehensive energy management, aggregation and rate analysis, and Flexible Technical Assistance (FlexTech). These services can be used to supplement proposals by providing additional assistance. For program details, proposers may refer to NYSERDA's website: [www.nyserda.org](http://www.nyserda.org).
- NYSERDA will make the New York Energy \$mart<sup>sm</sup> program logo available for use in advertising and informational materials.

A limited list of NYSERDA's New York Energy \$mart<sup>sm</sup> programs and initiatives along with a short description of their scope, is included as Attachment A. The New York Energy \$mart<sup>sm</sup> program territory consists of Central Hudson Gas & Electric Corp., Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, and Rochester Gas & Electric utility service areas.

## II. Program Requirements

The Commercial and Industrial (Innovative Opportunities) Program is intended to encourage innovative projects that complement NYSERDA's commercial and industrial program areas and should augment, extend or enhance NYSERDA's market transformation efforts. In previous rounds, the Innovative Opportunities solicitation has resulted in projects that have realized significant energy savings and resulted in changes to codes and standards. Many have become full scale deployment programs. For instance, NYSERDA's funding of the ENERGY STAR Building Transformers Project led to the adoption of requirements of these products into the New York State Energy and Conservation Code and resulted in \$2.7 million in energy savings. The Commercial Kitchens Pilot and 80 Plus Power Supply are two projects that have been funded under this solicitation in the past. Projects may target any commercial or industrial sector product, technology or service in the New York Energy \$mart<sup>sm</sup> program market that is **not** currently

supported by other deployment activities. Teaming arrangements of organizations with program design expertise and “field” practitioners involved with market participants are encouraged.

The goal of Innovative Opportunities is to develop pathways for existing commercialized or nearly commercialized technologies that are ready to be deployed in the market. This includes technologies where R&D has been completed, but where further demonstration and pilots could help introduce the technology to the market. **While NYSERDA has a list of project topics that are of interest other new and innovative products, technologies, and services that save energy are also encouraged.** Examples of possible new initiatives and implementation strategies that are of interest to NYSERDA include but, are not limited to the following:

- Information Technology (IT) Energy Efficiency
- New Construction Program (NCP)
- Commercial and Industrial Renewable Technologies
- Supermarket and Retail Market Efficiency
- Advanced Sensors or Meters for a Smart Grid Network
- Light-Emitting Diode (LED) Lighting Technologies

#### Information Technology (IT) Energy Efficiency

NYSERDA is interested in encouraging approaches to electricity savings by engaging (IT) equipment manufacturers, sale representatives, and other distributors of IT products to encourage energy efficiency improvements to their client base. NYSERDA is looking to make this effort part of its Business Partner’s Program, which would educate, train, and encourage sellers of IT equipment to work with energy providers and other stakeholders to increase the awareness of energy efficiency within the IT area. Other areas of interest include IT measurement and verification, and assistance with DC Pro benchmarking. NYSERDA currently offers comprehensive services to large IT customers through its existing Industrial Process Improvement Program. This effort is more likely to address smaller customers not addressed through that program. There is still a need for a broader market-focused effort that would allow customers to more fully understand opportunities in the energy efficiency area, and assist manufacturers and distributors of energy efficient systems, products and services to gain a better foothold in New York State.

Proposers must identify how savings will be measured and quantified, the cost effectiveness of the technology, and what the potential market penetration will be and how it meets the needs of New York State’s commercial and industrial customers

#### New Construction Program (NCP)

NYSERDA’s NCP seeks to develop a pathway to integrate qualified modeling firms into the stable of technical assistance providers and allows customers using outside modeling firms to participate in the program. Under this pilot, a contractor would assist in developing modeling and reporting protocols, provide training and technical support to modeling firms, provide quality assurance review of modeling products and develop a model Request for Qualifications (RFQ) or other vehicle to incorporate newly qualified modelers into the program.

#### Commercial and Industrial Renewable Technologies

While NYSERDA has a very successful Solar Electric Incentive Program that has installed over 1,300 systems for both Residential and Commercial customers, there are still some renewable technologies, such as solar thermal hot water heating and geothermal heat pump systems, that offer significant energy and environmental savings and could be more fully incorporated into NYSERDA’s portfolio of programs. NYSERDA is interested in exploring the market and energy efficiency of these and other renewable

technologies in New York. A broader market focused effort would allow customers to more fully understand opportunities in implementing energy efficiency measures while also looking at renewable technologies, and to assist manufacturers and distributors of systems, products and services to gain a foothold in New York State.

Proposers must identify how energy savings will be quantified and compared to traditional technologies. Particular attention should be paid to empirical quantification of savings, cost-effectiveness of the technology, descriptions of situations where the technology performs best and how the technology addresses the specific needs of New York State's commercial, institutional, and industrial customers. Proposers must explain the market for the technology, barriers to market penetration and potential metrics for assessing market effects. Proposers must quantify savings, first cost and overall cost effectiveness compared to base systems. Proposers should not address technologies that are currently funded under NYSERDA's programs; however the development of comprehensive packages that provide customers the tools to implement both energy efficiency measures and renewable technologies is encouraged.

Strategies to build New York State's market for these services should be included along with information on the types of customer sectors and geographic areas to target, if appropriate. Proposers should also identify associations and energy groups that are active in these markets by providing letters of support.

#### Supermarket and Retail Market Efficiency

Sector-based approaches look at new ways of promoting energy efficiency to a subsector of customers, and are based on long-term partnerships, relationships and coordination with customers, trade associations, and other key stakeholders that service the sectors. NYSERDA is interested in working with key market players that could influence the energy efficiency of the Supermarket and Retail Market sectors as an addition to the current Focus Sectors that NYSERDA supports. The program is an outreach and marketing effort using strategies that vary by sector, with the goal of improving energy efficiency and reducing demand and to facilitate greater energy efficiency awareness and energy efficiency market penetration in commercial markets. New technologies that service these sectors that can be easily incorporated into NYSERDA's Existing Facilities program are also welcome.

By providing services specifically designed and packaged to leverage a sector's core mission, additional understanding and implementation of energy efficiency measures can be achieved. It is anticipated that the successful proposer will use the existing portfolio of NYSERDA incentive programs in conjunction with strategies and services appropriately customized to target the supermarket and retail sector. Proposers must identify the barriers to change within this area and develop implementation tools which would address energy efficiency within this market. Potential strategies and services to consider may include, but are not limited to: United States Department of Energy (DOE) benchmarking tools, targeted outreach and materials, one-on-one interaction, training, development of informational resources and tools, integration with regional and national efforts, recognition of sector leaders, and help with accessing NYSERDA incentives and other opportunities.

Proposers must address how they will leverage partnerships with trade associations such as; the National Supermarket Association, National Grocers Association, Food Industry Alliance of New York State, National Retail Association, National Retail Federation, and others. Partnerships with associations that address the New York State market are highly encouraged.

#### Advanced Sensors or Meters for a Smart Grid Network

NYSERDA is interested in looking at new technologies that can be included in our current deployment programs and that address the development and evolution of a Smart Grid. NYSERDA is particularly focused on the promotion of technologies such as advanced sensors, meters, or software that are installed in the customer's building. By providing customers with the necessary tools to verify the energy savings from the installations of efficiency measures in real time is one way to change the markets behavior. The

installation of these technologies can assist end-users in becoming more energy conscious. Proposals should be designed to provide customers with real time data that demonstrates the effectiveness of energy efficiency measures that have been implemented over time. It is important to note that these meters **must** be installed on the customer side of the meter. Smart Grid technologies that can quantify the savings from the implantation of energy efficient measures and the energy savings from the installation of renewable technologies are also encouraged.

Proposers must identify how savings will be measured and quantified, the cost effectiveness of the technology, the potential market penetration, and how it meets the needs of New York State's commercial and industrial customers.

#### Light-Emitting Diode (LED) Lighting Technologies

NYSERDA is interested in developing a pilot program to test the market potential of LED lighting products for municipal, commercial, and industrial customers. While the use of LED's for general illumination still requires further development, there are some applications where LED's can achieve significant energy savings. NYSERDA is particularly interested in LED lighting products that can easily be incorporated into NYSERDA's deployment and incentive programs. Examples of acceptable areas include but are not limited to: outdoor lighting, street lighting, refrigeration for supermarkets, and retail spaces.

Proposers must identify how savings will be measured and quantified, how qualitative aspects of the technology can be identified and measured after installation (i.e. lumen depreciation, color shift), the cost effectiveness of the technology, the potential market penetration, and how the technology meets the needs of New York State's municipal, commercial, and industrial customers.

NYSERDA is also interested in updating the How to Guide to Effective Energy-Efficient Street Lighting which was published in May 2003, which was designed to help planners and engineers and municipal and appointed officials to effectively plan and install energy efficient street lighting. Since 2003 there have been several changes and upgrades in technology as well as changes associated with model lighting ordinances to address dark sky concerns. While the earlier guides are specific to municipalities and street lighting, NYSERDA is interested in expanding the guides to include commercial and industrial outdoor lighting installations. A copy of the guides can be found at the following website:  
<http://www.lrc.rpi.edu/programs/transportation/guidelines.asp>.

### III. **Proposal Requirements**

Proposers must submit four (4) paper copies of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, both of which **must** contain an original signature. One (1) electronic copy of the proposal must also be submitted on a standard compact disk (CD). This electronic document (.pdf format only) must be an exact scanned image of the final paper copy proposal and include all relevant forms and signatures.

Coordination with regional or national efforts (as appropriate) is essential to successfully transform the markets. Proposers should communicate with manufacturers, trade associations, utilities, and consultant organizations to build support for the project and leverage their resources whenever possible. Proposals that include teaming arrangements **must** designate one party as the Coordinating Contractor. The Coordinating Contractor will have overall responsibility for the administration of the Agreement and completion of the Statement of Work.

**Section 1: Executive Summary.** Provide a brief one page summary of the problem definition and background, proposed effort, and the likely energy, environmental and/or economic benefits to New York State.

**Section 2: Project Overview.** Identify the target product or service and the sector(s) served, along with a description of what constitutes successful market transformation. Present a clear statement of the goals and objectives for the project. Explain how the project leverages work completed under previous NYSERDA projects (if applicable), and describe any additional phases, beyond the current proposal, which are anticipated.

**Section 3: Market Analysis.** Include a detailed description of New York State's current market for the targeted product or service. Specifically, proposals should identify: (1) baseline information, or a plan to establish baseline information on product availability, prices, market share and sales; (2) identification of the market structure and market participants, factors that will motivate the participants to change behavior, and consumer expectations and needs; (3) barriers impeding the availability, promotion, sale and implementation of the targeted energy-efficient product or service; (4) energy services opportunities and non-energy benefits with the potential to change market behavior to New York State; (5) strategies on how to accomplish the desired changes and demonstrated knowledge of coordinated market interventions; and (6) the overall market potential and potential energy and peak demand savings, if the effort is successful.

**Section 4: Proposed Solution.** Describe all phases of the proposed project and the expected results of successful market transformation to be measured at each phase. Explain the implementation strategy and tools required to facilitate market transformation. Describe how the proposed effort addresses the market barriers described in the market analysis section of the proposal. Where possible, proposers should aim to address the following:

- **Leverage regional or national initiative** with specific action steps to drive program effectiveness at the local level. Utilize and leverage NYSERDA programs and other professional and technical association resources to drive change and effectively transform the market with New York State.
- **Identify additional product or service attributes** that are separate from energy efficiency, but are valued by consumers and can be used to influence market behavior. Stakeholders from targeted audiences should be incorporated as key participants in developing and delivering services.
- **Target cooperative advertising and marketing opportunities** by developing and disseminating tools, guidelines, or other information to help upstream market participants position and sell high-efficiency products and services. Assistance may include technical materials or joint marketing strategies to increase market visibility, contractor promotion, distributor stocking, and penetration of high-efficiency products. Ultimately, increased market penetration should lead to lower first costs for consumers.
- **Incorporate product rating and labeling initiatives and product awareness** with national and regional efforts to provide program consistency, whenever appropriate. The projects should build on awareness efforts being promoted through other regional or national initiatives. These include efficiency thresholds, labeling, ratings, product efficiency standards, and building codes. Demonstration projects can also be used to highlight benefits and ensure reliability. While some technologies may not have a products rating, a study to ensure that savings associated with the product may also be considered in order to bring market confidence in the technology.
- **Promote a customer outreach and education campaign** targeting commercial, industrial, institutional, and municipal customers to educate them on the benefits of high-efficiency equipment and installer certification to increase customer awareness and demand for selected products and services. Outreach and education to contractors is also an area that needs to be developed and addressed.

**Section 5: Scope of Work/Project Schedule.** The Scope of Work identifies the specific deliverable for the project, and outlines each step required to implement the proposed solution and accomplishes the project objectives. The Scope of Work is the source document from which the contractual Statement of Work (SOW) will be developed once the project is awarded. For each project goal or objective, designate one or more tasks. Describe the actions you will take to complete each task. Arrange your tasks logically and be specific as to who will perform the work; when, where and how it will be performed; and the expected result. Use the following format to describe each task or subtask:

**Project Goal/Objective:** Objective  
**Task 1:** Task Title  
**Description:** The Contractor shall...  
**Expected Result:** Results will include.....

Prepare a schedule showing major milestones and final project completion. The expected start date for work awarded under this solicitation is December 10, 2009. Projects will be awarded for a maximum of two years, with an option to extend the contract period at the discretion of the NYSERDA Project Manger.

**Section 6: Project Reporting and Evaluation Metrics.** Describe the proposed methodology to capture and quantify qualitative and quantitative evaluation metrics. Metrics should address the project's participation status, market transformation impacts, and energy and peak demand savings. Metrics on project participation and energy and peak demand savings shall be reported to NYSERDA on a quarterly basis. For market transformation impacts and other non-energy benefits, describe the proposed data collection and present the project reporting methods and frequency of delivery to NYSERDA. Final metrics on participation, energy and peak demand savings, and market transformation shall be subject to NYSERDA approval. Briefly describe how the metrics will be used to determine the types of market interventions required in the market over time. Present the project exit strategy based on market transformation effects.

**Section 7: Budget.** Submit the attached Contract Pricing Proposal Form (CPPF) to present the total project budget and the cost of each task identified in the Scope of Work. If applicable, provide a CPPF for each subcontractor involved in the project. Co-Funding or cost-sharing is not required for this program but is viewed favorably.

**Section 8: Proposer Qualifications.** Provide a brief paragraph describing the nature of your business, locations, number of employees, and key personnel to be involved in the project. While you are not required to be located in New York, companies that have offices in New York are viewed favorably. Submit a one-page resume for each key person on the project. (**Note:** resumes will not be included in the total page count of the proposal).

### **Proposal Format**

All proposals must be in the following format. Total length for Sections 1 through 8 must not exceed eighteen (18) pages. Proposals should not be submitted in an elaborate format that includes expensive binders or graphics. Each page of the proposal should state the name of the proposer, the RFP number, and the page number. Proposal Checklist: Attach completed and signed Proposal Checklist to the front of each copy of the proposal (One of the proposals must contain the original signature).

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.

#### IV. Proposal Evaluation

Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers. Note that the funds available may not be sufficient to fund all of the proposals received.

Proposals will be scored according to the following criteria, listed in order of importance:

**Responsiveness to the Solicitation** – To what extent does the proposal target products or services not currently served in the competitive market? Is the proposed work will-conceived, innovative and technically feasible? Does the proposal address both the value of participation by mid-market participants and other stakeholders and include them as integral parts of the project? Does the proposal address existing market barriers that limit the sale or use of the selected energy-efficient product or service? What are the goals and objectives of the project and the steps to implement the project? What is the length of time until benefits are achieved and is this a reasonable time period? What are the resource requirements beyond the project period? Are the efforts potentially replicable regionally or nationally?

**New York State Economic and Energy Impact** – How effective will the project be in changing marketplace structure, function, or behaviors in New York? Will the project facilitate bringing national and regional market transformation activities to New York markets? Does the proposal identify the impacts or barriers in New York? Will the proposed work lead to economic growth in New York? Will the proposed effort result in specific energy savings and yield environmental benefits?

**Scope of Work and Reporting** – Is the Scope of Work comprehensive, realistic, and consistent with the goals and objectives of the proposed solution for all phases of the project? Are staff allocations and schedules realistic? Is the design and implantation of the program achievable in the two-year project term? Are results and deliverable clearly stated and consistent with the proposer's activities? Do the reports and evaluation metrics accurately measure market transformation effects and provide information to effectively direct market intervention efforts.

**Cost Criteria** – Is the overall cost reasonable? Are the program participation, market transformation impacts and electricity and peak demand savings identified? How cost-effective is the proposal (i.e. what type of program and what level of results will be achieved with the available funds)? Are allocations of task hours justifiable? Are there any leveraged resources, in-kind contributions, or cost-sharing arrangements?

**Proposer(s)** – Does the proposal team have the relevant and necessary technical and business background and experience? Is the project staff capable of performing the proposed tasks? Does the team show a balance of technical, operations, marketing and administrative expertise to accomplish the project? Has the project team demonstrated recent experience in designing and implementing market transformation programs? Does the team demonstrate the positive intangible qualities of resourcefulness, cooperation and teamwork?

#### V. GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2) (d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to accept it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law,

Section 89(5) and the procedures set forth in 21 NYCRR Part 501 [www.nyserda.org/nyserda.regulations.pdf](http://www.nyserda.org/nyserda.regulations.pdf). However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

**State Finance Law sections 139-j and 139-k** - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>. The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.state.ny.us/pdf/2006/fillin/st/st220td\\_606\\_fill\\_in.pdf](http://www.tax.state.ny.us/pdf/2006/fillin/st/st220td_606_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.state.ny.us/pdf/2006/fillin/st/st220ca\\_606\\_fill\\_in.pdf](http://www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf)). The Department has developed guidance for contractors which is available at [http://www.tax.state.ny.us/pdf/publications/sales/pub223\\_606.pdf](http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf).

**Contract Award** - NYSERDA anticipates making multiple awards 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 10 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.

**VI. Attachments:**

- **Attachment A** – NYSERDA Programs and Projects
- **Attachment B** – Proposal Checklist
- **Attachment C** – Intent to Propose
- **Attachment D** – Contract Pricing Proposal Form (CPPF)
- **Attachment E** – Contract Designated Contact(s)
- **Attachment F** – Disclosure of Prior Findings of Non-responsibility
- **Attachment G** – Sample Agreement