



**Energy Code Training and Support Services  
Request for Proposals (RFP) 1621  
\$2,700,000 in total funding available**

**Proposals Due: December 7, 2009 by 5:00 PM Eastern Time\***

Funding for this program is being provided under the American Recovery and Reinvestment Act (ARRA). If you receive funding under this solicitation you may be subject to special terms and conditions, including but not limited to: detailed reporting requirements; audit of your use of ARRA funds; Buy American and Davis-Bacon prevailing wage requirements for construction activities. You will be required to provide certain information in a timely manner to meet ARRA requirements. See attachments for a complete list of special terms and conditions. Failure to comply may result in the loss of Federal grant funding.

**Program Summary:**

The New York State Energy Research and Development Authority (NYSERDA) seeks proposals from bidders to provide training and support services to increase compliance with the residential and commercial provisions of the New York State Energy Conservation Code (Energy Code). These services are designed to reach all segments of the design, permitting, and construction marketplace through a variety of strategies. Proposals are sought under the following core service categories: 1) development and delivery of training courses on the Energy Code to a variety of audiences; 2) circuit-rider plan review assistance to architects; 3) plan review assistance services to selected local code officials; 4) pilot efforts to provide community or regional code support assistance to municipalities; 5) field inspection training, services and assistance; 6) online training courses; and 7) optional support services. Proposers may elect to provide one or more of these requested services. Each category will be evaluated separately.

Training and support will be focused on the current Energy Code standards, or if the Energy Code is amended, on the newer standards. Above-code and building science techniques will also be incorporated. The focus of these support efforts will be to build long-term understanding of the code requirements and lasting capabilities of the construction marketplace to meet or exceed all required Energy Code standards in building designs, approved plans and constructed buildings. A significant intent of this support effort is to achieve 90% or better compliance with the Energy Code in order to meet requirements of the American Recovery and Reinvestment Act of 2009 (ARRA). A total of \$2,700,000 is available to support these activities until the end of 2012.

**Proposal Submission:** Proposers must submit ten 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 1621  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Mark Eggers at (518) 862-1090, ext. 3308 or [mse@nyserda.org](mailto:mse@nyserda.org). If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or [ywf@nyserda.org](mailto:ywf@nyserda.org).

No communication intended to influence this procurement is permitted except by contacting Mark Eggers (Designated Contact) at (518) 862-1090, ext. 3308 or [mse@nyserda.org](mailto:mse@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 NYSEERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEERDA's web site at [www.nyserda.org](http://www.nyserda.org).**

## **I. Program Requirements**

### **Services Requested:**

NYSERDA seeks proposals from bidders to provide training and support services to increase compliance with the New York State Energy Conservation Code (Energy Code). These services are designed to reach all segments of the design, permitting, and construction marketplace through a variety of strategies. Core services include, at a minimum: 1) development and delivery of training courses on the Energy Code to a variety of audiences; 2) circuit-rider plan review assistance to architects; 3) plan review assistance services to selected local code officials; 4) pilot efforts to provide community or regional code support assistance to municipalities; 5) field inspection training, services and assistance; 6) online training courses; and 7) optional support services. . Proposers may elect to provide one or more of these requested services. Each category will be evaluated separately. Training and support will be focused on the current Energy Code standards, or on newer standards if the Energy Code is amended during the period of the resulting contract. Above-code and building science techniques will also be incorporated. The focus of these support efforts will be to build long-term understanding of the code requirements and lasting capabilities of the construction marketplace to meet or exceed all required Energy Code standards in building designs, approved plans and constructed buildings. A significant intent of this support effort is to achieve 90% or better compliance with the Energy Code in order to meet requirements of the American Recovery and Reinvestment Act of 2009 (ARRA).

Funding for these services will be provided through approved State Energy Plan (SEP) and Energy Efficiency and Conservation Block Grant (EECBG) funds as provided to New York State by the U.S. Department of Energy (DOE) under ARRA. All product developments and deliveries will be closely coordinated between NYSERDA and the New York State Department of State (DOS), the entity responsible for administration of the Energy Code.

Delivery of these services throughout New York State will commence upon contract award and continue for a three-year period ending December 31<sup>st</sup>, 2012 (unless otherwise noted) or until funds are expended.

***Specific objectives of each service category are discussed below.***

### **Category 1: Development and Delivery of Energy Code Training Courses to a Variety of Audiences:**

**Background:** Ongoing training is critical to successfully supporting newer or advanced codes and standards, particularly at the initial point of adoption. Alternative training approaches that extend beyond traditional classroom settings are encouraged. An additional set of training and outreach will be provided to jurisdictions that have adopted or are planning to adopt advanced codes.

#### **Training Task A – Delivery of Residential and Commercial Energy Code Training:**

Develop and deliver a series of course modules on the Energy Code to local code officials, builders, designers and engineers. The primary audience for these sessions will be local code enforcement officials, but the courses will be made available to all audiences. Each module will be approximately four hours in length, and will employ adult learning techniques and active participant involvement.

***Training segments will include, but are not limited to the following five subject areas:***

1. One residential course addressing all compliance paths and methods, including highlights of the latest changes to the existing code and MECCheck. The baseline code for this training will be the 2009 International Energy Code;
2. One commercial envelope course addressing Chapter 8 of the Energy Code and COMcheck-EZ based compliance paths. The baseline code for this training will be the ASHRAE 90.1-2004 Standard;
3. One commercial mechanical course addressing Chapter 8 and COMCheck based on compliance paths. The baseline code for this training will be the ASHRAE 90.1-2004 Standard;
4. One commercial lighting and power course addressing Chapter 8 and COMCheck based on compliance paths. The baseline code for this training will be the ASHRAE 90.1-23004 Standard; and
5. One course on basic building science as it relates to energy efficiency and strategies to enhance energy efficiency and overall residential building performance. This course will address the 2007 technical provisions and how best to achieve these levels with actual field examples and products currently available that will enhance the structure while achieving compliance with the 2007 ECCC.

***All commercial courses should be readily adaptable to update to the ASHRAE 90.1-2007 Standard, which is currently under consideration for adoption in New York.***

**Deliverables:** Prepare and present a draft and final course syllabus for each of the five courses.

Provide a syllabus for updating the commercial training modules to meet ASHRAE 90.1-2007 Standards. The proposer should plan to coordinate closely with the New York State Building Officials Conference (NYSBOC) and DOS to assure that the course content is accurate and relevant to local code officials.

Market, schedule, and conduct 200 training sessions across New York State in a 30-month period beginning four months from contract award. The delivery of a single course module is considered a training session; often, two sessions are offered in a single day for logistical savings. Successful bidders will be responsible for all logistics, room rentals, food and beverage, course materials, fee collections, evaluation, award of CEC credits and recordkeeping. A nominal fee may be charged to offset delivery costs. An online registration format must be used.

#### **Training Task B – Vendor and Trade Ally Training:**

Develop and deliver a two-hour session on residential Energy Code basics to trade allies (such as vendors, retail lumber and home improvement stores, construction trades, etc.). This course will highlight the application of the Energy Code, key features and items that most significantly affect energy performance, and items often overlooked. The course will raise the overall awareness of the importance of code compliance, and identify support services available to help with enforcement efforts and technical questions.

**Deliverables:** Draft a final course syllabus for the course. Market, schedule and conduct 50 sessions across New York State in a 30-month period beginning four months from contract award. Successful bidders will be responsible for all logistics, room rentals, food and beverage, course materials, fee collections, evaluation, award of CEC credits and recordkeeping. A nominal fee may be charged to offset delivery costs. An online registration format must be used.

### **Training Task C – Training on Advanced Energy Codes and their Adoption:**

Develop and deliver a two-hour course on how local communities may consider adoption of a more stringent Energy Code than the current 2007Code.

**Deliverables:** Draft and final course syllabus for the course. Market, schedule and conduct 20 sessions across New York State in a 30-month period beginning four months from contract award. Successful bidders will be responsible for all logistics, room rentals, food and beverage, course materials, fee collections, evaluation, award of CEC credits and recordkeeping. A nominal fee may be charged to offset delivery costs. An online registration format must be used.

### **Training Task D – Training for Architects and Engineers:**

Develop and deliver an educational program specifically targeted to architects and engineers. The purpose of the training will be to familiarize the audience with the layout and content of the commercial Energy Code requirements, identify those code items that contribute to the greatest potential for energy savings, identify those sections or portions of the Energy Code that are most often misunderstood, and provide guidance on what information should accompany the submission of plans and specifications for approval (such as LPD calculations, equipment performance specifications, etc). This course will serve to increase overall awareness of the Energy Code requirements, the energy and cost consequences of not meeting compliance in key areas, and the types of additional support and training that are available. The Proposer should plan to work closely with NYS American Institute of Architects (AIA) and Engineering groups, and local AIA and Professional Engineering chapters to set up training venues.

**Deliverables:** Develop a course syllabus for submission to NYSERDA for approval. Conduct 80 training sessions over the next 30-month period, beginning four months from contract award. Successful bidders will be responsible for all logistics, room rentals, food and beverage, course materials, fee collections, evaluation, award of Continuing Education Credits (CEC's) and recordkeeping. A nominal fee may be charged to offset delivery costs. An online registration format must be used.

### **Training Task E – Training for Home Builders:**

Develop and deliver a training program on the residential requirements of the Energy Code specifically geared to the homebuilder market. The course will highlight key requirements of the Energy Code, prescriptive and performance based compliance paths including ResCheck, discuss the Home Performance with Energy Star Program and requirements, discuss code items often overlooked or misunderstood, and serve to increase the overall awareness of Energy Code requirements. The proposer should plan to work closely with the NYS Builders Association and local Home Builder Associations to set up training venues.

**Deliverables:** Develop a course syllabus for submission to NYSERDA for approval. Conduct 80 training sessions over the next 30-month period, beginning four months from contract award. Successful bidders will be responsible for all logistics, room rentals, food and beverage, course materials, fee collections, evaluation, award of CEC credits and recordkeeping. A nominal fee may be charged to offset delivery costs. An online registration format must be used.

**Proposers may bid on one task, several tasks or all tasks.** Proposers must provide a budget for each of the tasks being proposed. A total of \$ 950,000 is available to support all tasks in category 1 through the end of 2012.

## **Category 2: Circuit-Rider Plan Review Assistance to Architects:**

**Background:** Compliance issues with the Energy Code exist among architectural design firms who may be unfamiliar with the specific requirements for commercial buildings or who may be unfamiliar with many of the mechanical (HVAC) requirements and compliance options in the Energy Code. Information on code compliance may be incomplete, incorrect, or missing altogether in submissions to local code officials for review and approval.

NYSERDA will provide for circuit riders, who will be responsible for assisting design teams in the preparation of plans and specifications. Two or more individuals with a comprehensive understanding of the Energy Code will be designated by the proposer as Energy Code circuit riders. **Only licensed professional architects or engineers are eligible for this position.** Each proposal should include the resumes of the designated circuit riders. These circuit riders will schedule visits with architectural firms to review specific project plans and specifications for Energy Code compliance. This should be done in coordination with the local code official and participating mechanical engineering firm whenever possible.

Circuit riders will serve as part-time and short-term energy specialists that will review project drawings, plans, and specifications on-site with architects and engineers. The purpose of the on-site review will be to identify the code requirements and compliance issues of a specific project, to identify proper methods of interpreting Energy Code requirements, and to make necessary corrections to the construction documents prior to submission for local approval. Circuit riders will be expected to keep track of the barriers to implementation, costs of compliance, weak links in the compliance process, training needs, and energy savings impacts.

**Deliverables:** Develop a plan for NYSERDA and DOS approval. Once approval is received, conduct visits directly with 200 architectural or engineering firms at their offices to review specific project plans. Provide for geographic diversity. Regional visits should be combined to provide travel and logistic savings. Plan reviews should be comprehensive and structured in a manner that is educational, hands-on and delivered to as wide an audience as possible at each respective location.

Provide a budget for services proposed. Provide a fixed fee to conduct a review session. The fixed fee may or may not be inclusive of any travel costs, and may vary based upon geographic coverage, building complexity and other readily identifiable variables. For purposes of developing the fixed fee, fee rates during travel time are expected to be lower than those for actual plan review services.

A total of \$320,000 is available to support these activities through the end of 2012.

## **Category 3: Plan review assistance services to selected local communities:**

**Background:** NYSERDA and DOS will work with a select group of local communities to implement a pilot program where a fee-based plan review of commercial building plans is implemented. The concept of a pay-for-service plan review (with expenses paid by the building owner or developer) will be demonstrated in order to provide a better understanding of how communities are able to deal with both minimum and advanced code requirements.

Ultimately, the expectation is that a more sophisticated and thorough level of local plan review will result in higher levels of compliance. In the initial pilot effort, the plan reviewers will provide feedback to building designers and code officials responsible for each respective project. Some of the information will be used to corroborate findings for the code compliance studies. If successful, this concept could provide a format for other communities to use to facilitate plan reviews that would achieve higher levels of compliance, without adding a burden to already limited community resources.

NYSERDA and DOS will identify a select group of communities in which to conduct the pilot service. Fees for reviews will be established by the municipalities in cooperation with NYSERDA. Plan reviewers will review plans

in the municipal offices and work closely with local code officials to coordinate the review, any required changes to the plans or specifications and follow-up. The plan review will serve to both facilitate the review and approval of project plans and to educate building officials on Energy Code requirements.

**Deliverables:** Two or more individuals with a comprehensive understanding of the Energy Code and its application must be identified in the proposal, and will be designated to provide commercial building plan review services for Energy Code compliance. Proposals should include resumes for the designated individuals. NYSERDA and DOS will designate the municipalities in which these reviews will be conducted. Plan reviewers will be responsible for scheduling meetings, making necessary travel and logistic arrangements, conducting reviews of plans in the local offices, and providing follow-up services where needed in-person or by phone/email (when feasible). At least 200 plan reviews will be conducted in a similar number of selected municipalities.

The proposer's budget should identify the costs of providing plan review sessions at various geographic locations around the state, with the understanding that costs may vary depending upon the proximity to the designated plan reviewer, complexity of the project, size and scope of the building, level of understanding by the design professional and code official, etc. If it is feasible to provide more than one plan review in a day, the proposed budget should reflect any potential cost savings. Proposers are also encouraged to develop a proposed plan review fee schedule that will be used by the municipality and initially covered by NYSERDA during the pilot program.

A total of \$430,000 is available to support these activities through the end of 2012.

#### **Category 4: Pilot Efforts to Provide Regional Energy Code Advisors to Support a Number of Local Municipalities:**

**Background:** Many smaller communities don't have the building volume to support a full-time code official, and so Energy Code compliance and inspection may not be well achieved. Pooling resources on a county or regional basis may satisfy these local needs and provide enough work volume to support and necessitate a full-time (or near-full-time) code official who is knowledgeable of current code requirements. This concept will be developed on a pilot basis. NYSERDA will fund the services of Regional Energy Code Advisors to work with a localized set of communities to assist with Energy Code reviews, inspections, education, reporting, and any other energy assistance that may be beneficial.

A significant area of focus will be to conduct compliance assessments to determine the level (percentage) of code compliance and long-term improvements in code understanding among the local building community. If the locally designated area is already served in a limited manner by local code officials, the Regional Energy Code Advisor may be used to augment local services, assist on plan reviews and inspections, educate local code reviewers on compliance, help organize local review and inspection procedures, work with local builders and vendors and provide overall Energy Code support to the regional area.

An increasing number of towns and communities in New York have adopted more stringent energy codes than the current 2007 Energy Code, as encouraged under Article 11 of the New York Energy Law. The Regional Energy Code Advisor will provide technical assistance in reviewing code options, conducting "charrettes" and providing facilitation services. Working with towns and villages will provide insight on the efficacy of using HERS-as-codes and ENERGY STAR<sup>®</sup> as the "stretch code", which will be valuable in informing the use of these standards Statewide.

**Deliverables:** Proposers will identify and select four individuals who will function as Regional Energy Code Advisors. Resumes and qualifications must be provided in the proposal. NYSERDA has identified four geographic areas in which to pilot these services: the North Country Region (the Lake Placid/Saranac Region); the Western New York Region (rural areas around the Buffalo/Rochester corridor and south); the Central New York Region (south of the Syracuse area and Thruway); and the Southern New York Region (rural areas along the Route 17 corridor).

Proposers are invited to designate other regional areas that they feel would benefit from a Regional Codes Advisor. Approved Regional Energy Code Advisors will be hired, on a contract basis, and funded through this solicitation on a six-month trial and additional six-month extension basis. The Proposer will be responsible for coordinating the provisions of these services, developing a regional work plan and schedule, and reporting to NYSERDA as required. Proposers may bid on one or more of the regional areas. The proposal should include a proposed budget for each of the designated Regional Energy Code Advisors for each six-month period.

A total of \$400,000 is available to support these services for the initial six-month trial period and six-month renewal period (total of 12 months).

#### **Category 5: Field Inspection Training Services and Assistance:**

**Background:** Field inspection requirements and their nature vary from community to community; some are based upon the time available for inspections, the skill sets of the inspector, or the type of building under inspection. Field inspections provide assurance that code requirements are met in the actual construction of a building, and are invaluable in verifying the levels of compliance that are obtained. Field inspections services may include the ability to go on-site with several code officials to train in the field.

Proposers must submit a plan to develop a three to four hour field inspection course for residential construction and a similar three to four hour course for commercial construction. The course should be formatted as a live presentation in a classroom setting. Including videos of actual construction sites in the presentation materials is highly encouraged. NYSERDA and DOS plan to develop a cooperative training arrangement with several technical colleges such as Hudson Valley Community College. Course development should build upon components that are derived from this cooperative training program.

**Deliverables:** Provide a concise summary of currently available field inspection materials that may be helpful in the development of these courses. If there are already accessible (approved for use, purchasing or licensing) and existing materials that the proposer feels would be beneficial to meeting NYSERDA's training objectives, the proposer may elect to use such materials in part or in whole. Proposals should include a "draft" syllabus for the residential field inspection course and the commercial field inspection course.

The winning proposer shall market, schedule, and conduct 120 sessions across New York State in an 18-month period beginning four months from contract award. Successful bidders will be responsible for all logistics, room rentals, food and beverage, course materials, fee collections, evaluation, award of CEC credits and recordkeeping. A nominal fee may be charged to offset delivery costs. An online registration format must be used.

A total of \$300,000 is available to support these services through the end of 2012.

#### **Category 6: Develop and Provide an Online Energy Code Training Program:**

**Background:** Traditionally, online training courses have not been widely available or used by code enforcement officials, mostly because this form of training has not been acceptable for required learning unit credits. This restriction has loosened somewhat, and NYSERDA and DOS plan to develop an online version of the live training courses as outlined in Category 1 of this solicitation. NYSERDA and DOS will consider proposals to develop and deliver online training of segments on a) the 2007 Energy Code; b) the 2009 IECC; and c) ASHRAE 90.1- 2004 and 2007 provisions.

Existing online courses that meet these objectives may be used. If existing courses are included, the proposer should clearly identify the terms, conditions, and costs of use in New York State. The proposer will be responsible for hosting and delivering the courses online. NYSERDA will not pay for costs already incurred.

The proposer shall host the on-line training site independent of NYSERDA, and shall be responsible for all costs and maintenance of the site. Links to this independent site may be posted on both the NYSERDA and DOS websites.

**Deliverables:** Submit a proposal to provide online Energy Code training courses as described. Develop online course content and structure. Obtain required licenses and approvals for all materials. Develop website hosting and delivery capabilities. Maintain the website and keep records of all participants. Furnish learning unit or continuing education credits (as appropriate). Accept online registration and handle all fees, logistics, materials, hosting, etc. associated with making these courses available online. Provide an estimated cost for each participant who would take the on-line course. Provide a timeline for development and delivery.

A total of \$300,000 is available to support these services through the end of 2012.

### **Category 7:) Optional support services**

Background: NYSERDA and DOS have identified the key services they feel necessary to achieve high levels of compliance with the Energy Code, based upon feedback from a variety of sources. Proposers, however, are invited to propose any additional support services not already requested through Categories 1-6, that would further achieve the overall goal of high levels of compliance with the Energy Code.

Deliverables: Provide a detailed description of the optional services. Explain how these services would help to further achieve high levels of compliance, and the expected outcomes. Provide a detailed budget and schedule.

## **II. Proposal Requirements**

**Each proposal MUST contain two (2) signed and notarized** Agreements (Attachment D, including Exhibits B, C & D). If your proposal is selected for funding, NYSERDA will work with the proposer to develop a Statement of Work which will be appended to Attachment D as Exhibit A and constitute the final Agreement. Once agreement on the Statement of Work has been reached, NYSERDA will append it to Attachment D, countersign the Agreement, and return one fully-executed copy of the Agreement. This process is intended to facilitate the approval of projects and the expenditure of ARRA funds as quickly as possible.

Proposers must submit 12 (twelve) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Program Opportunity Notice/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.

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:

### Proposer Information (limit 2 pages)

Name of Business Entity

Location of firm and locations where work will be performed

History of Firm

Internet website if applicable

Proposal contact person – address, telephone fax and internet information

Identify the Categor(ies) you are proposing for  
Provide a Summary Budget Table

Statement of Work and Deliverables (limit 6 pages for each Task A-E, or no more than 8 pages per Category 2-7)

Proposals must describe in detail how all aspects of the work described in this solicitation will be conducted. The proposal should demonstrate how that project objectives will be met and deliverables provided, and not be a simple repeat of the content in this solicitation. The approach should be clear, well organized, cost-effectively conceived and manageable. If there are plans to significantly vary the project approach from that outlined in the solicitation if the proposer feels this variation will accomplish the stated objectives faster, easier or in a less-expensive manner, these plans should be detailed and fully explained.

Provide a description of all deliverables that will be provided. Proposals must demonstrate that all required deliverables will be provided within the schedule. Capabilities to conduct the required tasks, either with current staff, new staff or teaming/consultant relationships must be shown.

Project Management Plan (limit 2 pages )

Describe how the project will be managed, especially if there are subcontractors or consultants involved. Provide a description of the roles of each business entity named in the proposal. Explain how progress will be tracked and how it will be reported to NYSERDA. Describe tracking procedures to be used to maintain the project schedule. In the case of training activities, explain actions to improve the course content and acceptance on an ongoing, real-time basis as subsequent courses are scheduled and delivered.

Identify, where possible, specific individuals who are currently on staff, or who will be hired if the proposal is accepted. Proposals that do not provide these specifics will be considered to be less responsive

Identify the Project Manager and the relationships to the project team and oversight of the project by qualified Principals in the lead firm.

Qualifications/Experience (limit 4 pages)

Provide a listing of qualifications to complete the work requested, and describe previous work experience in the subject areas. Demonstrate an ability to conduct all required tasks competently and comprehensively

Staffing Plan/ Consultants (limit 4 pages)

Provide a listing of all personnel assigned to this project, with their job titles and areas of responsibility. Provide short-form resumes (2 pages maximum) for all personnel in an Appendix.

Listing of three similar projects (limit 6 pages)

Provide a description of three similar projects completed by the proposing team(s) within the past six years. Describe the work, deliverables and outcomes of the work. Provide contact/reference information for each project (name, address, phone).

Budget

Provide a proposed budget to accomplish the work, outlined in your proposal for each Task and associated deliverable The budget proposal should be broken out in relevant subcategories where appropriate (such as development, training delivery, etc.) Fee-for-service proposals should list the costs included in the fixed fee, and those excluded, if applicable. Sub-contractor arrangements will be solely the responsibility of the Proposer. The Cost Proposal should including supporting information to verify overhead rate(s) and multipliers. If there are escalation fees for services in the out-years of the contract, these fees should be identified.

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.

#### **Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k**

Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws are available at: <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>). In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

#### **V. 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:

- Qualifications of the firm and key personnel – Quality and depth of the firm’s expertise, and prior capability of providing similar services. Are key individuals qualified for the tasks they will be assigned. Is the proportion of time allocated to management vs. service delivery reasonable?
- Experience with similar projects and References- Experience in general in the subject areas, and in the particular areas for which they are responding. The firm should have demonstrated experience and success. References should be current and relevant.
- Knowledge of residential and commercial buildings – Demonstrated knowledge of these building sectors, methods of construction and the market actors involved in each sector
- Experience in training, education and adult learning – Experience in providing training and education courses in a formal setting, or in a one-to-one environment. Demonstrated understanding of adult learning techniques and methods to provide information in a lively, engaging format
- Expert knowledge of the Energy Code and New York State construction marketplace – Strong working application of the Energy Code in commercial and residential settings. Understanding of the various construction markets in New York and in New York City, and their differences.

- Cost of the proposal and value of services to be provided - Anticipated costs of services and the value of each service as compared to the cost. Willingness to work with NYSERDA to minimize costs.
- Management capabilities, especially in teaming arrangements – Demonstrated ability to manage staff and contractors in fulfillment of tasks. Ability to effectively manage individuals who may be working out of regional offices or formats away from central control.
- Schedule and Timeliness – Ability to develop and deliver services quickly and to maintain schedule. Provide examples of work delivered under tight timeframes.
- Overall quality and clarity of the proposal – General organization and flow of the proposal. Factors include clarity, conciseness and readability.
- Quality of proposed optional services- Are the proposed optional services different from the requested services and do they offer another strategy to achieve higher levels of compliance.

## 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 [www.nyserda.org/nyserda.regulations.pdf](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/killin/st/st220td\\_606\\_fill\\_in.pdf](http://www.tax.state.ny.us/pdf/2006/killin/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/killin/st/st220ca\\_606\\_fill\\_in.pdf](http://www.tax.state.ny.us/pdf/2006/killin/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 one award per category under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal. NYSERDA expects to notify **proposers** in approximately six weeks from the **proposal due date** whether your **proposal** has been selected.

**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. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

**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 Form

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

Attachment C – Intent to Propose Form

Attachment D – Contract Pricing Proposal Form

Attachment E – Project Personnel and Rate Form

Attachment F – Sample Agreement