



“New York City Private Fleet Diesel Retrofit Program”
Program Opportunity Notice (PON) 2058
\$2.4 million Available

Applications accepted “July 15, 2010” through “July 1, 2011” by 5:00 PM
Eastern Time or until funds are exhausted*

The New York State Energy Research and Development Authority (NYSERDA), in partnership with the New York City Department of Transportation (NYC DOT), announce the **New York City Private Fleet Diesel Retrofit Program** (“Program”). This public-private partnership is designed to encourage the use of diesel emission controls by private-sector companies and non-profit entities operating diesel vehicles in New York City.

This PON solicits applications for projects that maximize the environmental benefits of accelerating the introduction of advanced diesel emission controls into private fleets in New York City.

Approximately **\$2.4 million** is available through this PON to be awarded on a first-come first-served basis. Maximum award per applicant is \$500,000. NYSERDA will fund up to:

- 80% of the cost of purchasing and installing California Air Resource Board (CARB) or Environmental Protection Agency (EPA) verified/certified emission reduction equipment on medium and heavy duty diesel vehicles.
(gross vehicle weight > 14,000 pounds)

Application Submission: Send **one (1)** Application Checklist (**Attachment A**) attached to the front of the Disclosure of Prior Findings of Non-Responsibility (**Attachment B**) and Project Application (**Attachment C**) with an original signature, clearly labeled and submitted to:

NYC Private Fleet Diesel Retrofit Program
David McCabe, PON 2058
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Patrick Bolton at (518) 862-1090, ext. 3322 or ppb@nyserda.org. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or vwf@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Patrick Bolton (Designated Contact) at (518) 862-1090, ext.3322 or ppb@nyserda.org. Contacting anyone other than this Designated Contact (either directly by the applicant or indirectly through a lobbyist or other person acting on the applicant’s behalf) in an attempt to influence the procurement: (1) may result in an applicant being deemed a non-responsible offerer, and (2) may result in the applicant not being awarded a contract.

*Late, incomplete, or unsigned applications will be returned. Faxed or e-mailed applications will not be accepted. Applications 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 website at www.nyserda.org.

I. Introduction

NYSERDA, in partnership with the New York City Department of Transportation (NYC DOT), seeks projects that will maximize the environmental benefits of accelerating the introduction of these emission controls into private fleets in New York City. The Program provides incentives to private sector companies and non-profit entities operating vehicles within the five boroughs of New York City to acquire advanced diesel emission control devices (DECD). The Program is funded utilizing Federal Congestion Mitigation and Air Quality (CMAQ) funds. These funds are awarded to projects by NYSERDA on an open enrollment basis for up to 80% of the cost of purchasing and installing California Air Resources Board (CARB) or Environmental Protection Agency (EPA) verified/certified diesel emission reduction equipment on medium and heavy duty diesel vehicles (gross vehicle weight > 14,000 pounds).

II. Eligible Applicants for Program

Applicants must be a private-sector (non-governmental) company or organization, or a non-profit entity. Applicants must own or lease a diesel fleet that is primarily operated in New York City. Federal, State, and municipal government agencies are ineligible to apply for funds under this PON. The Applicant must be the entity that holds the title to the vehicle that the equipment will be installed on. Entities cannot apply on behalf of an end-user eligible fleet.

III. Program Requirements

This PON solicits applications for projects that maximize the environmental and economic benefits of introducing DECD for diesel-fueled vehicles into New York City private fleets and accelerating the introduction of these emission-reducing technologies into the market.

The cost of purchasing and installation of this equipment is eligible for the Program incentive. Equipment must be currently on-highway EPA or CARB verified for the specific vehicle type the DECD equipment will be installed on. Eligible DECD equipment and technologies include, but are not limited to, particulate traps or filters and catalytic converters that decrease the emissions of particulate matter, hydrocarbons, oxides of nitrogen, carbon monoxide, or toxic air pollutants, and are not part of a standard or required engine configuration (i.e., if the equipment is required by law to be installed on the vehicle, then the equipment would not be eligible). The Program will fund projects to install a crank-case ventilation filter (CCV) on a vehicle that does not yet have one even if the vehicle already has a DOC or DPF installed. Equipment must be sold to the applicant under standard commercial terms from one or more EPA or CARB verified DECD manufacturers or their authorized vendors.

The websites below show the list of current CARB and EPA DECD technologies and manufacturers.

www.epa.gov/otag/retrofit/verif-list.htm

www.arb.ca.gov/diesel/verdev/vt/cvt.htm

Incentives may be awarded for up to 80% of the equipment and installation costs of the eligible, DECD technology on one or more currently operating diesel-powered on road vehicle. Applications require that the diesel-fueled vehicle be retrofitted and categorized by type of retrofit technology that will be used to reduce the emissions of the vehicle and by the vehicle and engine manufacturer and engine model. Applicants awarded Program funds will be reimbursed for eligible costs upon submission and approval of invoices. No single applicant may be awarded more than \$500,000 under this Program.

Recipients will be required to provide milestone reports based on the proposed schedule of equipment procurement. Recipients will also be required to provide brief semi-annual reports for three years following the introduction of the funded, emission-reducing equipment. Such reports should include data on the operation of the vehicles including: fuel usage, maintenance events and costs, problems and concerns, and emissions test results (if available).

Funds awarded through the Program should be committed through the issuance of a purchase order or the execution of an agreement within two (2) months of the receipt of an award for Program incentives from NYSERDA. Funds not committed within that timeframe may be reallocated to other projects.

In cases where one private or non-profit entity operates or controls more than one operating subsidiary, each subsidiary is considered a separate Applicant.

Applicants must agree to operate the vehicles on similar routes and within the same geographic area as described in the application on which the award was based throughout the useful life of the vehicles, a minimum of three years.

IV. Ineligible Projects for Program Funds

Vehicles owned by public entities such as local, State, or Federal entities are not eligible for Program funds. Off road vehicles and equipment are not eligible. Vehicles with emission controls already installed such as diesel oxidation catalysts are ineligible. The Program will not pay to replace a diesel oxidation catalyst (DOC) with a diesel particulate filter (DPF) or other emission control device. Fuel additives and biofuels are ineligible for Program funds even if they have been verified by CARB or EPA, the Program can only pay for equipment. Engine replacements are ineligible for program funds. Demonstration, research, and development projects are ineligible for funding through this solicitation. The Program will not pay for DECD as part of the purchase of a new vehicle.

V. Application Requirements

Applicants must submit **one** copy of the completed application mailed to the attention of David McCabe at the address on the front of this PON. A completed and signed Application Checklist must be attached as the front cover of your application which must contain an original signature. **Applications lacking the appropriate completed and signed Application Checklist will be returned.** Faxed or e-mailed copies will not be accepted.

The application must be in the following format:

A completed and signed Application Checklist (**Attachment A**) must be signed by a person authorized to contractually commit the organization and attached to the front of the application forms. **Attachment A** must contain an original signature. All applications **must** include a completed *Disclosure of Prior Findings of Non-Responsibility* form (**Attachment B**) (for disclosing whether any New York State agency or authority has made a formal determination that the proposer is non-responsible). See additional information under the General Conditions in Section VIII.

Applications should also include the Project Application (**Attachment C**). These application forms require information and documentation related to determining project eligibility.

Note: **Attachment D**, the Sample Agreement does not need to be executed and submitted. It is

intended to allow you to review NYSERDA's standard contract terms only. If the Applicant intends to take exception to any of these terms if they are awarded funds, they must detail what exceptions they request and provide alternate language on a separate document and include this information with their application.

VI. Cost Sharing

The application must show non-NYSERDA funding of at least 20% of the cost of the equipment including installation. Cost sharing can be from the applicant, other team members, and other government or private sources except Federal funds. Contributions of direct installation labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. If the Applicant will be performing the equipment installations themselves they must detail labor rates and hours of labor to install equipment per vehicle. NYSERDA will not pay for efforts which have already been undertaken such as purchasing or installing equipment prior to NYSERDA's receipt of the application for incentives. The Applicant or applying team cannot claim as cost-share any expenses that have already been incurred. Show the cost-sharing plan in the following format (expand table as needed):

	Cash	In-Kind Contribution	Total
NYSERDA	\$	\$	\$
Applicant	\$	\$	\$
Others (list individually)	\$	\$	\$
Total	\$	\$	\$

VII. Selection Process

In order to be considered for an award, each applicant must meet the following minimum qualifications:

- The application must be submitted by an eligible entity and be consistent with the eligibility criteria and Special Provisions described in this PON.
- The application must provide required documents, sufficient information and supporting documentation to enable NYSERDA to evaluate the application.
- The retrofitted project must result in a reduction of environmental emissions from a medium or heavy-duty diesel vehicle.
- The technology proposed must have a current EPA or CARB verification that is valid for the vehicle the equipment will be installed on.
- The application must contain DECD quotes from at least two separate verified technology manufacturers.
- Vehicles must be highway capable and legally registered as a vehicle in New York State and older than 2004 model year. Applications will be reviewed by NYSERDA to determine whether the application meets the Program's minimum qualifications. Applications that do not meet these qualifications will not be considered for funding. Reasons for removing the application from

consideration for funding shall be provided to the Applicant. NYSERDA will enter into contracts with each entity awarded Program incentives until all available funds are exhausted.

VIII. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application. Review should include whether it is critical for evaluating an application, 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 applicant 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/about/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 new procurement lobbying requirements which can be found at

<http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Application Checklist calls for a signature certifying that the applicant 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 applicant has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.state.ny.us/pdf/2007/fillin/st/st220td_507_fill_in.pdf). Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSEDA. See, ST-220-CA (available at 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.pdf>.

Contract Award - NYSEDA 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. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful applications. NYSEDA 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. NYSEDA expects to notify applicants in approximately 2 weeks from the receipt of an application whether your application has been selected to receive an award.

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

Disclosure Requirement - The applicant 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 an applicant 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 NYSEDA after the award of a contract, NYSEDA 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. Applicants 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.

IX. Attachments:

Attachment A – Application Checklist

Attachment B – Disclosure of Prior Findings of Non-Responsibility

Attachment C – Project Application

Attachment D – Sample Agreement