

**Proposals Due: May 26, 2010 by 5:00 PM Eastern Time**

**PROGRAM SUMMARY:**

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from firms interested in providing Technical Review Services for NYSEDA's Industrial and Process Efficiency (IPE) Program. Selected contractors will be required to complete several tasks including: reviewing technical studies, providing technical reviews of customer capital project plans, establishing project baselines, completing engineering analysis to determine energy savings, developing measurement and verification plans, performing on-site pre/post construction inspections, responding to customer inquiries, and ensuring program adherence. Approximately 5 to 10 contractors will be selected. The initial contract will be for a one-year period, with 2, two-year, optional contract extensions at NYSEDA's discretion for a maximum of 5 years. Up to \$5.0 million is available for these services. Proposals will be accepted for the following Technical Categories:

- **Industrial/Manufacturing Process Efficiency** - includes the evaluation of facilities/support system efficiency as well as manufacturing process efficiency projects.
- **Data Center Support Systems Efficiency** - includes the evaluation of facilities/support system efficiency for data center and telecom facility projects.
- **Data Center Information Technology Efficiency** – includes the evaluation of information technology and computing efficiency for data center, telecom, and IT infrastructure projects.

**Proposal Submission:** Proposers must submit two (2) 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 1909**  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

If you have questions concerning this solicitation, contact the Designated Contact:

- Technical questions: Chris Stump at (518) 862-1090, ext. 3496 or: ces@nysesda.org
- Contractual questions: Venice Forbes at (518) 862-1090, ext. 3507 or: vwf@nysesda.org

No communication intended to influence this procurement is permitted except by contacting the Designated Contact. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the person'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 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.nysesda.org](http://www.nysesda.org).

**Existing Technical Review Contractors are not required to apply to this RFP. This RFP is intended to supplement existing technical review services.**

# I. INTRODUCTION

## OBJECTIVE

The objective of this RFP is to hire contractors to provide Technical Review Services to support the NYSERDA programs described below. The scope of the requested Technical Review Services is defined in Section II of this RFP.

NYSERDA's Industrial and Process Efficiency (IPE) Program provides New York State industrial and manufacturing, mining/extraction, agriculture, water/waste water, telecom, and data centers facilities with financial incentives to offset the cost of capital investments in equipment and process efficiency. IPE's primary goal is to increase productivity and economic competitiveness by identifying and encouraging the implementation of cost-effective energy efficiency measures. Applications are accepted on a first come, first served basis for projects that deploy proven technologies and strategies to increase energy efficiency. IPE incentives are performance-based, providing funding based on "per unit of energy saved."

Through the Energy Efficiency Portfolio Standard (EEPS), NYSERDA has been tasked with supporting New York State in achieving its energy efficiency goals. It will be necessary for selected Technical Review Contractors to provide focused assistance relating to electric, and natural gas energy intensive industries to deliver results in the most efficient and cost-effective manner. In order to meet these goals and increased efforts, NYSERDA is expanding existing programs and creating new program offerings to increase opportunities for customer participation throughout New York State. As part of this effort, this RFP is seeking qualified contractors to provide Technical Review Services and expertise to support projects with Industrial and Data Center customers, with 4 fundamental objectives:

1. Customer Service – flexibility and responsiveness to customer needs
2. Objective Technical Expertise – analysis and technical support throughout project installation
3. Measurement & Verification – data collection and analysis supporting verifiable energy saving projects
4. Facilitate Future Projects – success in items 1, 2, & 3 will increase program participation and future projects

**Information Session:** Informational sessions for potential proposers will be held in Syracuse on 04/26/2010 at MACNY's office located at One Webster's Landing, Fifth Floor, Syracuse, NY 13202 and in New York City on 05/04/2010 at NYSERDA's office located at 485 Seventh Avenue, Suite 1006, New York, NY 10018. Additional information is available at [www.nyserda.org](http://www.nyserda.org). Please register for the information sessions by COB April 21, 2010 at [www.nyserda.org/programs/1909IPE.asp](http://www.nyserda.org/programs/1909IPE.asp) if you wish to attend. A conference call dial-in number will be provided to those who register.

## PROGRAM DESCRIPTIONS

Firms selected under this RFP will provide Technical Review Services for the Industrial and Process Efficiency (IPE) Program and the FlexTech Program. The following are brief descriptions of those programs. Additional tasks and programs may be added to meet NYSERDA goals and changing customer needs.

### Industrial and Process Efficiency (IPE) Program

The IPE Program is offered through the Existing Facilities Program (EFP) and New Construction Program (NCP) solicitations. It is a custom program offering performance-based incentives to industrial and data center customers to offset the capital costs of implementing cost-effective electrical efficiency and natural gas efficiency measures. Typical IPE customer sectors will include manufacturing, mining/extraction, agriculture, water/wastewater, telecom, and data center facilities. Incentives are given for productivity-based energy savings. Industrial projects will reduce energy consumed per unit of production. Eligible projects include: increased productivity and throughput, increased process efficiency, reduced waste, and compressors, motors, VSDs, cooling, and lighting efficiency improvements. Data Center projects will reduce energy consumed per unit of productive computing. Eligible projects include: virtualization, next-generation servers, cooling and UPS system efficiency improvements, improved air-flow management, and applications management strategies. Measurement and verification of savings are required for large projects.

To obtain more information on the IPE Program, please visit NYSERDA's website:

[http://www.nyserdera.org/programs/Existing\\_Facilities/industrial.html](http://www.nyserdera.org/programs/Existing_Facilities/industrial.html)

Applications for the IPE Program are received through the Existing Facilities Program (EFP) and New Construction Program (NCP) solicitations. The EFP solicitation offers incentives for a variety of energy projects related to upgrades to current operations. To obtain more information, please visit NYSERDA's website:

[http://www.nyserdera.org/Programs/Existing\\_Facilities/default.html](http://www.nyserdera.org/Programs/Existing_Facilities/default.html)

The New Construction Program (NCP) solicitation can provide assistance to incorporate energy-efficiency measures into the design, construction, and operation of new and substantially renovated buildings. To obtain more information, please visit NYSERDA's website.

[http://www.nyserdera.org/programs/New\\_Construction/default.asp](http://www.nyserdera.org/programs/New_Construction/default.asp)

### FlexTech Program

The FlexTech Program provides cost-sharing for customized engineering studies including: energy feasibility, energy operations management, retro-commissioning (RCx) and combined heat & power (CHP) and renewable generation feasibility studies. Eligible facilities include industrial and commercial facilities, State and local government, not-for-profits and private institutions, public and private K-12 schools, colleges and universities, multifamily buildings, and health-care facilities. This program also provides guidance for process improvements, waste minimization opportunities, and improved environmental performance through capital improvements. The primary goal is to improve electrical and gas efficiency, reduce electrical demand and increase productivity and economic competitiveness, by identifying and encouraging the implementation of cost-effective measures. To obtain more information, please visit NYSERDA's web site:

<http://www.nyserdera.org/programs/flextech.asp>

## **II. SERVICES REQUESTED**

Technical Review Services are sought for the Industrial and Process Efficiency (IPE) Program across New York State.

These services will fall into three Technical Categories:

1. Industrial/Manufacturing Process Efficiency
2. Data Center Support System Efficiency
3. Data Center Information Technology Efficiency

Proposers may respond to more than one Technical Category and must clearly indicate which categories they are submitting to on Attachment C, Areas of Expertise Checklist. Proposals submitted for more than one Technical Category will be evaluated, and selected separately. Firms may respond as a partnership to provide the breadth of services requested. Clearly indicate the lead contractor and sub-contractors that make up the proposing partnership.

The type and level of services will be identified, approved and supervised by NYSERDA staff. All selected firms will be expected to complete the tasks outlined in the General Services section below.

### **General Services**

Proposers must be capable of providing Technical Review Services that include, but are not limited to:

- Developing and reviewing scopes of work, engineering reports, and energy feasibility studies
- Providing verification of project energy savings and costs related to performance-based incentives
- Developing, implementing, and reviewing energy savings measurement and verification plans
- Providing metering and data collection services

Work will be assigned to selected providers through Task Work Orders for each project. Generally, this work may include (but not limited to) the following tasks and deliverables:

- Provide pre-application support which includes, but is not limited to: meetings with potential program applicants, assisting with the development of marketing materials, coordination of technical symposiums, and conducting training seminars.
- Review applications for compliance with program rules and procedures, including eligibility of service providers, customers, projects, and measures; completeness of the application; and the reasonableness of the overall project scope, savings estimates, and proposed approach to measurement and verification (M&V) if applicable.
- Review scopes of work to ensure the projects are appropriate, the language is clear, that they comply with program requirements, and the costs are commensurate with the work outlined. Recommend scope of work approvals to NYSERDA program staff.
- Review draft reports for compliance with the scope of work and program. Review engineering calculations for accuracy and determine if measurers are appropriate and the implementation costs are reasonable.
- Provide report comments to customers and service providers and recommend report approvals to NYSERDA program staff.
- Develop engineering analysis to quantify expected energy savings of the proposed project measures.
- Develop measurement and verification (M&V) plans. This includes establishing baseline measurements and identification of required metering to document achieved energy savings.
- Conduct pre-installation site inspections with the service provider and customer to verify existing conditions and determine if the proposed measures are capable of achieving the estimated savings and/or demand reduction.
- Conduct post-installation site inspections. This includes executing the M&V plan, installation of temporary or permanent metering, and analysis of collected data to verify and document achieved energy savings.
- Review of progress reports applicable to the NYSERDA program being served.
- Coordinate with program participants and their service providers as they proceed through the program, answering any questions that arise. Ensure that project schedules are maintained and that changes in the projects are noted in the project files.
- Provide assistance to NYSERDA in the assessment of environmental impacts of funded measures pursuant to the State Environmental Quality Review Act (SEQRA).
- Conduct information gathering and analysis to determine possible program improvements and develop incentive levels for future iterations and offerings.
- Provide general program support activities as assigned by NYSERDA, including but not limited to; custom measure analysis, development of educational materials, project case studies, sample measurement and verification plans, assistance to energy service companies in complying with program requirements, and meetings with customers and/or service providers.

The experience and expertise required for each Technical Category is described below:

### **Industrial/Manufacturing Process Efficiency**

Manufacturing facilities and processes require customized approaches to energy efficiency. Production lines and processes often have unique characteristics and functions. Manufacturing process equipment and associated facility systems have complex interactions. Site and sector specific approaches will be used to ensure that the best energy efficiency opportunities are identified and addressed. This approach will maximize process and energy reliability, productivity and energy savings. Through this RFP, NYSERDA seeks to increase its engagement of service providers who are experts in particular manufacturing processes. Credibility and quality of technical support are essential to program success as well as customer and stakeholder engagement.

NYSERDA will have an increased focus on industrial process improvements that increase the efficiency of energy or material use. Projects may also focus on improving productivity, increasing capacity, improving quality, or minimizing waste. In addition to strong general industry experience, NYSERDA is seeking contractors with expertise and experience in process improvement methodologies (Lean Manufacturing, Six Sigma, etc.), and demonstrated project experience with specific sub-sectors and processes (e.g. ceramics, pulp and paper, chemicals, microelectronics chip fabrication, pharmaceuticals, separations/purification). Engineering Analysis, baseline definition, and M&V plans will predominantly focus on defining and reducing energy use per unit of production.

### **Data Center Support System Efficiency**

Data Center facilities require customized approaches to energy efficiency. These facilities typically support mission critical operations within the technology, communications, financial, government, medical, and university sectors, representing different computing work load types. The facility systems have complex interactions with the Information Technology (IT) equipment they support. Site and sector specific approaches will be used to ensure that the best energy efficiency opportunities are identified and addressed. This approach will maximize system uptime and energy reliability, productivity and energy savings. Through this RFP, NYSERDA seeks to increase its engagement of service providers who are experts in data center operations. Credibility and quality of technical support are essential to program success as well as customer and stakeholder engagement.

NYSERDA will have an increased focus on data center projects that increase the efficiency of energy, while improving productivity or increasing capacity. Support System projects will include but are not limited to: cooling, air flow management, UPS efficiency, and power distribution. NYSERDA is looking for contractors with expertise and experience working to improve the efficiency of these support systems.

### **Data Center Information Technology Efficiency**

Data Center facilities require customized approaches to energy efficiency. These facilities typically support mission critical operations within the technology, communications, financial, government, medical, and university sectors, representing different computing work load types. Information Technology (IT) equipment have a direct impact and complex interactions with the associated facility support systems. Site and sector specific approaches will be used to ensure that the best energy efficiency opportunities are identified and addressed. This approach will maximize system uptime and energy reliability, productivity and energy savings. Through this RFP, NYSERDA seeks to increase its engagement of service providers who are experts in information technology systems. Credibility and quality of technical support are essential to program success as well as customer and stakeholder engagement.

NYSERDA will have an increased focus on data center projects that increase the efficiency of energy, while improving productivity or increasing capacity. IT projects will include but are not limited to: IT equipment replacement or upgrades, server virtualization, storage consolidation, thin clients, applications management, and server load prioritization and optimization. NYSERDA is looking for contractors with expertise and experience working to improve the efficiency of these IT systems. Engineering analysis, baseline definition, and M&V plans will predominantly focus on defining and reducing energy use per unit of productive computing.

### **III. CONTRACTOR RESPONSIBILITIES**

Contractors will be responsible for completing various tasks dependent on the level and type of services requested by NYSERDA and the program to which they are providing Technical Review Services. All tasks will be clearly defined in a Task Work Order (See Attachment F, Task Work Order Template).

For a Technical Review Service Task Work Order, the contractor shall be required to:

- Prepare a budget for review and approval by NYSERDA according to the task assigned.
- Negotiate the scope and cost of the technical review.
- Upon agreement by all parties to the budget, provide the required assistance within the agreed upon time frame.
- Submit the deliverable to NYSERDA for review and approval; NYSERDA's review will ensure that the deliverable conforms to the Task Work Order as approved.
- Provide required documentation of expenditures by task based on the approved Task Work Order when seeking reimbursement from NYSERDA.
- Submit invoices based on time and materials, not to exceed the approved budget.

The contract will not guarantee any specific amount of work, but will contain a maximum dollar amount. Work assigned to each contractor will depend on their technical expertise, location, current workload, and the ability to provide high quality, cost-effective, and timely services. NYSERDA reserves the right to reallocate funding among the contractors selected at the end of the first year and any subsequent contract year. NYSERDA also reserves the right to negotiate among finalists to ensure statewide services, and to assure access to specific technical expertise sought through this RFP. NYSERDA reserves the right to adjust funding based on program participation, additional funding approvals, and to incorporate programmatic changes as needed.

Confidential and proprietary customer information shared with contractors during technical review services is to be kept confidential by the contractor. Such information is not to be shared with other parties or used by the contractor for any purpose outside of the specific project.

### **IV. NYSERDA RESPONSIBILITIES**

NYSERDA will maintain overall management and control for all technical review services including the selection, supervision, and coordination of the contractors. The major responsibilities of NYSERDA are to:

- Market services to various customer groups and organizations.
- Assign projects to contractors based on expertise, location, and workload to best support the customer.
- Assist Contractors in developing Task Work Order Plans.
- Provide Contractors with administrative procedures.
- Monitor the progress of each Contractor through ongoing telephone contact, review of status reports and field monitoring activities, etc., for the purpose of meeting customer needs, identifying problems and initiating corrective action.
- Provide technical review of project reports and deliverables to ensure that the deliverables conform to the Task Work Order and program requirements.
- Ensure adherence to NYSERDA's established policies and procedures.
- Provide completed reports to the customer under NYSERDA cover and letterhead.
- Promote the availability of technical assistance and other services to customers.
- Maintain databases of customers, technologies, and energy and dollar savings resulting from the services, reports, case studies, fact sheets, and newsletter articles.
- Disseminate technical and financial-related energy-efficiency information to Contractors.
- Process properly documented payment reimbursement requests.

## V. COMPENSATION

Compensation for each service will be based upon the applicant's direct and indirect personnel services costs plus allowable expenses to an upset maximum dollar amount. Contract payments will be tied to satisfactory completion and acceptance of the specified deliverables from the Task Work Orders. Satisfactory completion means that the NYSERDA Project Manager approves the deliverables as complete and satisfactory.

The initial contract will be for a one-year period, with 2, two-year, optional contract extensions at NYSERDA's discretion for a maximum of 5 years. \$5 million has been allocated to support these contracts. NYSERDA reserves the right to adjust funding based on program participation and incorporate programmatic changes as needed. The applicant must be able to begin work within 10 days of execution of the contract.

## VI. PROPOSAL REQUIREMENTS

Proposers may respond to one or more of the Technical Categories. Indicate which categories are being applied to on Attachment C, Areas of Expertise Checklist. Proposers must submit a Statement of Qualifications and Experience and agree to the terms and requirements of this RFP. Proposals will be evaluated as described in Section VII.

The firm and principals of the proposing firm must be free from any financial interest in any product or service which may conflict with or appear to conflict with the objectivity of the Technical Review Services provided to NYSERDA and its customers. Selected contractors will not be allowed to provide Technical Review Services on projects where they would be reviewing or validating their own engineering work.

Proposers must submit two (2) 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 at the address on the front of this Request for Proposal. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will not be accepted.

### Procurement Lobbying Requirements

**Executive Order 127 and State Finance Law sections 139-j and 139-k** – In compliance with Executive Order 127 and §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, an additional form (or forms) must be completed and filed with proposals:

1. A signed copy of the proposal checklist referenced in this solicitation (**mandatory**)
2. A completed Disclosure of Prior Findings of Non-Responsibility form (**mandatory**)

Failure to include signed copies of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. The text for these laws are available at:

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

NYSERDA has integrated the requirements of these laws into the Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility forms furnished with this solicitation. Additional information is available under the General Conditions below and at the New York State Office of General Services web site at:

<http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP 1909, and the page number.

**Total length of the proposal, excluding appendices and resumes, may not exceed 15 pages.** EACH section should begin on a separate page and each page should clearly state the name of the applicant. Proposals may be either single or double sided, but a page is considered one side of an 8-1/2" x 11" piece of paper. The font size shall not be smaller than 11 point.

To facilitate comparison of proposals, applicants must submit proposals in a format that corresponds to the following outline:

- **RFP 1909 Proposal Checklist (Attachment A)**
- **Disclosure of Prior Findings of Non-Responsibility Form (Attachment B)**
- **Areas of Expertise Checklist (Attachment C)**
- **Section 1: General Information**
- **Section 2: Statement of Qualifications and Experience**
- **Section 3: Rate Structure (Attachment D)**
- **Section 4: Liability and Insurance Bonding**

**Section 1: General Information**

Responding proposers must include the following information with their response. If subcontractors are intended to be included as part of the proposer's team, include the following information for the subcontractor as well.

1. Firm name, address, telephone and fax number, e-mail address and contact person
2. Federal Employer Identification Number
3. Year that firm was established
4. Name and address of parent company (if applicable)
5. Indicate type of firm:
  - Partnership
  - Corporation (also indicate State incorporated in)
  - Sole Proprietor
  - Branch Office of
  - Joint Venture (List venture partners)
  - Other (Explain)
6. This submittal applies to:
  - Parent Company
  - Subsidiary
  - Division
  - Branch Office
  - Other (Explain)

**Section 2: Statement of Qualifications and Experience**

In this section, proposers must summarize their understanding of the requirements of this RFP, the general approach to fulfilling them, and why NYSERDA should select the proposer's firm. The Statement of Qualifications and Experience must contain the following components.

1. General Description: Provide a general description of the proposer and the services that can be offered as a Technical Reviewer. If the proposing team is a partnership, clearly indicate lead contact, subcontractors, team member roles, and their areas of expertise.

2. **Experience and Qualifications:** In this section, applicants must provide documented ability to perform the range of services as described in this RFP. Each proposer should include a description of up to 5 projects completed by the proposing firm within the specified service area. The sample projects should have been completed within the past three years and should demonstrate the firm's experience in servicing the targeted customer base. The project descriptions should specify the level of involvement of the proposing firm and the results of the project. Include customer contact names and phone numbers for these projects and list the key personnel and their respective involvement on the project.
3. **Staffing Plan:** In this section, proposers must provide a staffing plan outlining the personnel and their abilities to support the proposed services. This section must include:
  - A **chart or matrix** depicting the offices from which services will be provided, the geographic region the office will serve, which areas of expertise will be covered by each office, and the personnel located in each office that will be supporting NYSERDA projects. New York based firms are encouraged. If the proposer does not have offices within New York State, a description of the applicant's ability to economically perform work in the State must be included.
  - The individual who will be the **main contact** for Technical Review Services. This individual should be experienced in client relations and project development. The description of the main contact's expertise should highlight these abilities. Include the Contractor's Designated Contacts form (Attachment E).
  - **One-page resumes** that highlight recent experience of the personnel who will be **directly involved** in providing the technical review services.
  - A **one (1) page** description of any product, manufacturer, service **or other NYSERDA related affiliations**, including existing contracts. NYSERDA shall consider the proposers' performance in other NYSERDA contracts to help determine the proposer's ability to fulfill a potential Technical Review contract and any perceived conflicts of interest.
4. **Objectivity:** Proposers to this RFP must demonstrate their ability to provide objective, third-party assistance to NYSERDA and its customers. The proposer shall:
  - List any current or past (within the last three (3) years) subcontractors, affiliations, partnerships or company divisions, including NYSERDA contracts which could affect objectivity.
  - Be free from any financial interest in any product or service which may conflict with or appear to conflict with the objectivity of the technical service provided to NYSERDA and its customers. Please describe all of your product, manufacturer or service-related affiliations. If any affiliations exist, you must provide a statement verifying these affiliations do not conflict with or appear to conflict with the objectivity of providing services to NYSERDA and its customers. Non-disclosure of any affiliation can result in the termination of a contract, if awarded. These affiliations may assist customers in the implementation of recommended projects, however, it is also important to NYSERDA and its customers to be aware of the Contractor's affiliations before a project is initiated.
  - Examples of such affiliations shall include, but not be limited to: a manufacturer's representative of energy-consuming or energy-efficiency equipment, financial interest in equipment that potentially may be specified or recommended in a report, ability to provide construction services, or affiliation with a service provider to an energy service company.

### **Section 3: Rate Structure**

The proposer shall use the Project Personnel and Billing Rates form, Attachment D, to clearly indicate hourly salary rate range for each title classification proposed under the agreement with NYSERDA and other overhead multipliers you propose to use for the duration of the agreement with NYSERDA.

Please provide rates and multiplier for services to be provided. These rates shall be independent annual rates. The multiplier stated shall include all overhead, profit, and other costs. **Please do not provide fully burdened rates in the chart.**

- 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).
- If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
- 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.

#### **Section 4: Liability Insurance/Bonding**

The response must include information on the liability insurance coverage or bonding which the proposer carries applicable to work performed under this program.

## **VII. PROPOSAL EVALUATION AND CONTRACTOR SELECTION**

Eligible proposals, meeting the requirements of this solicitation, will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff, a Department of Public Service staff member, and selected outside reviewers. The TEP will review the written proposals, score and rank the proposals. The highest ranked proposer will be recommended for contract negotiations. Proposals will be evaluated, scored, and ranked, separately for each Technical Category. The TEP will review the written proposals using the evaluation criteria below in order of importance.

1. **Relevant Experience, Qualifications, and Technical Expertise.** Does the proposer demonstrate an understanding of the range of services requested by this RFP? Has the proposer provided examples, which demonstrate their ability to deliver high quality, objective, energy related technical services? Which Technical Category has the proposer identified? Does the proposer demonstrate relevant experience and technical expertise in that Technical Category?
2. **Staffing Plan.** Are key personnel's education, experience, and capability relevant to the sought Technical Review Services? Are resumes of key personnel provided? Do they have the ability to commit junior and senior staff as required? Does the proposer have the ability to support projects from multiple office locations? Can the proposer provide responsive, flexible, and thorough customer service?
3. **Cost.** Are the Proposer's billing rates appropriate and reasonable?, Does the proposal team describe the ability to use junior and senior staff as appropriate to be cost effective while achieving Program success? How well does the proposer demonstrate the capacity to deliver services throughout New York State while minimizing travel/lodging costs?
4. **Other.** Is the proposal well written, clear, concise, and well organized? Does the proposer have past experience or familiarity with NYSERDA and its programs?

The TEP will review each proposal and may contact selected references to determine whether the applicant has the necessary technical experience, qualifications, resources, and competitive contract costs to successfully provide the requested services for NYSERDA. The TEP reserves the right to make decisions based on information obtained from the references.

Further, as part of the evaluation process, proposers may be required to have appropriate representatives attend an interview prior to final selection.

NYSERDA will negotiate contracts for services in fulfillment of the needs of this RFP on the basis of demonstrated competence and qualifications, at fair and reasonable fees. Contract negotiations may include the proposed Contractor's fee schedules to ensure work is accomplished at fair and reasonable rates. These contracts will not guarantee any specific amount of work, but may contain a maximum dollar amount. The amount of work assigned to each Contractor will depend on their particular expertise, geographic area in which they agree to conduct services, the amount of work requested in the Contractor's technical and geographic area and the ability of the Contractor to provide high quality, cost-effective, and timely services.

NYSERDA reserves the right to negotiate among finalists to assure services, and to assure access to specific expertise.

## VIII. GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://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

**Executive Order 127** - NYSERDA is required to comply with the provisions of Executive Order 127. The Executive Order is available at

[http://www.ogs.state.ny.us/procurecounc/pdfdoc/11-2004Attachment\\_12.pdf](http://www.ogs.state.ny.us/procurecounc/pdfdoc/11-2004Attachment_12.pdf)

Pursuant to the Executive Order, proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, must include:

(1) the name, address, telephone number, place of principal employment and occupation of every person or organization retained, employed or designated by or on behalf of the proposer to attempt to influence the procurement process and whether such person or organization has a financial interest in the procurement. If a proposer has identified one or more such persons or organizations, a *Contractor's Designated Contact(s)* form (which is available upon request or at <http://www.nyserda.org/Funding/stdforms.asp>) must be completed and filed with the proposal for each person or organization identified.

(2) a disclosure statement regarding proposer's history of findings of non-responsibility made by any agency or authority within the previous five years where such prior finding of non-responsibility was due to intentional provision of false or incomplete information to a covered agency or authority with respect to Executive Order 127. All proposals submitted in response to this solicitation should include a completed *Disclosure of Prior Findings of Non-responsibility* form (which is also available upon request or at <http://www.nyserda.org/Funding/stdforms.asp>).

**State Finance Law sections 139-j and 139-k** - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain new procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires 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 perspective 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 8-10 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.

## **X. ATTACHMENTS**

- Attachment A: Proposal Checklist
- Attachment B: Disclosure of Prior Findings of Non-responsibility
- Attachment C: Areas of Expertise Checklist
- Attachment D: Project Personnel and Billing Rates Form
- Attachment E: Contractor's Designated Contact(s)
- Attachment F: Task Work Order Template
- Attachment G: Sample Agreement