



**Environmental R&D: Enhanced Program Outreach and
Science–Policy Integration
Request for Proposals (RFP) 1958
\$700,000 Available**

Proposals Due: **August 30, 2010** by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSEERDA) seeks proposals from knowledgeable and objective individuals or organizations interested in providing assistance to the Outreach and Science–Policy Communication component of the Environmental Research and Development Program (Environmental R&D). One of the principal goals of the Environmental R&D program is to provide policymakers with scientifically credible and objective information on the environmental effects of energy production and use to aid in the development of cost-effective and equitable policies to protect public health and the environment in New York.

Up to \$700,000 available. NYSEERDA anticipates selecting one or more contractors to provide services in two main categories:

- A) Science–Policy Writers** will assist in developing text for outreach materials, synthesizing results from multiple projects, and drafting informational papers on various technical topics.
- B) Outreach Services** will develop and implement strategies to cost-effectively disseminate information from Environmental R&D to policymakers, researchers, and the public.

Proposers may propose to provide services in one or both categories; however, separate proposals are required for each category, and proposals will be evaluated separately. Experience with environmental science and policy issues is strongly encouraged. A total of up to \$700,000 through 2011 is anticipated for task work order contracts resulting from this RFP. Multiple contracts are anticipated.

Proposal Submission: Proposers must submit two (2) copies of the proposal on separate CDs, in Word (preferred) or PDF format, along with one (1) complete paper copy, including the Proposal Checklist, which must contain an original signature.

Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 1958
NYS Energy Research and Development Authority
17 Columbia Circle, Albany, NY 12203-6399**

Technical questions regarding this solicitation should be directed to Amanda Stevens at (518) 862-1090, ext. 3325 or ads@nyserda.org. For contractual questions, contact Nancy Marucci at (518) 862-1090, ext. 3335 or nsm@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Amanda Stevens (Designated Contact) at (518) 862-1090, ext 3325 or ads@nyserda.org. Contacting anyone other than the 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.

I. INTRODUCTION

NYSERDA's Environmental R&D Program develops and demonstrates energy-efficient products, processes, and technologies associated with waste management and pollution control and supports research to better understand the environmental impacts of energy production and use. Translating environmental research so that it is useful and meaningful to decision-makers and the public is vital to the success of the Environmental R&D Program. The diverse nature of the Program and its target audiences requires an aggressive, multifaceted approach to information dissemination in order to effectively interpret and communicate research findings. For more information on the Program, visit www.nyserdera.org/programs/Environment.

The Environmental R&D program is seeking assistance with interpreting and delivering program findings and other pertinent information in the appropriate form to policymakers, scientists, resource managers, the industrial and agricultural sectors, and the public. The Environmental R&D Program is seeking this type of assistance with the following research areas and other topics that may arise as the program evolves:

Environmental Monitoring, Evaluation, and Protection (EMEP)

EMEP research provides scientifically credible and objective information on the environmental impacts of energy systems to assist in the development of science-based and cost-effective policies to mitigate impacts. Specific, critical energy-related environmental issues in New York include:

- Acid deposition
- Renewable energy resources (e.g., wind, hydro-kinetic, biofuels)
- Climate change
- Mercury
- Fine particles, ozone, and related health effects

Subsurface Resource Use

This research focuses on understanding the environmental impacts associated with the use of subsurface resources in New York, such as carbon sequestration and the extraction of natural gas.

Energy and Environmental Performance of Biomass-Fired Heating Equipment

This research compares the energy efficiency and emissions of a range of biomass-fired heating equipment and works with New York State manufacturers to develop cleaner, high-efficiency heating equipment.

Agricultural and Industrial Waste Management

Farms and food-related industries in the State partner with NYSERDA to demonstrate and evaluate a variety of potential technological solutions, innovative business structures, and community waste management systems that could improve system economics and profitability. Each of these has both direct and indirect impacts on the environment. Technologies evaluated include:

- Anaerobic digestion of manure and food waste
- Processing of biogas
- On-site production of electricity from digester biogas
- Processing of digested solids and liquids

Municipal Water and Wastewater Treatment

Drinking water and wastewater treatment facilities in New York consume more than 3 billion kWh of electricity per year. Through a variety of cost-sharing research, demonstration, and business

development programs, NYSERDA encourages the State's municipal water and wastewater facilities to adopt innovative technology that is more energy efficient and economical, while preserving environmental standards.

II. PROGRAM REQUIREMENTS

This RFP is designed to solicit innovative approaches and tools that can maximize the communication of Environmental R&D Program findings to diverse audiences. Funding will be available to hire one or more contractors to provide services in two main areas: A) Science–Policy Writers and B) Outreach Services. Proposers may elect to propose to provide services in one or both areas; however, proposals to each area must be submitted separately and will be evaluated separately. Contractors selected under either category may be required to work with other NYSERDA departments (e.g., Marketing, Governmental Affairs) to ensure consistency across NYSERDA programs.

Category A: Science–Policy Writers

This effort will require a high degree of technical knowledge of environmental science–policy subject matter and current research activities. Proposers should demonstrate the ability to translate and/or synthesize complex science issues and findings in a way that accurately presents the information in forms appropriate to multiple audiences (including policymakers, researchers, and the public). On occasion, rapid response time may be required.

Science–Policy Writers may be asked to:

- work with researchers to develop text for outreach materials (brochures, newsletters, articles, project fact sheets, web site, etc.) and other science–policy integration and information transfer initiatives;
- work with researchers to collect or generate graphics and photos for outreach materials and other science–policy integration and information transfer initiatives, including obtaining proper approvals for use (Note: graphics must be high-quality and compatible with NYSERDA's electronic platform: non-Mac, PC formats of Adobe Creative Suite 3 or 4, QuarkXPress 6.5 or 8, Adobe Professional, Live Cycle, and the Microsoft Office Suite – 2007);
- synthesize results from multiple projects into formats suitable for widespread distribution to policymakers and the general public;
- draft informational papers on specific, program-related science, technology, and policy topics;
- review and edit technical reports;
- provide other similar services in support of the Environmental R&D program.

Proposers should specify their topical area(s) of expertise (based on those listed in Section I) and describe relevant experience.

Proposers selected under this category will be offered Task Order Agreements with the flexibility to request a variety of services related to one or more areas and topics. The Task Order Agreement approach was deemed appropriate because no firm estimate can be made in advance as to the type, amount, or complexity of the projects each contractor will be required to perform. The number and type of services ultimately requested from the selected contractor(s) will depend on the types of services and topical expertise required for each project, the contractor's expertise, and past contractor performance.

Category B: Outreach Services

This effort will require extensive knowledge of existing opportunities and outlets for disseminating energy-related environmental knowledge in New York State, as well as how environmental policy is made or administered at different levels of government. Proposers selected under this category will be asked to develop and implement ideas, approaches, and strategies for effectively disseminating scientific information from the Environmental R&D Program.

The overarching goal is to provide objective information resulting from Environmental R&D research to decision-makers and the public in a cost-effective way to help ensure that policy decisions are made in a scientifically informed manner. Specific goals include:

- Generate awareness and increase understanding of particular environmental issues by decision-makers at all levels of government (e.g., law-makers, regulators, resource managers), as well as the general public;
- Foster collaboration among researchers working on topics relevant to the Environmental R&D program, and;
- Promote general program awareness among decision-makers, researchers, and the public.

Outreach Services Contractor(s) may be asked to identify what they believe to be the best strategies to cost-effectively disseminate information from the Environmental Research R&D program, work with NYSERDA to refine the approach, and implement individual strategies. The intent is not to develop entirely new programs but, to the extent possible, build on and integrate into existing activities to disseminate Environmental R&D findings. Examples of strategies that may be considered and implemented by the Outreach Services Contractor(s) include, *but are not limited to*:

- Incorporation of information into materials read or seen by policymakers or the public (e.g., research syntheses, magazines, newsletters, websites, blogs);
- Dissemination of written and electronically available program materials;
- Coordinating and/or providing briefings to key individuals;
- Integration with ongoing or development of seminar and/or webinar series;
- Leveraging partnerships with environmental associations and institutions;
- Developing or modifying curricula;
- Integration with other NYS, regional, and national efforts; and
- Supporting other related third-party activities.

It is anticipated that some information may be developed for college students, school-age children, and the general public. In the dissemination of any such information directed at school-age children, the Contractor(s) will be required to work with NYSERDA's Energy Smartsm Students program.

III. PROPOSAL REQUIREMENTS

Proposers are required to submit two (2) copies of the proposal on separate CDs, in Word (preferred) or PDF format, along with one (1) complete paper copy, including the Proposal Checklist, which must contain an original signature, to the attention of Roseanne Viscusi at the address on the front of this RFP. Proposals must be received by NYSERDA by 5:00 pm on August 30, 2010. The proposal category (Science-Policy Writers, Outreach Services) must be clearly identified. Proposals should not be excessively long. 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, "RFP 1958," and the page number. The proposal must be in the following format and provide clear and succinct information in response to the listed categories, as well as the criteria described in Section IV, Proposal Evaluation. Do not use a font

smaller than 11 point. Proposers may contact Amanda Stevens at 518-862-1090, ext. 3325 before preparing a proposal to discuss program goals and proposal requirements.

Category A: Science–Policy Writers

1) Proposal Checklist Cover Sheet

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.

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 is 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.

2) Qualifications and Personnel

- **Qualifications** - Each proposer must address in narrative form how they will satisfy the requirements discussed within the RFP. The narrative must provide adequate information to effectively demonstrate the proposer's capability of performing all the work and services required, as well as their technical knowledge and experience in any topical research areas listed in Section I. Proposers should provide details about their resources and procedures for providing writing services in a timely manner. Proposers should address their overall staffing situation and their ability to assign staff or acquire subcontractors as needed to support specific task orders.
- **Team & Organizational Chart** - Proposers should indicate whether they will provide services directly or subcontract with other firms. Identify all project team member organizations (name, address, phone number), including any subcontractors involved in the project, and their qualifications to undertake the proposed work. Prepare an organizational chart listing all key personnel, including subcontractors, showing their roles and responsibilities. If applicable, proposers should provide in an appendix a letter of commitment to participate from each subcontractor.
- **Resumes** - Submit relevant portions of resumes of all key project personnel, including those of proposed subcontractors. Include education and experience that are relevant to the proposed work. (~One page each - not included in page count)

3) Experience, References, and Samples

- **Experience** - Proposers should describe examples of their expertise and ability to deliver intended services described in Section II. Include a brief description of projects that represent a range of experience completed within the specified area of expertise, including client contact information; NYSERDA may contact listed clients. Additionally, proposers should provide samples of written work, including those that can be accessed on the Internet. The amount of material provided should be limited to a reasonable quantity for

review purposes; excessive quantities of material may not be reviewed. Letters of reference may be provided in an appendix.

- New York Experience - List any prior/existing or proposed contracts or other relationships with NYSERDA or any other New York State agency or authority.

4) Fee Schedule

Proposers must include a fee schedule for the services proposed under this RFP. Fee schedules for proposers and all subcontractors shall include: direct labor costs for project managers and all key personnel presented by name, title, and hourly rate; travel and per diem costs; overhead rates (basis rate and items included in overhead rate); general and administrative costs and basis for application; and other costs. If applicable, escalation fees must be identified. Indicate where word processing or clerical cost components are included. In most instances, printing fees will not be included in Task Order Agreements with contractors and are not expected to be included in fee schedules.

Category B: Outreach Services

1) Proposal Checklist Cover Sheet

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.

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 is 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.

2) Project Summary

Proposers must briefly describe their proposed outreach strategy. Also include a brief summary of teaming and partnering arrangements, and highlight any unique qualifications.

3) Proposed Outreach Strategy

Proposers must detail their proposed strategy for an integrated outreach campaign to disseminate information from the Environmental R&D Program. Proposers should include specific examples of outreach components that they believe would be appropriate and effective (e.g., publish more-frequent articles in NYSDEC's *Conservationist* magazine). This strategy should be based on the program information provided in this solicitation, information available on the NYSERDA Web site, and other available sources. This is not a request for an actual campaign, just the proposer's preliminary strategy. The final strategy to be implemented by the selected Outreach Services Contractor(s) will be determined in consultation with Environmental R&D Program staff. (Three to five pages)

4) Evaluation Plan

The Outreach Services Contractor will be required to track, monitor, and report outreach results. Proposers must describe how this will be accomplished, including specific metrics that will be reported.

5) Qualifications and Personnel

- Qualifications - Each proposer must provide adequate information to effectively demonstrate the proposer's capability of performing all the work and services required. Proposers should address their overall staffing situation and their ability to assign staff or acquire subcontractors as needed to support specific task orders.
- Team & Organizational Chart - Proposers should indicate whether they will provide services directly or subcontract with other firms. Proposers must identify all project team member organizations (name, address, phone number), including any subcontractors involved in the project, and their qualifications to undertake the proposed work. Proposers must provide an organizational chart listing all key personnel, including subcontractors, showing their roles and responsibilities. Based on the statement of work provided, proposers must describe approximately, in hours or days, the effort contributed by each of the key personnel to each task and the total effort. If applicable, proposers must provide a letter of commitment to participate from each subcontractor in an appendix. (One page)
- Resumes - Submit relevant portions of resumes of all key project personnel, including those of proposed subcontractors. Include education and experience that are relevant to the proposed work. (One page each - not included in page count)

6) Experience and References

- Experience - Proposers should describe examples of their expertise and ability to deliver intended services described in Section II. Include client contact information for specific projects; NYSERDA may contact listed clients. Identify any specific areas of corporate expertise the company has, especially as it relates to the Environmental R&D program's mission and program areas.
- New York Experience - List any prior/existing or proposed contracts or other relationships with NYSERDA or any other New York State agency or authority.

7) Contract Pricing Proposal Form

Complete the attached Contract Pricing Proposal Form for the entire project. (Not included in page count). Attach supporting documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:

- 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). Calculations should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit any indirect rate presented in the proposal and to make

adjustment for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.

IV. PROPOSAL EVALUATION AND CONTRACTOR SELECTION

Proposals that meet proposal requirements will be reviewed by a Technical Evaluation Panel (TEP). NYSERDA, through its TEP, will review each proposal using the evaluation criteria listed below for each Category. If an investigator(s) identified in a proposal is an investigator on a current NYSERDA project in which project deliverables have been consistently delinquent, such delinquency will be considered negatively in the evaluation of the current proposal. Selected references may be contacted to determine whether a proposer has the necessary resources to provide outreach services.

Proposers will be awarded contracts based on their experience, ability, and qualifications to perform one or more of the services outlined in this RFP. Contract negotiations may include the selected proposer's fee schedules to ensure the work is accomplished at fair and reasonable rates.

Category A: Science–Policy Writers

The number of proposers selected for contracts will be determined by the number of contractors required to efficiently and effectively provide the sought technical services over the range of potential topics listed in Section I. This number cannot be determined until all proposals are received and reviewed. The number and type of services ultimately requested from the selected contractors will be determined by NYSERDA and will depend on the contractor's technical expertise, past performance, current workload, deadline requirements, and the ability of the contractor to provide high-quality, cost-effective, and timely services. Proposers who possess, or can obtain through cooperative or joint ventures, the following capabilities will be favored under this RFP:

- Qualifications and expertise in relevant areas as listed in Sections I and II;
- Quality and relevance of previous work as evidenced by writing samples;
- Experience with environmental science and policy issues;
- The ability to deliver services effectively and economically;
- Reasonableness of labor rates, associated fees, and overhead;
- The ability to complete projects on schedule;
- The ability to commit staff to projects or studies on short notice;
- Clear identification of staff who will be assigned to various project types;
- Responsiveness to NYSERDA's request as specified in this RFP;
- If applicable, the responsiveness of the proposer in conducting other NYSERDA-funded work;
- Sufficient coverage of topical research areas;
- Other factors deemed appropriate by NYSERDA.

Further, as part of the evaluation process, proposers may be asked to have appropriate representatives attend an interview in Albany, NY, prior to final selection. Costs associated with these meetings are not reimbursable.

Category B: Outreach Services

Proposers will be awarded contracts based on their experience, ability, and qualifications to perform the Outreach Services outlined in this RFP. A single contract is preferred, but the number of proposers selected for contracts will be determined by the number of contractors required to efficiently and

effectively provide the sought technical services over the range of potential topics listed in Section I. This number cannot be absolutely determined until all proposals are received and reviewed. The following factors will also be considered during the evaluation:

- Creativity and feasibility of the proposed approach;
- Qualifications and expertise in environmental science and policy issues, particularly in the areas listed in Section I;
- Quality and relevance of previous work;
- Ability to complete projects on schedule;
- The ease of measuring project success in quantifiable ways;
- Responsiveness to NYSERDA's request as specified in this RFP;
- Reasonableness of labor rates, associated fees, and overhead;
- Clear identification of staff who will be assigned to various project types;
- If applicable, the responsiveness of the proposer in conducting other NYSERDA-funded work;
- Other factors deemed appropriate by NYSERDA.

Further, as part of the evaluation process, proposers may be asked to have appropriate representatives attend an interview in Albany, NY, prior to final selection. Costs associated with these meetings are not reimbursable.

V. CONTRACTING, FUNDING, AND SCHEDULE

As a result of this RFP, NYSERDA plans to retain one or more qualified contractors to provide the variety of services within the category(ies) selected (Science–Policy Writers, Outreach Services, or both).

Task Order Agreements will be negotiated within approximately 60-90 days after the RFP due date. The initial Task Order Agreements will be in place for two years, with a provision for two one-year renewals at NYSERDA's option, for a total of four years. The Task Order Agreement is selected because no firm estimate can be made in advance as to the type, amount, or complexity of the work each contractor will be required to perform. A total of up to \$700,000 is anticipated for these contracts. NYSERDA reserves the right to adjust funding based on program participation and to incorporate programmatic changes as needed.

Once a contractor enters into a Task Order Agreement through this PON, project assignments will be initiated through written Task Work Order Plans, which will become binding agreements for all parties.

Proposers selected will be offered Task Order Agreements with the flexibility to request a variety of services related to one or more areas and topics through Task Work Order Plans. The Task Order Agreement will not guarantee any specific amount of work but will contain a maximum dollar amount. The amount of work assigned to each contractor will be determined by NYSERDA and will depend on the contractor's technical expertise, past performance, current workload, deadline requirements, and the ability of the contractor 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 access to specific technical expertise sought through this RFP.

Category A: Science–Policy Writers

Once a contractor enters into a Task Order Agreement, project assignments will be initiated through written Task Work Order Plans, which will become binding agreements for all parties. The Task Work Order Plans will be prepared by the contractor in cooperation with NYSERDA and will include the following specific project activities:

- Goals and objectives of the project;
- Defined deliverables;
- Project timeframe;
- Names or titles of individuals to work on the project;
- The total not-to-exceed cost of the project, including a breakout by task and by title, hourly rate, hours, and non-labor costs.

The Task Work Order Plan for projects is expected to be 1-3 pages, depending on the complexity of each project. NYSERDA must review and approve all Task Work Order Plans before the projects are initiated.

Category B: Outreach Services

Once a contractor enters into a Task Order Agreement, project assignments will be initiated through written Task Work Order Plans, which will become binding agreements for all parties. The Task Order Agreement for Outreach Services will describe the overall Outreach Services strategy and goals; the Task Work Order Plan(s) will describe the specific tasks associated with achieving those goals. The Task Work Order Plan(s) will be prepared by the contractor in cooperation with NYSERDA and will include the following specific project activities:

- Goals and objectives of the project;
- Approach that will be taken, outlined by tasks;
- Defined deliverables;
- Project timeframe;
- Names or titles of individuals to work on the project;
- The total not-to-exceed cost of the project, including a breakout by task and by title, hourly rate, hours, and non-labor costs;
- Identification of measures and ability to track project success.

The Task Work Order Plan(s) is expected to be 3-5 pages, depending on the complexity.

VI. CONTRACTOR RESPONSIBILITIES

For each project, the selected contractor(s) shall be required to:

- prepare a Task Work Order Plan, including budget, for review and approval by NYSERDA;
- negotiate the scope and cost of the project with NYSERDA and any relevant subcontractors;
- in accordance with the Task Work Order Plan, provide the required assistance within the required time frame;
- submit any deliverables to NYSERDA for review and approval; NYSERDA's review will ensure that the deliverable conforms to the Task Work Order Plan;
- provide required documentation of expenditures by task based on the Task Work Order Plan when seeking reimbursement from NYSERDA, and;
- assist NYSERDA in the collection of data for purposes of program evaluation and database analysis.

Contractors will be responsible for completing various tasks dependent on the level and type of services requested by NYSERDA. All tasks will be clearly defined in a Task Work Order.

VII. COMPENSATION

Compensation for each service will be based on the contractor's direct and indirect personnel services costs plus allowable expenses. Fees for services will be based on the contractor's hourly rates for the appropriate level of staff. Contract payments will be tied to satisfactory completion and acceptance of the specified deliverables from the Task Work Orders, as determined by the NYSERDA Project Manager. The Task Work Order Plan will also place a not-to-exceed amount on each project. Contractors who accrue billable hours beyond this amount in the Task Work Order Plan, without approval in writing by NYSERDA and all other parties to the technical assistance, will do so at their own risk.

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 accept it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/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 - NYSEDA 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 - 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/killin/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/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.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 proposals. NYSEDA expects to notify proposers in approximately eight (8) weeks from the proposal due date whether or not the proposal has been selected to receive an award.

Limitation - This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEDA 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 NYSEDA'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 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. 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.

IX. ATTACHMENTS

- A. Proposal Checklist
- B. Disclosure of Prior Findings of Non-responsibility Form
- C. Fee Schedule (Category A only)
- D. Contract Pricing Proposal Form (Category B only)
- E. Sample Agreement