



Enhancing State Government Energy Assurance  
Capabilities and Planning for Smart Grid Resiliency  
Request for Proposal (RFP) 2062

\$500,000 Available

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

Proposals Due: August 23, 2010 by 5:00 PM Eastern Time\*

**Program Summary**

This Request for Proposals (RFP) provides funding for the development of an Energy Assurance Plan (the Plan) for New York State. The New York State Energy Research and Development Authority (NYSERDA) seeks the services of a technical consultant (the Consultant) to assist the State in the preparation of the Plan. This RFP is being issued in connection with NYSEDA's administration of federal funding received under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5 (ARRA). Through ARRA, the U.S. Department of Energy (DOE) has provided \$1.98 million in funding to New York to develop a Plan and enhance State preparedness to "facilitate recovery from disruptions to energy supply" and "enhance reliability and quicker repair of outages".

NYSERDA has responsibility to implement this program and is working with a group of State agencies to develop the Plan. With this RFP, NYSEDA is committing a portion of this funding to retain a Consultant to assist in the development of the Plan and associated tasks and deliverables. Central to performance of this contract is prompt completion of deliverables. (A timeline of key milestones is provided in Section II):

The Draft and Final Energy Assurance Plans will be used to satisfy New York's commitment to the DOE under the provisions of this grant award. NYSEDA is required to submit its draft Energy Assurance Plan to DOE no later than February 13, 2011 and its Final Energy Assurance Plan no later than August 2012.

Proposal Submission: Proposers must submit (six) (6) copies of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 2062  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Andrew Kasius at (518) 862-1090, ext. 3327 or ask@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 Andrew Kasius at (518) 862-1090, ext. 3327 or ask@nyserda.org. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

\*Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSEDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEDA's web site at [www.nyserda.org](http://www.nyserda.org).

## I. Introduction

Through the American Recovery and Reinvestment Act (ARRA), Pub. L. 111-5, the U.S. Department of Energy (DOE) provided \$1.98 million in formula grant funding to New York to develop a State Energy Assurance Plan (the Plan).<sup>1</sup> NYSERDA has responsibility to implement this program and is working with a group of State agencies to develop the Plan.<sup>2</sup> NYSERDA is issuing this solicitation to obtain the services of an external technical expert to assist in the authorship of the Plan, including both the draft and final versions.

Via several existing programs, New York maintains robust energy emergency and other response plans. As a complement to the Plan, this grant will be used to generate new information as well as update and build on existing plans and programs, and enhance coordination with other Agencies having statutory or other responsibilities in these areas.

The objective of this RFP is to develop an up-to-date, actionable Plan that the State can utilize to enhance the robustness and resiliency of its energy systems and improve responsiveness and recovery to disruptions and outages. This applies to all major fuels that constitute New York's energy mix. The goals of the Plan are to: improve understanding of energy sources and critical energy infrastructure essential to the State; identify data resources that help to anticipate disruptions and illustrate the potential effect or context surrounding supply disruptions; enhance awareness of how emerging patterns of energy use, including expanded energy efficiency, renewable and alternative fuels and electric grid automation or "smart grid" technologies will enhance resiliency and recovery of the energy system, as well as create vulnerabilities; facilitate vulnerability analysis resulting from interdependencies amongst critical infrastructure and systems; and, improve strategies and protocols that enhance response and recovery from disruptions to New York's energy supply.

The Plan will be used to help New York identify vulnerabilities and interdependencies that could impair the integrity of its energy supply infrastructure and to develop plans, policies and protocols that improve the resiliency and responsiveness on the part of private and public sector stakeholders.

NYSERDA envisions that elements of the Plan will include, but not be limited to:

- State and private actions that will ease the impacts of short-term energy disruptions including steps that New York can take to work with industry to minimize and resolve the impacts of an energy supply disruption;
- Long-term strategies and options for dealing with sustained disruptions or outages;
- State and regional organizational relationships and responsibilities and public information and crisis communication plans;
- Processes for collecting and synthesizing data that helps to contextualize and prioritize energy supply disruptions;
- Analysis of critical infrastructure assets that support the production and delivery of energy essential to the State and identify interdependencies and consequences of critical infrastructure disruptions;
- Best practices for critical infrastructure protection measures, policies and protocols;
- Data and information about specific fuels and energy sources important to the State as well as pertinent government and industry contacts related to those fuel and energy supplies;

Guidance on a State Energy Assurance Plan: A recommended framework of this Plan, as provided by the National Association of State Energy Offices (NASEO) on behalf of DOE can be found at [www.naseo.org/eaguidelines](http://www.naseo.org/eaguidelines) and a full outline of a suggested plan can be found at <http://www.naseo.org/eaguidelines/framework/level2.html#2-10>. The ultimate framework that New York will use, however, is open for review and revision.

State Collaboration: Some of the tasks required to fully develop the Plan are being performed by NYSERDA, as well as partner State Agencies. The Consultant will be expected to work with NYSERDA and partner Agencies to complete the development of the Plan. The Consultant will coordinate the efforts of studies and processes underway and integrate the results into the Plan. This includes:

- NYSERDA will carry out targeted fuel studies to better understand the State's energy systems.
- Cyber Security and Critical Infrastructure Coordination (CSCIC) will be funded to enhance and update the State's geospatial data related to critical infrastructure.

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<sup>1</sup> For more information on the initial Funding Opportunity Notice issued by DOE to the States, see [http://www.naseo.org/foa/energyassurance/OE\\_EA\\_FOA\\_Final\\_000091\\_0021.pdf](http://www.naseo.org/foa/energyassurance/OE_EA_FOA_Final_000091_0021.pdf)

<sup>2</sup> Partner State agencies include: Department of Public Service; State Emergency Management Office; Office of Homeland Security; Cyber Security and Critical Infrastructure Coordination.

- Office of Homeland Security will be funded to retain an expert in critical infrastructure to develop interdependency and vulnerability assessments and strategies and policies to protect these assets.

In addition, the State will participate in at least two exercises aimed at testing the Plan and gauge responsiveness and resiliency to energy disruptions. The State Emergency Management Office (SEMO) will implement and oversee a tabletop energy disruption exercise as required under the ARRA grant. DOE and the NASEO will be coordinating a regional energy disruption exercise, in which New York will participate. The Consultant will observe these exercises and develop after action reports/lessons learned to revise the Plan. Further, the Consultant will seek input from the New York State Department of Public Service and other agencies as needed or appropriate regarding the development of the Plan and their role regarding energy assurance and emergency response.

Stakeholder Outreach: The Consultant will support the State’s efforts at stakeholder outreach. For example, the Consultant will engage with key stakeholders including the New York Independent System Operator (NYISO), major electric and gas utilities, and petroleum products industry. The purpose of this engagement is to better understand and document the various participants and interconnections involved in the State’s energy system, how they interact, and how they generally approach energy supply disruption response and recovery.

## II. Program Requirements

### A. Services Requested

The Consultant will write the State’s Energy Assurance Plan. This Plan will be produced in two deliverables: first, a draft version due to the State by early January 2010. NYSERDA will be required to submit this first draft to DOE no later than February 13, 2011.

A number of tasks will go into the completion of the two drafts. NYSERDA anticipates that since the first draft will be due less than four months after the planned commencement of this contract, the Consultant will need to perform the tasks expediently for the first draft, and will revisit those tasks in more depth for the final version of the Plan due in 2012. A summary of important milestones is below:

Important Milestones and Dates	
Event	Date
Issuance of RFP	Early July 2010
Bidders Conference Call (for call-in information, contact Andrew Kasius at ask@nyserda.org)	Late July 2010
Proposals Due Date	August 23, 2010
Commencement of Work	Late September, 2010
Draft Energy Assurance Plan due to NYSERDA	Early January, 2011
NYSERDA submits Draft Energy Assurance Plan to DOE	February 13, 2011
Intrastate Tabletop Exercise	Spring 2011
Regional Exercise	TBD
Final Energy Assurance Plan due to NYSERDA	April, 2012
End of Performance Period and NYSERDA submits final Energy Assurance Plan to DOE	August, 2012

There are several tasks that will be required to develop the Plan. These include, but are not limited to developing the following:

*Task 1:* Develop a Project Management Plan detailing the process and timeline for undertaking activities related to the development of the State Energy Assurance Plan.

*Task 2:* State Energy Profile: Work with NYSERDA to develop a summary description of the State Energy Profile, including amount of energy and power used and produced, including fuels and volumes. This includes key information about specific fuels (i.e. volumes, sources, end-uses, key delivery pathways) as well as pertinent government and industry contacts. This analysis will also include a description of historic trends showing the change in the State’s energy mix over time as well as major events in the State that have historically caused energy supply disruptions, and actions that have been taken in response and potential for future events.

*Task 3: Data Collection:* Identify and recommend data sources that help to anticipate and respond to energy disruptions.

*Task 4: Coordination of governmental entities, organizational relationships and responsibilities:* Summary of State Agencies and their roles and relationship with Federal, regional and local authorities.

*Task 5: Review existing Energy Emergency Plans:* Review the existing NYS Energy Emergency Plan currently in place, and make recommendations for revisions and updates as necessary. The review should consider how recent events, for example increased use of smart grid and biofuels, have changed how New York should examine its response functions. Recommend long-term strategies and options for dealing with sustained disruptions or outages;

*Task 6: Public Information and Communication:* Review current public information and crisis communication plans and make recommendations for improvement.

*Task 7: Actionable Recommendations:* Develop a list of recommended actions and policies that the State can undertake that will ease the impacts of short-term energy disruptions including steps that New York can take to work with industry to minimize and resolve the impacts of an energy supply disruption;

*Task 8:* A characterization of interdependencies among critical energy infrastructure and vulnerabilities that arise and identify best practices and policies that the State can take to ensure protection of key critical infrastructure;

*Task 9:* The Consultant will observe the intrastate exercise and provide an after action report to NYSERDA, summarizing strengths, weakness, shortcomings of the Energy Assurance Plan as it related to the Exercise.

*Task 10:* Similarly, the Consultant will observe the regional exercise and provide an after action report. Comments relating to the two exercises will be woven into revisions of the Plan.

*Anticipated Project Deliverables may include but limited to:*

*Deliverable 1: Draft Energy Assurance Plan* The first key deliverable will be a Draft Energy Assurance Plan for New York State. This will be due to NYSERDA no later than early January 2011. NYSERDA will provide comments as soon as possible to the Consultant and a draft will be due by early February, 2010. At that time, NYSERDA will submit the draft to DOE for review.

*Deliverables 2 and 3:* In the interim between the Draft and Final version of the Plan, the State will hold one tabletop exercise simulating an intrastate energy supply disruption. This exercise will be coordinated by the State Emergency Management Office (SEMO). New York will also participate in a regional exercise directed by the DOE and NASEO in February, 2012. The Consultant will provide after action reports relating to these exercises and provide recommendations relating to improvements that can be made to the Plan, based on the outcome of the exercises.

*Deliverable 4: Final Energy Assurance Plan* After the completion of Deliverable 1, the Consultant will work with NYSERDA and its partner State agencies to enhance, review and revise the draft. Many of the tasks described in Deliverable 1 will be revisited in greater depth and attention to detail. In addition, the recommendations from deliverables 2 and 3 will be woven into the Final Plan.

A final Energy Assurance Plan will be due to NYSERDA no later than April 2012. At that time, NYSERDA and its partner agencies will provide comments to the Consultant by June, 2012. The Consultant will then have one month to make recommended changes and submit the Plan to the State.

*Meetings and Travel:* The Project Manager and any relevant staff for the Consultant will be expected to participate in conference calls and in person meetings in Albany, NY periodically. These meetings and teleconferences will occur at various key milestones, including the kickoff of the project, prior to submitting deliverables, and as needed based on the requirements of the project. Other travel may be required within the State. . This must be identified by the proposer within the CPPF

## **B. Consultant's Responsibility**

The selected Consultant will be responsible for timely completion of the requirements described in Section A, Services Requested. The selected Consultant must assume overall responsibility for coordinating and conducting research, interviews and outreach external stakeholders and organizations, and have responsibility for completing the deliverables under the resultant contract. The Consultant must complete the work according to the timeline described in Section A. The selected Consultant shall keep NYSERDA informed either by telephone, in-person meetings, or e-mail, weekly, on the progress of the

work. Periodic meetings with NYSERDA staff will be required. The Consultant must commit to begin delivery of services within 15 days of contract execution.

Monthly progress reports should accompany invoices for payment.

The use of sub-contractors and or teaming arrangements as needed to fulfill the requirements of this RFP is appropriate. If a team is proposed, respondents to this RFP must be able to demonstrate that they have or can create a teaming arrangement that is directly applicable and consistent with the evaluation needs of this RFP. The primary contractor of the team shall be responsible for maintaining continuous correspondence with NYSERDA and ensuring all deliverables applicable to the contract are provided to NYSERDA according to an approved time-line.

The Consultant will be responsible for assigning staff to this RFP with the following qualifications:

- Demonstrated capability relating to assessment of energy assurance practices that can be undertaken at the government and private sectors,
- Familiarity with the private and public sector stakeholders related to New York State's energy system and associated fuels and infrastructure.
- Expertise and demonstrated technical experience in energy sector risk analyses, energy assurance planning including emergency response, mitigation and recovery planning, and participation in tabletop scenario exercises.
- Knowledge of gas and electric utility supply and distribution operations, preferably in New York and other Mid-Atlantic States and petroleum supply and distribution systems, preferably in the Northeast U.S.
- Knowledge of various alternatives to conventional electricity, petroleum and natural gas such as energy efficiency, renewable energy, distributed generation, and Smart Grid technologies that have the potential to enhance energy security by helping to distribute generation and diversify supply among various locations.
- Experience in organizing and facilitating technical subject matter meetings with (or negotiating with) high level energy industry representatives.
- Availability to attend meetings in Albany, NY and in other parts of the State as necessary.
- Excellent communication skills.
- Compliant with terms and conditions under ARRA contracting: See [www.recovery.gov](http://www.recovery.gov)

### C. NYSERDA's Responsibility

NYSERDA will be responsible for overseeing and managing all tasks undertaken by the selected consultant, including but not limited to assisting in the development of a Statement of Work; reviewing, commenting and approving work plans and subsequent deliverables; coordinating with program staff; promoting coordination between the selected consultant and NYSERDA's partner State agencies ; approving invoices promptly; and reviewing and preparing work products for reports.

### D. Term and Available Funds

The contract term will run for up to 24 months, concluding no later than August 2012, the completion date for the ARRA Energy Assurance Grant. An award not to exceed \$500,000 is anticipated.

## III. Proposal Requirements

In a Statement of Work no longer than 10 pages, please submit your proposal as to how you would implement the above described tasks. Proposers must submit six (6) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFP. 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 may be returned.** Faxed or e-mailed copies will not be accepted.

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

**Section 1. Introduction (Maximum 2 pages)**

Proposers shall summarize their understanding of the objectives and requirements of this RFP. Proposers shall briefly identify key information about their organization and other organizations that are part of the proposer’s team. Proposers shall describe how the organization or team is qualified to perform and complete the services requested under this RFP.

**Section 2. Statement of Work (10 pages maximum)**

Provide a general description of how the proposer will approach the tasks and deliverables described above and any approaches that may help to improve or streamline the final work product.

**Section 3. Management Structure. (3 pages maximum)**

Proposers shall identify all team members, including the Principal or Lead contact, who will be responsible for ensuring that the project is timely and of good quality. Provide a clear description of the roles and responsibilities, and anticipated hours allocated to all key personnel. Note that hours allocated in the work schedule must be consistent with those in the budget. Provide the names and addresses of subcontractors. Provide an organization chart.

**Section 4. Qualifications. (6 pages maximum)**

Describe specific experience pertaining to the desired tasks and work products. Discuss proposed teaming arrangements, if applicable. State the team’s individual and combined expertise that would enable successful completion of the project. List and briefly describe relevant projects that have been completed by the proposer and team. Indicate which team members were responsible for each project described. Indicate the name and telephone number of at least three references for whom your organization has similar relevant completed projects. Provide resumes of all team members in an appendix.

**Section 5. Potential Conflict of Interest. (1 page maximum)**

Identify the nature of any potential conflicts of interest among team members in providing services to NYSERDA under this RFP. Fully discuss possible conflicts of interest, actual and perceived, which could arise in connection with performance by team members of the proposed contract. Describe how your firm would resolve conflicts of interest. In the event that NYSERDA determines that a team member may have a conflict of interest or the appearance of a conflict of interest, NYSERDA may: (1) take this into consideration in evaluating the proposal; (2) exclude the proposer from consideration for an award; (3) adjust the scope of work to avoid the conflict or appearance of conflict; or (4) negotiate other appropriate actions with the team member to avoid the conflict or appearance of conflict.

**Section 6. Cost for the total project and proposal (10 pages maximum)**

Provide CPPFs for each of the tasks requested under the Statement of Work in Section 2 above.

Indirect Costs. Attach documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:

1. Describe the basis for the rates proposed (*i.e.*, based on prior period actual results; based on projections; based on federal government or other independently approved rates).
2. If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit any indirect rate presented in the proposal and to make adjustment for such difference. Financial statements or other needed financial information may be requested.

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.

*Appendices: Materials*

**IV. Proposal Evaluation**

Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below:

1. Proposer qualifications and relevant experience of key staff, as described in Section I.B. of this solicitation
2. Management structure and allocation of key personnel towards Project Budget, Project Plan and Work Schedule – cost effectiveness and conformance with budgets and schedules outlined in this solicitation
3. Statement of Work demonstrating a strong understanding of NYSERDA’s goals, objectives, and expected work products from this RFP
4. Other considerations including any conflict of interest, or factors that could affect the outcome of this solicitation

**V. Procurement Lobbying Requirements**

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

**VI. General Conditions**

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

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

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

**Tax Law Section 5-a** - 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](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 prospective 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](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 one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. 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 (proposers) in approximately (five) weeks from the (proposal due date) whether your (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. NYSEDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

**Disclosure Requirement** - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of 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.

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Attachments:

- Attachment A: Proposal Checklist
- Attachment B: Disclosure of Prior Findings of Non-responsibility Form
- Attachment C: Contract Pricing Proposal Form
- Attachment D: Intent to Propose
- Attachment E: Sample Agreement