



Green Jobs – Green New York Training and Implementation Contractor
Request for Proposal RFP 2080 (REVISED)
\$500,000 Available

Proposals Due: October 6, 2010 by 5:00 P.M. Eastern Time*

Green Jobs - Green NY (GJGNY) is a statewide program to promote energy efficiency and the installation of clean technologies to reduce energy costs and reduce greenhouse gas emissions. The program supports sustainable community development and will create opportunities for green jobs. The GJGNY Program has been designed to deliver services in targeted communities through Constituency Based Organizations (CBOs). CBOs will conduct outreach, marketing, and education through a coordinated approach that targets priority communities. Outreach, marketing, and education will target residents, businesses, Not-for-Profits (NFPs), multifamily building owners, and potential workforce participants. CBOs will encourage participation in energy efficiency programs, facilitate awareness of workforce training opportunities available through the GJGNY, and assist with regional enrollment in those efforts. It is expected that there will be a minimum of 13 CBOs delivering outreach services throughout New York State.

The New York State Energy Research and Development Authority (NYSERDA) seeks proposals from qualified organizations interested in supporting the effective roll-out and ongoing efficiency of GJGNY Outreach activities through CBOs. This "Training and Implementation Contractor" (TIC) will be responsible for providing: structured training for the CBO organizations; geographic coordination and support of CBO Outreach programs; effective communication across all regions; tracking of CBO goals including recruiting efforts; assessment and fulfillment of CBO needs; assistance in planning and coordinating events, if necessary; tracking progress of referrals made to the GJGNY programs; data gathering; assistance in evaluating aggregation pilots; and regular reporting of program activities and results to NYSERDA.

The term of the initial award will be for two years with the option for NYSERDA to renew for one additional year.

Proposal Submission: Proposers must submit 10 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 electronic copy of the proposal, on disc, is also required. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 2080
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Susan Andrews at 518-862-1090, ext. 3234 or sta@nyserda.org. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518)862-1090, ext. 3507 or ywf@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Susan Andrews at (518) 862-1090, ext. 3234 or sta@nyserda.org; or Erin Schucker at 518-862-1090, ext. 3352 or eas@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 NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserda.org.

I. INTRODUCTION

NYSERDA is a public benefit corporation established pursuant to Title 9 of Article 8 of the Public Authorities Law of the State of New York. NYSERDA's principal mission is to develop innovative solutions to some of the State's most difficult energy and environmental problems.

NYSERDA's aim is to help New York meet its energy goals: reducing energy consumption, promoting the use of renewable energy sources, and protecting the environment. NYSERDA's workforce reflects its public service orientation, placing a premium on objective analysis and collaboration, as well as reaching out to solicit multiple perspectives and share information. NYSERDA is committed to public service, striving to be a model of efficiency and effectiveness, while remaining flexible and responsive to its customers' needs. NYSERDA's programs and services provide a vehicle for the State to work collaboratively with businesses, academia, industry, the federal government, environmental community, public interest groups, and energy market participants. Through these collaborations, NYSERDA seeks to develop a diversified energy supply portfolio, improve market mechanisms, and facilitate the introduction and adoption of advanced technologies that will help New Yorkers plan for and respond to uncertainties in the energy markets.

The GJGNY was developed through Legislation in October 2009. The legislature found that "promoting widespread dissemination of energy efficiency and clean energy technologies represents a clear and cost-effective strategy for communities in New York State to curtail the emission of green house gases and harmful air contaminants, reducing the dependence on fossil fuels, lowering housing costs, supporting community development, and creating green jobs to sustain and enhance our economy." The legislation provides \$112 million in funds, part of which will be used for a revolving loan fund to finance eligible projects; authorizes NYSERDA to establish a program for the performance of energy audits and energy efficiency retrofits or improvements for residential, small business, and not-for-profit property owners; and requires the selection of outreach, enrollment, and other related Program support services through a competitive process.

This solicitation seeks an organization to support the effective roll-out and ongoing efficiency of GJGNY Outreach activities through CBOs including: structured training for the CBO organizations (assessment of training needs, planning, scheduling, and regional deployment); geographic coordination and support of CBO Outreach programs; effective communication across all regions; tracking of CBO goals including recruiting efforts; assessing and fulfilling CBO needs; assistance in planning and coordinating events, if necessary; tracking progress of referrals made to the GJGNY programs; data gathering; regular reporting of program activities and results to NYSERDA; coordinating activities and support communications across all GJGNY regions; and evaluating program progress in coordination with NYSERDA and the CBOs.

The proposers are expected to have a working knowledge of all GJGNY program components and processes including: audit, loan, and workforce, along with all the partners, constituents, and key stakeholders involved in and affected by the program. The contractor will become a part of the team responsible for the effective deployment of the program statewide and will help NYSERDA ensure the delivery of program goals.

The Training and Implementation Contractor cannot also serve as a CBO to be selected through the GJGNY Outreach Program. However, upon meeting the relevant requirements, the selected Training and Implementation Contractor can perform audits and retrofits resulting from the GJGNY Outreach program.

The expected start date for work is no later than December 2010. The term of the initial award will be two years with the option for NYSERDA to renew for one additional year.

II. PROGRAM GOALS

The primary goal of this effort is to enhance and increase the effectiveness of the CBO's GJGNY Outreach effort. Specific objectives include the following:

- Create and deploy effective training to all CBOs across all regions.
- Assist NYSERDA with the planning and execution of the varied program components associated with the GJGNY Program.
- Develop program procedures and protocols.
- Develop systems to track CBO program performance and effectuate regular communication.
- Provide regular tracking and assessment of CBO activities.
- Provide regular and ongoing support to the CBOs and NYSERDA throughout the tenure of the program.
- Provide comprehensive and regular reporting to NYSERDA on program activity and progress.
- Provide consistent and regular feedback to CBOs on project status and program accomplishments.
- Ensure effective communication between NYSERDA and the CBOs, and among the CBOs.

III. PROGRAM REQUIREMENTS

The TIC Contractor will be expected to work throughout the State with the CBOs selected in each of the regions. The tasks expected of the TIC Contractor include the following:

A. Planning

- Assess statewide GJGNY outreach goals and develop a comprehensive plan to support CBOs in their effort to meet goals.
- Understand regional and customer nuances, targeted sectors, communities, and CBO territories.
- Identify a comprehensive list of the training needs and develop a plan for implementing a comprehensive training program to all CBOs.
- Identify a comprehensive list of the support activities needed by the CBOs and develop a plan for addressing these needs.
- Identify the systems necessary to effectively support both NYSERDA and the CBOs.

B Training

- Develop a plan for implementing a comprehensive training program to all CBOs using material created by NYSERDA.
- Develop schedules, and agendas for in-person and/or virtual training sessions.
- Conduct training for CBOs. Training shall include, but not be limited to: awareness of GJGNY program components (residential, multifamily, NFP, and small commercial energy audits); financing mechanisms; job training opportunities, organizations, and partners; outreach strategies; program delivery protocols and procedures; program policies and performance standards; marketing materials and strategies; available prescreening tools; interviewing techniques; forms and other necessary program materials; effective resource management; invoicing and fiscal responsibilities; monitoring; regional alliance development; and other relevant information necessary to ensure that GJGNY program goals are reached.
- Manage training program logistics, provide on-site support and facilitation, and provide post-event follow-up.
- Recruit speakers, if necessary.
- Develop and implement online collaborative workspaces or other supportive processes to share program information among CBOs, provide updates, and facilitate ongoing training and dialogue.
- Evaluate whether training is resulting in effective program deployment.

C. Implementation Support

- Support the operation of the GJGNY Outreach program including: developing and fine-tuning outreach program components; creating and deploying oversight systems; developing, documenting, and disseminating program protocols and procedures; developing and deploying appropriate and effective program communication systems; manage communications; monitor CBO compliance with program requirements; conduct CBO performance tracking; monitor CBO fiscal performance; implement corrective actions or program changes when necessary; develop and implement appropriate management information systems; monitor program capacity building; and other areas of applicable guidance in support of GJGNY.

- Monitor statewide partner recruitment efforts within regions and propose any changes needed to recruitment efforts to ensure goals are achieved, especially in underserved regions.

D. CBO Support

- Ensure availability of all GJGNY program resources to support program implementation.
- Ensure that the use of marketing materials is consistent with NYSERDA's requirements for use of marketing materials, logos, and templates.
- Track CBO marketing and outreach activities across regions to look for synergies. Track the CBOs use of marketing dollars.
- Coordinate and moderate regular NYSERDA/CBO conference calls and provide minutes of the calls.
- Coordinate a bi-annual meeting of CBOs to discuss program issues, interact with NYSERDA staff, provide feedback, and make adjustments to program goals and strategies as deemed necessary.
- Ensure all events and other important regional activities are posted on the NYSERDA.org web site. Assist NYSERDA in determining the effectiveness of the activities to cause the intended actions by the targeted audience.
- Regularly review the GJGNY website and identify any necessary updates. Suggest ways the web site can be used to help CBOs share information among the regions, monitor and identify program changes, provide feedback, or otherwise support coordination and improve program effectiveness.

E. Coordination and Reporting

- Work with NYSERDA to develop a GJGNY reporting format that integrates with its current CRIS dbase system and develop all necessary reporting templates and associated systems.
- Work with the CBOs to integrate the developed reporting system. Conduct all necessary testing of the system to ensure functionality, performance, and reliability. Conduct training as necessary.
- Integrate a Geographic Information System (GIS) into the tracking and performance function for the purpose of viewing, understanding, tracking, interpreting, and visualizing regional program status.
- Provide NYSERDA with monthly reporting data collected from CBOs. Metrics shall be reported to NYSERDA in a format approved by NYSERDA. The progress report shall include, but not be limited to, the following topics and subjects:
- Reporting period; regional accomplishments; project goals and progress made during the month; a list of the contacts made (leads); identification of problems and planned solutions; partnerships established; recruitment statistics; aggregation status; and community participation.
- A calendar of training activities and attendees. The narrative shall include: the number of events and people trained, presentations, and attendees.

NYSERDA has developed reporting database systems that are Internet-based. Reporting efforts from GJGNY will most likely follow the same format and will ultimately be merged with other programmatic data, such as HPwES, to generate performance payments to the CBOs. NYSERDA will provide web-based access and training to the chosen contractor. The proposer should recognize that reporting processes may change over the course of the contract.

Proposer Qualifications

Proposers must have the following qualifications:

- Demonstrated experience managing complex, multi-faceted programs.
- Experience with implementing and evaluating training programs for multidisciplinary audiences with varying degrees of skills, knowledge-base, and other capabilities.
- Familiarity with NYSERDA programs, particularly Home Performance with ENERGY STAR and FlexTech.
- Demonstrated experience coordinating meeting logistics for conferences.
- Strong research, analysis, writing, presenting, and facilitating skills, with the ability to communicate clearly and concisely with the CBO community and other stakeholders.

- Working knowledge of community-based groups and their missions, with an understanding of the education needs and challenges relevant to each.
- Working knowledge of workforce development and training programs and concepts.
- Proficiency in Microsoft Office, including, Word, PowerPoint, and Excel, with the ability to produce and deliver professional-quality reports, presentations, and other documents.
- Geographic information systems (GIS) capabilities and the ability to deploy the software to provide tracking, reporting, and other services.

IV. AVAILABLE FUNDING

NYSERDA has allocated up to \$500,000 for this effort. The award will be for two years with the option for NYSERDA to renew annually for one additional year.

V. PROPOSAL REQUIREMENTS

Proposers must submit 10 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 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 that include teaming arrangements **must** designate one party as the Coordinating Contractor. The Coordinating Contractor will have overall responsibility for the administration of the Agreement and completion of the Statement of Work.

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, an additional form (or 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.

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Each page of the proposal should state the name of the proposer, the RFP number, and the page number. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support proposals.

All proposals submitted as part of RFP 2080 become the property of NYSERDA. Proposers will not be reimbursed for any costs associated with preparation of their proposals.

Proposers shall state how the objectives of this initiative will be achieved and how the tasks will be completed. The proposal shall be in the following format (numbers in parentheses represent the estimated maximum number of pages expected for this section of the proposal):

Proposal Checklist. The proposal checklist to be completed is attached to this RFP. The checklist must be attached to all 10 proposals.

Section 1: Introduction and General Information (2 pages) - Identify key information about the proposing organization. The proposal shall include a brief narrative and should include:

- Organizational purpose and day-to-day functions.

- Organizational structure, including location of main office and any other offices in New York State.
- How the proposer plans to provide statewide coverage.
- Why the proposer is qualified to perform and complete the services requested under this RFP.
- Familiarity staff has with NYSERDA programs including any past relationship with NYSERDA or NYSERDA contracts.

Section 2: Scope of Work/Project Schedule (15 pages). The Statement of Work should support the goals identified in Section II and the Program Goals and the Program Requirements identified in Section III.

The Scope of Work is the primary contractual document that identifies the deliverables and provides a basis for payment. It is an action document that specifically delineates each step or procedure required to accomplish the outlined tasks. The Statement of Work must be prepared as an ordered set of tasks including subtasks, as necessary. In addition to responding to the defined tasks, the proposer is invited to present additional tasks that further address program goals and objectives.

In order to effectively evaluate a proposer’s Scope of Work, there must be concrete and specific ideas presented in the proposal for each element of all tasks. Proposers are expected to demonstrate their understanding of each task and what it entails by elaborating on how each task would be performed, who will perform it, and the anticipated outcome and deliverables. No proposer is expected to provide a fully detailed and comprehensive implementation plan at this point, but each proposer will be evaluated on how much forethought and consideration they have given to every aspect of this Program. Use the following format to describe each task or subtask:

Task 1: Task Title
 Description: The Contractor shall...
 Expected Result: Results will include.....
 Deliverable:

Section 3: Qualifications (6 pages) – Clearly demonstrate the experience, skills, and abilities necessary to effectively develop and implement this Program. Describe relevant qualifications of current staff or description of qualifications of staff to be hired including a clear description of the roles and responsibilities for each key person in addressing the Statement of Work. Describe any previous experience with, or exposure to NYSERDA programs, or the means by which the proposer will develop (or has developed) a good understanding of the programs. Proposals should include examples of relevant projects and programs that have been completed by the proposer that would demonstrate their qualifications to support this Program. Proposers should include names and contact information for references, including those for related or similar projects. Resumes of key individuals should be included in an Appendix. Each resume should be limited to no more than two pages.

Section 4: Schedule and Staff Plan (2 pages) - Include a timeline for completing tasks and major subtasks identified in the Scope of Work provided in Section 2. This timeline should be in bar chart form showing anticipated starting and completion times for each task, in terms of weeks or months after execution of the Agreement.

Also include a staffing plan that identifies the key personnel, including any subcontractors or other resources, responsible for completing each task and major subtask. Provide a table showing the number of hours each key person or subcontractor will spend on each task and the total hours per task.

Section 5: Cost Proposal and Budget (5 pages) - The Contract Pricing Proposal Form (CPPF) is included as an attachment to this RFP. The proposal must include a completed CPPF for each of the following:

- The total proposal
- Each task in the Statement of Work

Labor costs must be consistent with the staffing plan.

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 (are) 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) is (are) consistent with generally accepted accounting principles for indirect costs.

Provide detailed budget breakdowns (using the Supporting Schedule for the CPPF) for materials, equipment, and travel. Cost sharing is not required but is encouraged and will be reviewed favorably in the proposal evaluation. Cost sharing should be documented in the format below, and letters of commitment for any third parties providing cost sharing must be included in an appendix.

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

Appendices - Materials to be submitted in appendices include:

- Resumes of key personnel (limit of two pages each)
- Letters of commitment for co-funding, if applicable

VI. PROPOSAL EVALUATION

All proposals received by the due date, and meeting the submission requirements established in this RFP, will be reviewed and ranked by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff members and outside technical experts, with the selection of the TIC Contractor expected approximately eight to ten weeks after the due date. Final rankings and contract award will be based on the following criteria, listed in order of importance:

Responsiveness to the RFP/ Scope of Work: Does the proposer present a realistic and effective plan or approach to support the Program? Does the proposer demonstrate ability to perform training of CBOs throughout New York State in an effective and economical manner? Does the proposer demonstrate ability to provide GJGNY program implementation support in an effective and economical manner? Has the proposer demonstrated an understanding of the GJGNY program goals and objectives and does the Scope of Work adequately address all the program tasks? Are results and deliverables clearly stated and consistent with the proposer’s activities?

Relevant Experience and Qualifications: Does the proposer have the necessary background and experience to support a wide range of services to CBOs? Does the proposer have the necessary background and experience to support training of CBOs? Does the proposer demonstrate familiarity with the different types of NYSERDA programs? Does the project team demonstrate recent experience in similar type projects, and will there be a main contact who will handle the project? Is the project staff’s overall capability appropriate? Does the team have the appropriate technical capabilities to adequately track, monitor, and report program activities? Are there adequate resources to support all of the regions and the different types of tasks?

Comprehensiveness of Approach and Management Plan: Are sufficient resources being devoted to the project and each individual task? Is the project organization, including the staffing plan and schedule, clear and well-

defined? Does it include a strategy for coordination and interaction with all of the relevant parties, including NYSERDA, key stakeholders, utilities, and various regional organizations?

Cost: How cost-effective is the proposal (i.e., what type of program and what level of results will be achieved with the available funds)? Are hourly rates and total hours reasonable and appropriate for completion of each task and for the personnel or subcontractors completing the tasks? Is the proposer's allocation of costs appropriate when compared to the allocation of costs of other comparable proposals and their projected results? Are travel costs reasonable?

Creativity: How much additional elaboration was provided for each task in the Statement of Work? How well does the Proposer make any particularly creative suggestions or ideas to achieve the goals of this RFP? Are there any suggestions that broaden or deepen the scope of this RFP that might not have been requested?

Other: Is the proposal well-organized, well-written, and complete? Is the schedule for project completion and deliverables clear? Are significant milestones and delivery of reports identified?

VII. 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. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division For Small Business
30 South Pearl Street
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>
The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a

disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.state.ny.us/pdf/2007/fillin/st/st220td_507_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/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 - NYSERDA 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. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal. NYSERDA expects to notify proposers approximately six to eight weeks from the proposal due date whether his/her 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. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

Disclosure Requirement - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

VIII. ATTACHMENTS

Attachment A – Proposal Checklist

Attachment B – Disclosure of Prior Findings of Non-responsibility (mandatory)

Attachment C – Contract Pricing Proposal Form (CPPF) & Instructions

Attachment D – Intent to Propose (optional, but encouraged)

Attachment E – Sample Agreement