



**COMMERCIAL REAL ESTATE BROKER SERVICES,
10 HERMES RD
SARATOGA TECHNOLOGY + ENERGY PARK® (STEP®)
MALTA, NY
Request for Qualifications (RFQL) No. 19**

PROPOSALS DUE: November 30, 2010 by 5:00** PM

The New York State Energy Research and Development Authority (NYSERDA) is seeking a qualified commercial real estate brokerage firm to promote and assist with the sale of the building and property at 10 Hermes Rd, Malta, NY, located in the Saratoga Technology + Energy Park® (STEP®), and to review, advise and deliver any resulting bids. The building is a +/- 23,600 sf mixed-use structure consisting of office, laboratory and manufacturing space situated on approximately 5 acres of land.

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 and submit to:

**Rosanne Viscusi, RFQL No. 19
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399**

Proposals will be evaluated by an evaluation panel, as set forth in the RFQL. An award shall be made with reasonable promptness. This RFQL may be modified or terminated at any time by NYSERDA.

Two viewings will held on Friday, November 12, 2010, at 10:00 AM and 3:00 PM, commencing in the conference room at 10 Hermes Rd. Each viewing will be for a maximum of 15. Interested parties are asked to contact Elaine Bedell at (518) 862-1090, ext. 3548, or eb3@nyserda.org.

If you have technical questions concerning this solicitation, contact Kevin Hunt at (518) 862-1090, ext.3259 or klh@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 Kevin Hunt at (518) 862-1090, ext. 3259, or klh@nyserda.org, Mary Burke at (518) 862-1090, ext. 3424, or mb4@nyserda.org, or Bob Callender at (518) 862-1090, ext. 3233, or rgc@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.

****Proposals are due Eastern Time. 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 NYSERDA location other than the address above.**

I. INTRODUCTION

NYSERDA is a public benefit corporation established in 1975 under Title 9 of Article 8 of New York State’s Public Authorities Law. Among the statutory purposes of NYSERDA are developing and implementing new energy technologies consistent with economic, social, and environmental objectives and promoting, encouraging and assisting in the construction of industrial, commercial, and research facilities at the Saratoga Technology + Energy Park® (STEP®)site. NYSERDA holds title to the STEP site on behalf of the people of the State of New York.

STEP is a 280-acre parcel located 1.5 miles east of Exit 12 of I-87. Refer to Attachment C, Land Plan. STEP is approved for 1.25 million square feet of office, manufacturing, lab, R&D, assembly, and ancillary/support space. The original building at STEP is 10 Hermes Rd, constructed circa 1972, and owned by NYSERDA. Since 2007, +/- 148,000 sf has been constructed by third parties through 49-year ground leases, with +/- 1,102,000 sf remaining to be built. All buildings are to be constructed to achieve a minimum LEED™-certification, though silver or better is preferred.

II. 10 HERMES RD

A, Building

In 1968, NYSERDA obtained the title to the present day STEP property by appropriation. In 1972, 10 Hermes Rd was constructed by a third party. The structure is a +/- 23,600 sf mixed-use building with 5 acres, comprised of:

Office	4,751 sf
Laboratory	4,620 sf
Manufacturing	5,954 sf
Common Area	5,466 sf
Total	20,791 sf
Total Exterior Area	23,676 sf
Total Hallway Area	872 sf
Total Room Area	20,791 sf
Total Interior Area	21,663 sf

For additional information regarding the building, refer to Attachment D, Fact Sheet.

Electric service is monitored with a single meter, with tenants paying their pro rata share.

The building is managed by Rosenblum Rubin Property Services, LLP, under contract with NYSERDA.

B, Tenants

There are presently two tenants, with NYSERDA negotiating with a third tenant for space. The leases are summarized below:

Tenant	SF	Use	Lease Term
Auterra, Inc.	12,002	Office: 2,802 sf Laboratory: 4,620 sf Manufacturing: 4,580 sf	3 years, through 12/31/11; Option to Renew: 1 Year, through 12/31/12
The Radiant Store	450	Office	2 years, through 1/31/12; Option to Renew: 1 Year
Confidential Tenant	1,500	Office	2 years from commencement date
Vacant	1,373	Manufacturing	

Notes:

1. Auterra, Inc. sublets a 188 sf office to NEHP, included above. The term is month-to-month with rent due quarterly. Monthly rent is identical to that paid by Auterra, Inc. The agreement terminates December 31, 2011.
2. NYSERDA presently occupies two offices totaling 427 sf. It also uses a 104 sf office as a data center.

Copies of all leases, along with the property’s profit and loss statements, will be provided to the selected broker.

V. PROPOSAL REQUIREMENTS

Proposers must submit six (6) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFQL. A completed and signed Proposal Checklist (Attachment A) 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.

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 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.

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

A. THE PROPOSER

1. Company Information – All Proposers must, if such exists, provide the following information for each member of the proposed team:

- Name of Business Entity (including any “Doing Business As” names)
- Headquarters/Parent Company Location

- History of Firm
- Commercial real estate broker experience in New York
- Internet Web Site Address (if any)
- Details of Entity's Business Structure (Corporation, Partnership, LLC)
- Date Founded
- Organizational Chart of Business Entity
- New York State and Other Pertinent Locations and Total Number of Employees at each
- Briefly explain your understanding of the project requirement
- Submit proof of insurability for workers compensation and consultant liability

2. Qualifications –Describe why you believe your firm is best qualified to market and sell 10 Hermes Rd. What are your competitive advantages when compared to the competition? What extent of the Proposer's business is represented by commercial real estate? How successful has the Proposer been at selling commercial real estate of similar size and use?

3. Staffing - Identify all staff that will play a substantive role in the work. How experienced is the individual? What are his or her qualifications? Provide resumes for each professional assigned to the project, along with a copy of a current New York State real estate brokers license.

4. Marketing – Describe how you intend to market the property, and what outlets you intend to use. Does the Proposer have a local, regional or national network through which to market the property? Briefly describe the network and how it works.

5. Process- Describe your process or steps taken from marketing the building through sale.

6. References- Submit a list of three (3) references, preferably references who retained the Proposer for a project with similar requirements.

B. COMMISSION

On corporate letterhead, indicate what your commission will be. Is it a flat percent of the selling price, is it based on a sliding scale, or determined by some other method?

C. BROKER'S AGREEMENT

Provide a copy of your proposed broker's agreement. NYSERDA reserves the rights to negotiate certain business terms.

VI. SELECTION EVALUATION

Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and external reviewers.

The following factors, not in any priority, shall be used when reviewing proposals.

1. Current New York State real estate brokers license(s);
2. Qualifications;
3. Marketing;
4. Proposal completeness and clarity;
4. Capacity or resources available; and
5. Cost and Agreement Competitiveness.

NYSERDA reserves the right to consider criteria other than the foregoing and to assign to each of the above, and to such other criteria as are considered, such weight as NYSERDA may in its absolute discretion determine (all criteria used by NYSERDA being collectively called the "Selection Criteria").

VII. GENERAL

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 in approximately eight weeks from the proposal due date whether your proposal has been selected to receive an award.

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

Attachment C – Land Plan

Attachment D – Fact Sheet, 10 Hermes Rd