



**SARATOGA TECHNOLOGY + ENERGY PARK[®] (STEP[®])
ENGINEERING, DESIGN AND CONSULTING SERVICES
Request for Qualifications (RFQL) No. 2059**

PROPOSALS DUE: August 24, 2010 by 5:00 PM**

The New York State Energy Research and Development Authority (NYSERDA) is seeking a qualified civil engineering firm or a multidisciplinary firm with civil engineering expertise to provide as-needed engineering, design and consulting services for the Saratoga Technology + Energy Park[®] (STEP[®]). Such services include, but are not limited to, design and engineering of infrastructure, preparation of bid documents, construction administration, coordinating with other parties, etc. The contract will have a 3-year term with two 1-year options at NYSEDA's option.

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. 2059
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 NYSEDA.

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. 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 NYSEDA 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. To date, +/- 148,000 sf has been constructed with +/- 1,102,000 sf remaining. All buildings are to be constructed to achieve a minimum LEED™-certification, though silver or better is preferred.

II. EXISTING INFRASTRUCTURE

Hermes Road bisects STEP, connecting with Dunning St. to the north and Stonebreak Rd. to the south. STEP will be organized by a loop road that will form the boundary of the major building zones on its inside edge, and open space and public features on its outside edge, with the utility corridor running through the spine of the Park. Hermes Road continues to be the western boundary of the loop road. As warranted, a road running parallel to Stonebreak Rd Ext (the main road to the Global Foundries plant following the southeast boundary of STEP) will be constructed with development on either side. There are significant setbacks along all borders of STEP, except for the contiguous border with Luther Forest Technology Campus (LFTC) where a closer physical connection is desirable.

NYSERDA is responsible for providing utility service to central points throughout STEP, following the utility corridor; developers are responsible for connecting the building to the infrastructure provided.

Utilities follow the utility corridor established by the Master Utility Plan, which is updated from time-to-time. All utilities are presently stubbed-out to a point just north of Hudson Valley Community College's TEC-SMART building (345 Hermes Rd). Along this corridor switchgear has been installed, enabling utilities to be extended to the north and east to service future development.

Water: NYSERDA has contracted with Saratoga Water Services to provide water to STEP. The 10 in. water main has a designed flow rate of 115,000 gpd.

Sewer: Municipal sanitary sewer is provided. The 12 in. sewer line flow rate is designed for 787,000 gpd.

Natural Gas: Natural gas is provided to STEP by National Grid. STEP is serviced with a 12" natural gas line extending from Dunning Street down the northeast side of Hermes Road to across from the existing building at 10 Hermes Road, with a 6" lateral line extending to that building. A 6" line has been extended as far as the second neighborhood of development, near 345 Hermes Rd, and will be extended into the third neighborhood as warranted.

Electric: Electricity is provided to STEP by both National Grid and New York State Electric and Gas (NYSEG), with only a small portion of STEP serviced by NYSEG. Currently, STEP receives 13.2 three-phase electricity from a National Grid substation located 2.5 miles to the west. The substation is rated 115/13.2kV. All electric service in the Park is underground.

NYSERDA shall ensure that each tenant receives up to 2,500 kVA. Power requirements above this threshold shall be the responsibility of the developer, to be negotiated with National Grid.

Telecommunications: Fiber optics, copper, and cable are available at STEP®. Both Verizon and Time Warner Cable have extended service into the Park. Verizon Wireless has constructed a cell tower located at the southeast corner of STEP. Co-locators are encouraged.

III. NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, AND APPROVALS

A. State Environmental Quality Review Act

NYSERDA staff, working with consultants, prepared an expanded environmental assessment form under the New York State Environmental Quality Review Act (SEQRA) for the Master Plan. On January 23, 2004, NYSERDA, as the designated lead agency, issued a negative declaration indicating that the development of STEP as proposed in the Master Plan will not have a significant adverse impact on the environment.

As sites are developed and improved, the developer, at its expense, is required to comply with all applicable federal, state, and local laws and regulations, and to obtain from all appropriate government authorities all construction and ancillary approvals for the development of the selected site. This includes environmental review for the specific project and preparations of all materials required by NYSERDA as lead agency to approve the project under SEQRA. The developer is responsible for making all filings and obtaining all approvals required for the connection of utilities to, or the furnishing of services at the selected site. NYSERDA is responsible for reviewing the environmental assessment form (EAF) and related documents, with the presumption that it will assert lead agency status.

The selected Proposer will assist NYSERDA by reviewing the environmental assessment forms and related documentation, and providing a written opinion on the submitted documents.

B. Pre-Permitting

STEP has received “Shovel Ready” certification from the New York State Empire Development Corp. (ESD). Under this program, all development pre-permitting requirements will be met, which ideally will allow for a quick response to site development. These include

- * SEQRA;
- * Boundary survey of STEP;
- * Soil survey;
- * Flood plain map;
- * Storm Water Pollution Prevention Plan;
- * Protected and rare species survey;
- * Wetland non-jurisdictional letter, Army Corp. of Engineers;
- * Traffic impact study; and
- * Archeological Phase I B field investigation.

C. Approvals

Despite the fact that NYSERDA is a public authority with a statutory mission to develop the STEP property, and as such is exempt from local zoning controls, all projects must be consistent with the Town of Malta’s zoning ordinance.

NYSERDA has signed a Memorandum of Understanding with the Town of Malta that provides that all necessary documentation for site review will be submitted to the Town Planning Board, including payment of all fees. The developer is responsible for presenting a complete set of site plans and building

submissions to the Town Planning Board for its consideration. NYSERDA attends the meetings along with the developer, and on occasion the civil engineer may be required to attend as well.

D. Design Review Committee

The STEP[®] Design Review Committee (DRC) is a recommendation body comprised of internal NYSERDA staff and external representatives. The purpose of the DRC is to ensure that buildings and building sites are designed in accordance with the STEP Master Plan, Conceptual Design Guidelines, and other pertinent documentation. Meetings may be in-person, conference call, or through email. The selected Proposer will participate on the DRC for the duration of the contract.

IV. PROGRAM REQUIREMENTS

NYSERDA is seeking a qualified civil engineering firm or multidisciplinary firm with strong civil engineering expertise (Proposer) to conduct certain tasks for STEP. Such tasks include, but are not limited to,

1. Pre-engineering/final engineering/construction documents;
2. Preparing bid documents;
3. Infrastructure construction administration;
4. Preparing infrastructure cost estimates;
5. Updating the master utility plan;
6. Participating in the SEQRA process by reviewing EAFs and related documents, responding with questions, and ultimately an opinion;
7. Attending Malta Zoning, Planning and/or Town Board meetings as necessary;
8. Coordinating information with other parties, ie. surveyors, developers, the Town of Malta, etc.;
9. Participating on the Design Review Committee; and
10. Other, as needed.

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 Request for Qualifications. 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 PON/RFP 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
- Civil engineering 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 – Civil engineering must be the primary function or must represent a significant component of the services provided by the firm, based on recent past experience. The Proposer must provide a copy of a current New York State engineering license for all staff engineers to be associated with the contract, and identify prior New York experience. Prior NYS projects should be similar to those services previously mentioned.

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.

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

B. COST

On corporate letterhead, identify hourly wages and pricing for the next five years, including any inflation index if applicable and use prevailing wages where applicable.

Attach supporting 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. Requests for financial statements or other needed financial information may be made if deemed necessary.

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 engineering license;
2. Qualifications;
3. Extent of New York State experience;
4. Capacity or resources for timely response; and
5. Cost 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 (pdf)

Attachment B – Disclosure of Prior Findings of Non-Responsibility (pdf)

Attachment C – Land Plan (pdf)

Attachment D – Sample Agreement (pdf)