

Environmental Monitoring, Evaluation and Protection (EMEP) Program: Air Quality



Research

**Program Opportunity Notice (PON) 2197
\$1.5 Million Available**

Proposals Due: March 29, 2011 by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSEERDA) has developed a long-term research plan for the Environmental Monitoring, Evaluation, and Protection program (available through NYSEERDA's website at www.nyserda.org/environment/EMEP/emepplan2007.pdf). This PON builds on the EMEP research plan and supports research to improve the scientific and technical foundation for addressing key policy-relevant questions related to air-quality research. Targeted research topics are:

A. Emissions Estimates - Improved estimation of short-term (sub-daily to episodic) emissions focused on emissions in or affecting New York's Environmental Justice communities with emphasis on electrical generating units during periods of high-electric demand.

B. Atmospheric Pollutant Species - Improve monitoring, characterization, and understanding of processes.

This PON also offers a competitive fellowship program to support up to two (2) Ph.D. students or post-doctoral fellows of academic institutions located in New York State doing research in support of the goals of this PON.

\$1,500,000 is available for projects. Although there is no pre-defined cost limit per funded project, NYSEERDA anticipates making multiple awards addressing multiple targeted research areas. Project durations are expected to be in the range of one (1) to three (3) years. Total funds available may not be sufficient to fund all proposals received. Cost-sharing by proposers of at least 25% is required. Leveraging of other research funding is strongly encouraged. In-kind cost-sharing is acceptable.

Proposal Submission: Proposers must submit two (2) compact disks, each containing a complete proposal and proposal checklist in PDF format. Proposers must also submit one (1) complete paper copy of the proposal with a completed and signed Proposal Checklist attached to the front of the proposal. Proposals must be received by NYSEERDA by 5:00 PM Eastern Time on March 29, 2011.

Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, PON 2197
NYS Energy Research and Development Authority
17 Columbia Circle, Albany, NY 12203-6399**

Technical questions regarding this solicitation should be directed to Ellen Burkhard (518) 862-1090, ext. 3332 or egb@nyserda.org. For contractual questions, contact Nancy Marucci at (518) 862-1090, ext. 3335 or nsm@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Ellen Burkhard (Designated Contact) at (518) 862-1090, ext. 3332 or egb@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 must be received by NYSEERDA by 5:00 pm on March 29, 2011. Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSEERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEERDA's web site at www.nyserda.org.

I. Introduction

This PON seeks proposals for research projects that further understanding of the links between energy-related emission sources and ambient concentrations of ozone, ozone precursors, particulate matter (PM), PM precursors and PM components in New York environments.

Proposals will be considered responsive to this solicitation only if they address targeted research areas. Preferred projects are those that: provide data in a form that is useable by policy analysts and policy makers; utilize research/analytical capabilities in New York State; are comprised of interdisciplinary teams including environmental and social scientists, and public policy analysts; and leverage out-of-State, federal, or other resources to address critical environmental issues in New York State. Projects should support research that helps improve the scientific and technological foundation to address key policy-relevant questions related to air quality research. When appropriate, selected proposers may be asked to work with a Project Advisory Committee.

II. Program Requirements - Targeted Research Areas

A. Emissions Estimates - Improved estimation of short term (sub-daily to episodic) emissions and associated air quality with focus on emissions within or affecting Environmental Justice communities with emphasis on electrical generating units during periods of high-electric demand.

Problem Statement

Energy-related emissions vary seasonally depending on fuel use, fuel availability, home heating or cooling needs, electrical demand, and meteorological conditions. Improved emissions inventories and activity patterns are needed to adequately describe these changes and improve emissions and air quality estimates. One such emissions variance grows from changes in the number and characteristics of power plants operating to meet the increased electricity demand that frequently occurs during days (or series of days) of hot and humid weather. These conditions can lead to emissions of PM and ozone precursors at levels higher than the average summer day conditions modeled by air quality planners due to increased generation at some facilities and the increased use of “peaking” plants (often combustion turbines) to meet the increased load. There may also be instances where back-up generators having higher emissions rates than typical central station plants are called upon to curtail load on the electrical grid. The meteorological conditions during these periods are generally stagnant for a few to several days, preventing emissions from dispersing quickly and resulting in higher ozone and PM levels in the ozone transport region, often close to or exceeding the National Ambient Air Quality Standards (NAAQS). Improved emissions and air quality estimates are needed for these days in order to improve air-quality forecasting and to develop emissions-reduction strategies, potentially including distributed energy resources (e.g. targeted energy efficiency, demand response, energy storage, and renewable energy).

A New York State Energy Efficiency Portfolio Standard (EEPS)¹ Working Group VIII Technical Study Group (TSG) was formed to assess the potential for partially replacing or displacing the output from peak generators with clean demand side management resources. The TSG made a number of recommendations related to: operations of peaking units and their relationship to ozone concentration as well as other pollutants; and expanding the depth of air-quality modeling research.

¹ The EEPS Program was established and has been developed under NYS Public Service Commission Case 07-M-0548, Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.

The documents associated with the TSG recommendations can be found at the following links:

EEPS Working Group VIII TSG Summary Report: Environmental Justice Turbine Analysis/ Initial Assessment

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={56849A3A-CAE5-46BC-93C6-416E7C8DE65C}>

Figure 1-8 Location of the Six Peak Generation Facilities in NYC

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={5E264FFC-FB67-4B5B-9767-D822CF66C7FB}>

Links to the attachments (in order A-G) that are part of the TSG recommendations memo:

Attachment A: Environmental Justice Section Working Group VIII Report

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={0C70521A-DDD8-480A-8D41-809E67DE3223}>

Attachment B: Proceeding on Motion of the Commission to Consider Demand Response Initiatives

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={EC0F6198-491F-43B8-A797-E9682AD51BEF}>

Attachment C: List of Turbines Located within ½ Mile of an EJ Community

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={09408894-3B76-405D-BFE0-F0048454144F}>

Attachment D: List of High Ozone Days in the NYC Metropolitan Area (2005-2008)

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={D36218AF-1C87-440E-B0BC-5F01D1A8FBCE}>

Attachment E: Mean Operating Hours

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={AE70CA25-5F39-4291-8A46-2E616BC1EF49}>

Attachment F: A Review of the Participation of Selected Generating Units in the NYISO Marketplace on Ozone Non-Attainment Days

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={4DB4731E-35C5-4F40-BB08-8B3C1185B8D8}>

Attachment G:

<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId={8950C2E6-7A2F-418F-A4EF-12B0087615D6}>

Maps showing potential Environmental Justice Areas can be found on the NYSDEC website at <http://www.dec.ny.gov/public/899.html>

“Improving Estimates of Emissions on High Electric Demand Days” was one (1) of six (6) topics addressed in a 2008 workshop held in Albany, NY. The full workshop report and summary can be found at the following

link: http://www.marama.org/publications_folder/reports/NE_EmissionsInventory_2008Workshop_Rpt2010.pdf

Research Focus

Projects will be considered that:

- Provide substantial improvements in the systematic estimation of emissions, during summer periods and in Environmental Justice communities using innovative methods, with high spatial and temporal resolution.
- Expand the depth of air-quality modeling research to focus on community-level studies. The model development should place emphasis on characterizing air-quality in New York's Environmental Justice communities in proximity to peak electricity generators.
- Perform micro-level air-quality monitoring to characterize and apportion the contribution from multiple air pollutant sources/source types on ambient concentration in New York's Environmental Justice communities during summer periods when electricity requirements are expected to exceed 92.5% of peak electric requirements.

B. Atmospheric Species - Improve monitoring, characterization, and understanding of processes

Problem Statement

The production and use of electricity results in emissions of many gaseous and condensed phase chemical species. These emissions may be involved in numerous complicated atmospheric processes, including ozone production or aerosol formation. Information is needed to characterize atmospheric species, including trace gas concentrations, particle size distributions, and chemical composition of aerosols. The species of interest in the atmosphere include not only those species that are directly emitted or that are formed through atmospheric chemistry, but also intermediate species that can provide insights into the chemistry. Beyond ground-based measurements, vertical profile and synoptic-scale spatial distributions of aerosols and gases are needed for an improved understanding of atmospheric processing and air quality management.

Research Focus

Projects will be considered that:

- Measure PM_{2.5} species (inorganic and organic) at a high temporal resolution in support of improved source apportionment, process studies, and trend analysis for New York State. Data for analysis may include archived samples from previous studies to maximize research value.
- Perform highly time-resolved measurements of SO₂, NO, NO_y, NO_x, HNO₃, HONO, PAN, NH₃, H₂O₂, organic peroxides, and VOCs in urban and regional atmospheres in New York State to improve the quantitative understanding of atmospheric oxidation cycle and ozone production.
- Characterize particle-size distributions in New York State on a highly time-resolved basis to identify source types and dynamics in particle production and growth. These measurements should be performed alongside detailed measurements of gaseous compounds and speciated aerosols in the ultrafine, accumulation mode, and coarse thoracic size ranges.
- Explore possibilities for monitoring the electricity-related species of interest above and others such as Hazardous Air Pollutants on a routine basis to support New York State air-quality planning efforts, through instrument inter-comparisons at urban and rural locations.

Projects may include stationary and mobile sampling platforms or pilot studies in New York State utilizing personal monitors.

III. Proposal Requirements for Targeted Research Areas

Proposers must submit two (2) compact disks, each containing a complete proposal and proposal checklist in PDF format. Proposers must also submit one (1) complete paper copy of the proposal with a completed and signed Proposal Checklist attached to the front of the proposal. The Proposal Checklist must contain an original signature. Proposals must be sent to the attention of Roseanne Viscusi at the address on the front of this PON. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will not be accepted.

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, PON 2197, and the page number.

Proposals should follow the format below and provide sufficient and succinct information to complete the required descriptions and answer the questions described in the Proposal Evaluation criteria listed in Section IV. The preferred length of each proposal section is shown. **Proposals are subject to return without evaluation if more than 15 pages are submitted** (not including the Checklist Cover Sheet, Contract Pricing Proposal Forms, one-page letters of commitment, and resumes), or if a font smaller than 11 point is used. **Proposers may contact Ellen Burkhard at 518-862-1090, ext. 3332 before preparing a proposal to discuss proposal requirements.**

Proposal Format

PART 1: Project Summary (Four pages total)

A. Proposal Checklist Cover Sheet

A signed and completed Proposal Checklist must be attached to the front of the proposal. (One page)
Proposals lacking the appropriate completed and signed Proposal Checklist will be returned.

B. Project Summary and Policy Relevance

Summarize the proposed project and its policy implications. Briefly describe how the proposed project will address one or more of the Targeted Research Areas. Describe any air-quality policy issues this research would potentially inform. Detail the project goals and major objectives. Explain how the project results will address, in a timely manner, a problem/opportunity facing New York State with respect to pollutants associated with the generation or use of energy. Maximum coordination with other national, state or local cooperative environmental research initiatives is desirable. Explain how the project will make use of other relevant data and coordinate with other initiatives where possible to provide maximum value to New York State. (One to two pages)

C. Summary of Project Methods

Summarize the proposed project methods and overall research design. Explain why the equipment, models, methods, and other aspects of the work are expected to be capable of meeting objectives. Describe the extent to which these have been accepted by the scientific community and policy making organizations, or otherwise demonstrated to be valid. (One page)

PART 2: Statement of Work (Five to seven pages total)

A. Tasks

The Statement of Work is the primary contractual document that identifies the task sequence, deliverables, and provides the basis for progress payments. It is an action document, divided by the individual tasks or procedures required to accomplish the project objectives. Each task should be identified with a description of its objective, how it will be performed, and the anticipated deliverables and milestones. As appropriate, tasks should include a brief description of general operating procedures, quality control and quality assurance measures, and analytical procedures and statistical analyses to be used to optimize the quality of the data and project results. (Three to five pages)

B. Information Transfer and Dissemination Plan

The Statement of work must include a task for reporting and information transfer. The following baseline reporting and information transfer work will be required for each project and should be considered in allocating resources for this task: presentations at meetings and completing quarterly progress reports, a comprehensive final technical report, and articles for submission to peer-reviewed journals. In addition, each principal investigator will be required to prepare a short paper summarizing the usefulness of their research findings for environmental policy formulation. Principal investigators are strongly encouraged to collaborate with social scientists/policy analysts in preparing these policy papers and a technical editor for all final documents. Findings-to-date shall be presented to the EMEP Program Advisory Group and invited guests at annual meetings (in Albany, NY) arranged by NYSERDA staff.

Additional methods of information transfer and reporting may be proposed for involving pertinent policy makers or regulators and other target audience representatives during the project and for using the anticipated project results to achieve projected public benefits. Efforts to increase access to, or use of data collected, is encouraged. Outreach or education about project findings is also encouraged. (One Page)

C. Master Schedule

Complete a schedule showing start and completion times for all major tasks, in terms of months after project initiation. Include major milestones and meetings, tests, demonstrations, reports, and other key deliverables. The Schedule should be realistic and reflect the nature of environmental research. (One Page)

D. Contract Pricing Proposal Form

Complete the attached Contract Pricing Proposal Form for the entire project, including any in-kind contributions and other cost-sharing. The degree of cost-sharing will be considered in the evaluation of proposals. Cost-sharing of at least 25% is required. Leveraging of other research funding is preferable. In-kind cost-sharing is acceptable. (Not included in page count)

PART 3: Supporting Documentation (Three pages total)

A. Management Plan and Qualifications

- Organizational Chart - Prepare an organizational chart listing all *key* personnel. Include any subcontractors and other sponsors involved in the project, showing their roles and responsibilities. (One page)
- Tasking Chart - Prepare a tasking chart, describing approximately in hours or days the effort contributed by each of the *key* personnel to each task and the total effort. (One page)

- Related Projects – Provide a sample of related projects that have been undertaken by the proposer and/or subcontractors. For each project, provide a brief summary, describing its title, scope, funding amount and client contact numbers. NYSERDA may contact listed clients. (One page)
- Resumes - Submit relevant portions of resumes of all key project personnel, including those of proposed subcontractors. Include education and experience that are relevant to the proposed work. (One page each - not included in page count)

B. Letters of Commitment or Support

If you are relying on other organizations or businesses to do work, provide services or equipment, data or share in the non-NYSERDA cost, include a letter from that organization or business describing their commitment. If the use of unpublished data from other researchers is necessary for the project to be successful, letters of support showing the availability of these data must be included. **Absence of letters of commitment or support will be interpreted as the proposer not having commitment/support from those parties.** (One page each - not included in page count)

C. Disclosure of Prior Findings of Non-Responsibility form (see General Conditions, below).

D. Cost Sharing

A cost-share of at least 25% of the total project cost is required. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. NYSERDA will not pay for efforts that have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. If applicable, show the cost-sharing plan in the following format (expand table as needed).

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

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

- Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).
- If rate(s) is approved by an independent organization such as the federal government, provide a copy of such approval.
- If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculations should provide enough information for NYSERDA to evaluate and

confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit any indirect rate presented in the proposal and to make adjustment for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.

IV. Proposal Evaluation Criteria for Proposals Addressing Targeted Research Areas

Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below. **If an investigator(s) identified in a proposal is an investigator on one (1) or more current NYSERDA-funded projects, performance on these projects will be considered in the evaluation of the current proposal.**

A. Technical Evaluation Criteria (listed in order of importance)

Usefulness and Value of Project Results - Does the proposal address one or more Targeted Research areas? How useful are the project results expected to be in validating or improving New York State policies, regulations, impact assessments, models, or mitigation methods? Will the results be available in a timely manner? To what extent will the project use and integrate other relevant data and coordinate with other research/monitoring initiatives (e.g., with field sampling and data analysis) to provide maximum value to New York State?

Soundness of Project Methods and Research Design /Statement of Work and Schedule - How suitable are the proposed project methods and overall research design for meeting the project objectives and yielding accepted results? How comprehensive, realistic, and explicit is the Statement of Work with respect to the project objectives and proposal requirements? Are specific measurable targets of success provided where applicable? Are the Tasks reasonable and clearly described?

Management Plan and Qualifications – How well has the proposer organized a management plan and a project team with the necessary educational, technical, operations, technology transfer, financing, and administrative experience for successfully completing the project? Does the team include partnerships with other research groups? Has an interdisciplinary team been assembled including environmental scientists, social scientists/public policy analysts, and technologists, as appropriate? How many of the team members are located in New York State? Have letters of support demonstrating the availability of data and agreement to participate been included?

Communication of Results - How promising is the reporting and information transfer plan for successfully using project results to realize the potential benefits of the project? Has the proposer included a review of the draft final report by a technical editor?

Cost Criteria - How justifiable and reasonable are the overall costs compared to the expected usefulness of the project results and the level of effort and duration of the project? How justified and reasonable are the proposer's cost allocations and co-funding contributions (cash, in-kind services, etc.)? To what degree does the proposal include meaningful cost-sharing from other key organizations important for the success of the project?

B. Other Considerations

Projects will also be reviewed to determine whether they reflect the overall objectives of the New York Energy \$martsm Program and NYSERDA, including:

- The balance among projects of long- and short-term benefits and risk/reward relationships, and whether similar projects are presently or have been previously funded.
- The general distribution of projects of diverse topics related to program goals.
- The ways in which the proposed project fits with currently funded projects.
- The ease of measuring project success in quantifiable ways.
- If applicable, the responsiveness of the proposer in conducting other NYSERDA-funded work.

V. Program Requirements - EMEP Fellowship

NYSERDA PON 2197 offers a competitive fellowship program to support one or more Ph.D. students or post-doctoral fellows of academic institutions located in New York State that are doing research in support of the goals of this PON. To qualify, students must be in a Ph.D. degree program, with a dissertation research area that aligns with one of the Targeted Research areas. Post-doctoral fellows must be doing research in an area that aligns with one of the Targeted Research areas as well. Fellowships will provide support for up to two (2) years. Annual support will be in the form of up to a \$20,000 stipend, payable through the institution, and may be supplemented by the student's/ post-doctoral fellow's advisor or institution. See Section VI for EMEP Fellowship proposal requirements. NYSERDA anticipates funding up to two (2) fellowships through PON 2197. Proposals must be submitted through the student's research advisor.

VI. Proposal Requirements for EMEP Fellowship

Proposers must submit two (2) compact disks, each containing a complete proposal and proposal checklist in PDF format. Proposers must also submit one (1) complete paper copy of the proposal with a completed and signed Proposal Checklist attached to the front of the proposal. The signed copy must contain an original signature. Proposals must be sent to the attention of Roseanne Viscusi at the address on the front of this PON. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will not be accepted.

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, PON 2197, and the page number.

Qualified proposers (see Section V) interested in the EMEP Fellowship Program should submit proposals (under cover letter from their university advisors) using the format below (note maximum page lengths per section):

- Project title, goals and objectives (One page).
- Project relevance to targeted EMEP research areas identified in this PON (One page).
- Research approach and methodology (up to three pages).
- Expected products and outcomes (One page).
- Brief Budget Justification (note: cofunding not required, but allowed).
- A letter of support from research advisor.
- Statement of career goals (One page).
- Copies of undergraduate and graduate transcripts (unofficial is fine at this stage), curriculum vitae.
- Contract Pricing Proposal form - Complete Attachment C, Contract Pricing Proposal form for the entire project, including any cost-sharing. In-kind cost-sharing is acceptable.
- Disclosure of Prior Findings of Non-Responsibility form (see General Conditions, below).

VII. Proposal Evaluation Criteria for EMEP Fellowship Program Proposals

Proposals will be evaluated based on the:

- Potential usefulness and value of project results as it relates to EMEP goals
- Soundness of research approach and methodology
- Qualifications of student as determined by the submitted documents

VIII. General Conditions

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to accept it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/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 (4) 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/2006/killin/st/st220td_606_fill_in.pdf). Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSEDA. See, ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/killin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf.

Contract Award - NYSEDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA expects to notify proposers in approximately eight (8) weeks from the proposal due date whether or not the proposal has been selected to receive an award.

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

Disclosure Requirement - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five (5) 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.

VI. Attachments:

- A. Proposal Checklist
- B. Disclosure of Prior Findings of Non-responsibility Form
- C. Contract Pricing Proposal Form
- D. Sample Agreement