

Proposals Due: November 17, 2011 by 5:00 PM Eastern Time\*

The New York State Energy Research and Development Authority (NYSERDA) Program Opportunity Notice (PON) 2331 seeks proposals to facilitate the development of innovative and environmentally responsible biomass feedstock technologies and bioproducts, including biofuels, bioproducts used for heat or power production, biochemicals and other bioproducts. Projects primarily involving demonstrations are ineligible. (Note: Please refer to Section II for a description of eligible and ineligible activities.) A team member capable of commercializing the product is desirable but not required.

NYSERDA has a total of \$1,000,000 available under this PON and plans to award multiple contracts. A private sector team member is desired but not required. The maximum award will be \$250,000 of NYSERDA funds. At least 50% cost share of the total project cost will be required for all proposals.

**Proposal Submission:** Proposers must submit two (2) copies and one (1) digital copy on CD-ROM of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one (1) of which must contain an original signature. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, PON 2331  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this PON, contact Judy Jarnefeld at (518) 862-1090, ext. 3293 or [jj1@nyserda.org](mailto:jj1@nyserda.org). If you have contractual questions concerning this PON, contact Nancy Marucci at (518) 862-1090, ext. 3335 or [nsm@nyserda.org](mailto:nsm@nyserda.org).

No communication intended to influence this procurement is permitted except by contacting Judy Jarnefeld (Designated Contact) at (518) 862-1090, ext. 3293 or [jj1@nyserda.org](mailto:jj1@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 NYSERDA on or before 5:00 PM on November 17, 2011. 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 PON, notification will be posted on NYSERDA's web site at [www.nyserda.org](http://www.nyserda.org).

# I. Introduction

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## GOALS AND OBJECTIVES

New York State is seeing a rapid growth of interest in and use of biomass as a feedstock for chemicals, fuels or other products. Bioproducts can be attractive substitutes for many costly fossil-based products, and can provide a variety of benefits including energy independence, positive environmental attributes as well as support for local economies, rural communities and farmers. New York State has the potential to provide a wide variety of biomass feedstocks to a growing bioproducts industry.

The New York State Energy Research and Development Authority (NYSERDA) seeks proposals to support the development of innovative and environmentally responsible bioproducts and biomass feedstock technologies that will lead to manufacturing opportunities in New York State and provide New York State with quantifiable energy benefits as well as environmental and economic benefits.

NYSERDA's goal is to support an array of bioproducts and technologies for both high-value niche markets and commodity markets, leading to greater use of biomass-based products and technologies in New York State. Objectives are to create opportunities for breakthroughs to occur while familiarizing industry with bioproduct technologies. Biorefinery concepts, where more than one product is manufactured from a biomass feedstock, must meet eligibility requirements but are not restricted to specific bioproducts. To meet these goals and objectives, a variety of project topics are eligible.

## EXAMPLES OF ELIGIBLE FEEDSTOCKS, PRODUCTS, and TECHNOLOGIES:

Note: The following list of examples is meant to illustrate possible project topics, and is not meant to be all-inclusive or describe ineligible activities. Please refer to Section II, PON Requirements, for a description of limitations regarding ineligible activities. Please contact Judy Jarnefeld at [jj1@nyserda.org](mailto:jj1@nyserda.org), or (518) 862-1090 ext. 3293 if you are unsure whether your technical concept is eligible for this funding opportunity. Whether or not a topic is eligible for this particular funding opportunity, proposers may also wish to explore other NYSERDA funding opportunities. NYSERDA issues multiple funding opportunities throughout the year, covering a broad range of topics. See [www.nyserda.org/funding/funding.asp](http://www.nyserda.org/funding/funding.asp) for further information regarding specific requirements and eligibility for NYSERDA's other current and upcoming funding opportunities.

### Examples of Biomass Feedstocks:

- agricultural crops or co-products, grasses, wood, residues from the food processing, paper or forest products industries, etc. (not municipal solid waste)

### Examples of Bioproducts:

- biomass-based products (substitutions for products made from non-renewables)
- co-products with improved properties or new applications
- bio-based solvents or other green biochemicals
- biofuels or biolubricants for transportation (plant-based alternatives to fossil fuels)
- bioproducts used for heating or power production
- bio-based polymers
- bioadhesion or anti-biofouling products
- other biomass products such as biopesticides, etc.

### Examples of Bio-based Processes:

- biological processing/engineering
- fermentation
- thermochemical processes using biomass feedstocks

- technologies to separate and/or purify bioproducts from other product streams

#### **Examples of Bio-based Process Technology Components:**

- biocatalysts or enzymes
- innovative feedstock processing equipment

#### **EXAMPLES OF ELIGIBLE PRODUCT DEVELOPMENT ACTIVITIES:**

- development of new technologies, or innovative improvements to existing technologies that convert biomass to bioproducts (e.g. integrated biorefinery concepts where more than one product is manufactured from a biomass feedstock, or innovative feedstock processing technologies to prepare biomass for conversion);
- preliminary process design and engineering for a site-specific manufacturing facility;
- pilot plant experiments with site-specific feedstocks;
- research and development of new or improved feedstocks, bioproducts, co-products, equipment, or components for specific end-uses; and,
- development of innovative new biomass feedstocks.

#### **EXAMPLES OF PAST PROJECTS:**

Thermex-Thermatron, Inc., “Evaluation of Microwave Pretreatment for Reducing the Recalcitrance of Woody Biomass to Hemicellulose Extraction and Cellulose Hydrolysis,”

<http://www.nyscrda.org/publications/evaluation-of-microwave-pretreatment.pdf>

State University of New York College of Environmental Science and Forestry, “Reducing the Cost of Willow Biomass by Improving Willow Harvesting System Efficiency and Reducing Harvesting Costs,”

<http://www.nyscrda.org/publications/report-10-23-reducing-the-cost-of-willow-biomass-acc.pdf>

Clarkson University, “Biocatalytic microreactors for the efficient fermentation of D-xylose in the production of fuel ethanol from cellulosic biomass,”

[http://apps.webofknowledge.com/full\\_record.do?product=WOS&search\\_mode=GeneralSearch&qid=1&SID=V1i2PKf7dpf36c1i5MP&page=3&doc=22](http://apps.webofknowledge.com/full_record.do?product=WOS&search_mode=GeneralSearch&qid=1&SID=V1i2PKf7dpf36c1i5MP&page=3&doc=22)

e2e Materials, LLC, “Biodegradable, High-Strength Composites from Annually Renewable Resources,” <http://e2ematerials.com/>

State University of New York College of Environmental Science and Forestry, “Production and characterization of poly-3-hydroxybutyrate from biodiesel-glycerol by Burkholderia cepacia ATCC 17759,” <http://onlinelibrary.wiley.com/doi/10.1002/btpr.355/abstract>

State University of New York College of Environmental Science and Forestry, “Woody biomass: Niche position as a source of sustainable renewable chemicals and energy and kinetics of hot-water extraction/hydrolysis,”

[http://www.researchgate.net/publication/44621472\\_Woody\\_biomass\\_Niche\\_position\\_as\\_a\\_source\\_of\\_sustainable\\_renewable\\_chemicals\\_and\\_energy\\_and\\_kinetics\\_of\\_hot-water\\_extractionhydrolysis](http://www.researchgate.net/publication/44621472_Woody_biomass_Niche_position_as_a_source_of_sustainable_renewable_chemicals_and_energy_and_kinetics_of_hot-water_extractionhydrolysis)

## **II. PON REQUIREMENTS**

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### **WHO MAY PROPOSE**

- The lead proposer could be any organization responsible for successful completion of the project. If the proposal is selected for funding the lead proposer will enter into an Agreement with NYSERDA as NYSERDA’s contractor.
- Teaming arrangements are encouraged when appropriate to meet project goals.

- A team member who is capable of commercializing the product is desirable but not required.

**Proposals must:**

- Address New York State's energy-related challenges with **innovative** biomass feedstock technologies or bioproducts, including biofuels, bioproducts used for heat or power production, biochemicals and other bioproducts that:
  - (1) substitute for energy-intensive or non-renewable (fossil-based) products, components, or processes; or,
  - (2) lead to improvements in energy or time savings or waste minimization in bioproduct applications.
- Address **development of bioproducts from biomass feedstocks generated in New York State**. Eligible proposals may address innovative products and technologies involving biomass feedstocks, liquid, solid, or gaseous biochemicals, biofuels for transportation, biomass for heating, biopower for electricity, or other bioproducts.
- Emphasize development of **potentially commercial products** rather than solely research.
- Include a **Commercialization Plan** as outlined in Section III, Proposal Format.
- Provide **cost sharing**:
  - Cost sharing may be in the form of **cash or in-kind** labor, materials, equipment, facilities, and other resources, subject to reasonable and verifiable valuation. Co-funding may be from the proposer or other private or government sources.
  - **At least 50% cost-sharing** of the total project cost is required for all proposals.
  - NYSERDA's share of funding for any project will be limited to a maximum of **\$250,000**. **Laboratory-scale projects are encouraged to limit their requests to \$75,000**.
  - The quality of the proposer's co-funding is examined during the proposal evaluation process. Cash, labor, and materials are considered superior to other types of co-funding. The type(s) of co-funding offered should be appropriate for the proposer's financial condition and the product's stage of development (degree of risk). The level of co-funding will be considered an indicator of the proposer's commitment to the success of the project.
- Discuss potential energy benefits and environmental impacts of the technology or product to be commercialized in the *proposal* and include a task to quantify and analyze actual benefits and impacts in the *Statement of Work*. Project concepts must provide **direct and quantifiable energy benefits** to New York State. Associated environmental and economic benefits are also important evaluation criteria. Proposers are encouraged to call to discuss how to include the quantification of energy benefits and analysis of environmental impacts for their project concept in their Statement of Work. Possible benefits may include the following examples as applicable:
  - **Energy benefits** are sought in the form of reduced dependence on fossil fuels through the use of renewable (biomass) resources, increased efficiency of manufacturing or processing, increased production or treatment capacity due to

efficiency, more energy-efficient products than alternatives, or other reduced energy needs.

- **Environmental benefits** are sought in the form of reduced waste disposal needs (e.g. biodegradability), process emissions, emissions associated with waste disposal, or other pollution.
  - **Economic benefits** are sought in the form of near-term economic benefits such as creation or retention of manufacturing jobs or investment in New York State, development of new customers and markets for New York State manufacturers, creation of products with reduced or avoided costs, or more competitive or better-performing products than alternatives. [Note: Product markets need not be based in New York State.]
- Include signed **letters of commitment** from each team member in an appendix to the proposal.
  - For projects requesting \$75,000 or more in NYSERDA funding, NYSERDA will require **recoupment payments based on sales** to NYSERDA upon product commercialization. NYSERDA's standard royalty terms are 1.5% of sales for products produced in New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to the amount of funds paid by NYSERDA to the Contractor, whichever comes first) and 5% of sales for products produced outside of New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to three (3) times the amount of funds paid by NYSERDA to the Contractor, whichever comes first). (see General Conditions, Section VI.)
  - Proposers are also encouraged to identify and emphasize, as appropriate, other innovative and effective approaches, strategies, and tools that support the goals and objectives of this PON.

#### **Preferences:**

- Preference will be given to proposals that anticipate commercializing and/or developing a product that will be manufactured in New York State and demonstrate that there is potential for future economic development in New York State. Preference will be given to those proposals that have a significant portion of the proposed activities occurring within New York State.
- Projects with a commercialization schedule of three (3) years or less will be favored. Proposers that project commercialization schedules greater than three (3) years should explain why the project is worthy of funding despite the extended time to commercialization. By the completion of the project, a project should have verifiable results to determine commercial viability with a high degree of certainty.

#### **Limitations and Ineligible Projects:**

- Projects primarily involving **use of municipal solid waste (MSW) as a biomass feedstock are not eligible**.
- Projects primarily involving **off-the-shelf technology** (e.g. demonstrations of: oilseed crushing, biodiesel production, production of biogas via anaerobic digestion, wood pellet production, or starch-based ethanol production) are **not eligible**.

- Projects primarily involving **demonstrations** (e.g. growing feedstocks to increase the supply of biomass in New York State, farmer education programs, use of a biofuel in a boiler, or business strategies to reduce risk to the biomass industry) rather than **product development** are **not eligible**.
- Projects primarily involving **siting feasibility** to develop a specific plant, (e.g. identification and analysis of potential manufacturing sites, site-specific assessment of local/regional feedstock sources, supplies and costs, or efficiency studies of feedstock collection routing schemes surrounding specific sites) are **not eligible**.
- Proposers **may not divide** one (1) project into multiple proposals in order to receive more than one (1) award.

### **Other Considerations:**

- A proposal may be considered **non-responsive** if it fails to comply with the requirements above, the Proposal Format of Section III, or the General Conditions of Section VI.
- Prior to an award being made, potential contractors may be required to demonstrate: access to financial resources sufficient to perform the proposed work, appropriate technical experience and adequate facilities (or the ability to access them), a good performance record, and the ability to qualify for an award under applicable laws and regulations.
- For proposals seeking more than \$75,000 in funding, the proposing team must demonstrate that it is in a position to commercialize the proposed technology. For proposals to develop pilot facilities, demonstration of a long-term (five (5) years or greater) commitment to staff and operate the facility is preferred.

## **III. PROPOSAL REQUIREMENTS**

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**Format** - Your goal as a proposer should be to **concisely** present the information needed to fully address the objectives and evaluation criteria (see Section I and V).

Proposers must submit two (2) copies of the completed proposal (and one (1) digital copy on CD-ROM as detailed below) to the attention of Roseanne Viscusi at the address on the front of this PON. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one (1) 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 PON 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 PON will disqualify your proposal.

In addition to the paper copies, a **digital copy of your proposal must be submitted** on a CD-ROM in a format readable on Microsoft Windows XP systems. Narrative files must be in Microsoft Word. Other files such as schematics or brochures may be included in Portable Document Format

(PDF). An optional additional copy of the proposal in PDF may also be submitted. All responses submitted as part of the NYSERDA PON 2331 solicitation process become the property of NYSERDA. Proposers will not be reimbursed by NYSERDA for any costs associated with the preparation of their proposals.

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 number, and the page number. The proposal must be in the following format:

**Proposal Checklist** - Complete and sign the Proposal Checklist attached to this PON, and include it as the front cover of each copy of the proposal. Note the following:

- Indicate whether you accept the Standard Terms and Conditions as contained in the attached Sample Agreement. If you do not accept the Standard Terms and Conditions, be prepared to provide alternate terms with justification based on the risk and benefit to NYSERDA and New York State.
- Be sure the individual signing the Checklist is authorized to commit the proposer's organization to the proposal as submitted.

**1. Executive Summary** - Briefly summarize your proposal emphasizing the following:

- The problem or opportunity addressed and its significance to New York State.
- Your proposed approach and how it will address the problem or opportunity and the PON requirements.
- Describe the product and its technical basis, any innovative characteristics, and current stage of development.
- Alternative approaches, and why your proposed approach was selected. Include assumptions.
- Benefits if the project is successful. Include the market potential and quantify the energy, environmental, and economic benefits to the extent possible.

**The executive summary should be no more than two (2) or three (3) pages in length.** Please put the bulk of your effort into fully describing each task in the Statement of Work.

**2. Statement of Work** - Provide the following:

The Statement of Work is the primary document that outlines work activities and required performance for payment by NYSERDA. It is an action document that specifically delineates each step or procedure required to accomplish the project objectives. Therefore, each action shall be identified, indicating who will perform it, how it will be performed and its intended result. Be clear and specific; concentrate on "how" and not "why". Include quantifiable milestones as deliverables where possible.

The Statement of Work must be structured as an ordered set of tasks as follows:

You may use the following Statement of Work outline as the basis for your Statement of Work and expand or modify it as necessary to fit your project and provide additional information.

*Introduction: Briefly and clearly state the overall technical and performance goals of the project.*

## **TASK 1: PROJECT MANAGEMENT**

### **Subtask 1.1: Project Manager**

The Contractor shall assign [insert name] as project manager who will be responsible for communications with NYSERDA and coordination of all project personnel, subcontractors, schedule, budget, and reporting. [Name] shall serve as the coordinator between all project participants, including coordination of written progress reports, conference calls, project review meetings, and other developments.

### **Subtask 1.2: Project Management Meetings**

[At a minimum, plan a kickoff meeting and a wrap-up meeting. Consider annual meetings, as appropriate. Identify parties to participate at each meeting.] The Contractor shall arrange the kickoff meeting with NYSERDA and [name other parties as appropriate] to discuss project scope and objectives, as well as interim goals. The Contractor shall prepare a meeting agenda (in advance), take minutes, and describe key meeting results in the monthly and final reports. The Contractor shall arrange a wrap-up meeting during the last month of the project, and invite all participants and other key individuals who become involved in the project in the interim.

### **Subtask 1.3: Subcontractor Coordination (If applicable)**

The Contractor shall... [State how activities will be coordinated between the proposer and any partners or subcontractors, and NYSERDA. A discussion of subcontracting arrangements should also be included.]

### **Subtask 1.4: Reporting**

#### **Monthly Reporting**

The Contractor shall prepare and submit monthly reports describing the progress of the project. Copies of the monthly progress report shall be submitted to NYSERDA's Project Manager. The Monthly Progress Reports shall be in the following letter format:

- Title of project
- Agreement number
- Period of this report
- Progress during reporting period
- Planned progress in the future
- Identification of problems
- Planned solutions
- Ability to meet schedule and reasons for slippage in schedule
- Schedule -- percent completed and projected
- Analysis of actual costs incurred in relation to the budget.

It is understood and agreed that NYSERDA and the Contractor are sharing the costs for the project work to be performed and that the cost share identified in the Contractor's proposal and budget shall be readily available as described therein. Any change of cost share by the Contractor shall be subject to the prior written approval of NYSERDA. Such approval shall not be unreasonably withheld. NYSERDA reserves the right to limit the amount of progress payment made in any reporting interval to an amount commensurate to the documented cost share incurred.

#### **Final Report**

The Contractor shall prepare and submit a final report, consistent with Exhibit C of the Sample Agreement, documenting the results of the entire project, including all deliverables identified in the tasks, and a brief description of all methods, analyses, recommendations, and results. (The length of the final report is targeted to be 50 pages or less.)

- 1) At least one (1) outline shall be given to NYSERDA for review.
- 2) A first draft of the final report shall be given to NYSERDA for technical review, with at least 30 days allowed for review.
- 3) A second draft of the final report shall be prepared which conforms with the "Report Format and Style Guide" (the Guide contained in Exhibit C of the Agreement). The second draft shall address or incorporate questions and comments resulting from review of the first draft. The second draft shall be given to NYSERDA for technical review follow-up and for format review, with at least 30 days allowed for review.
- 4) A copy of the final report, in compliance with Exhibit C, shall be submitted to NYSERDA's Manager of Technical Communications which adequately addresses NYSERDA's comments.

**Deliverables:**

*Monthly progress reports*

*Meetings: arrangements, agenda, minutes*

*Final Report: Outline, first draft, second draft*

**Task 2, 3, 4, etc: Study, Design, Development, Construction, et al Tasks (as appropriate)**

*Add as many tasks and subtasks as necessary to cover all actions needed to achieve the goals and objectives of your project. Arrange your tasks logically and elaborate on the details of each one. Be specific as to who will perform the work, when, where, and how. Begin each task description with, "Task 'X': Title, The Contractor shall.. (do such and such)." Fully detail feasibility assessments, permitting, preliminary design, prototype construction, final design, construction, fabrication, testing, test protocols, demonstration, monitoring, data collection, analysis, marketing plans, or other tasks necessary as appropriate to fulfill the research design. Include task deliverables if appropriate. Measure energy benefits and the life-cycle environmental impacts of the product, as appropriate. Identify and quantify performance targets. These are the means by which near-term technical and economic success of the project will be measured, evaluated, and verified against the project's goals and objectives. These targets should relate to specific project objectives and tasks, and should be measured by completion of the project.*

**3. Proposed Schedule – Provide** the following *(one (1) page is suggested)*:

- Present a realistic schedule, with a starting point and duration for each task and subtask in the Statement of Work, preferably in a bar chart. Identify critical path items and timing of major milestones.

**4. Proposer Qualifications - Identify** the following:*(one (1) to three (3) pages is suggested, depending on number of team members)*

- Proposer and any other team members and major subcontractors. Provide a chart showing key roles and responsibilities, and the relationship between team members.
- Project Manager and other key individuals.
- Qualifications of all businesses, organizations, and individuals named above, including relevant experience and references.
- NYSERDA contracts awarded in the past five (5) years, if any.

**5. Commercialization Plan -** If a product business plan exists, either attach the plan or summarize the key aspects of the plan. Indicate the following as appropriate for the proposed work *(up to three (3) pages is suggested)*:

- Describe how the results of this project will be commercialized, and the parties involved in doing so.
- The target market, its location, potential size and value, and its relevancy to New York State.
- Relate initial or projected product volume to overall market size.
- Justify the projected product or system cost to the user (address life-cycle cost, payback period, etc.)
- Describe the competitive advantage of the proposed technology in the marketplace. Identify possible market barriers to the technology. Describe the existing or potential competitors to the technology. Specifically, discuss the cost implications to New York State end users purchasing product from in-state production rather than established out-of-state producers.
- Explain how the proposed work will assist in successfully commercializing the technology.
- Describe any additional phases anticipated to take place beyond the work in the current proposal that will be needed to bring the technology from its current stage to a marketable one, and their anticipated duration. Provide a timeline and cost estimate for those phases. Indicate when you expect commercial sales of the product will begin.

- Describe how you will market the product. Describe how you intend to distribute the product to the marketplace. Who will manufacture the product once it is commercial? Where will the product be manufactured? If the facility is not yet identified, indicate the strategy, resources and time-frame for locating a facility in New York State.

**6. Budget - Provide the following:**

- Contract Pricing Proposal Form (CPPF) - [The CPPF, with associated instructions, is provided as an attachment to this PON. Each proposal must include a completed CPPF. Additional CPPF formats are available at: <http://www.nyserda.org/Funding/stdforms.asp> ]**

Attach supporting documentation to outline 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 a rate is approved by an independent organization, such as the federal government, provide a copy of such approval.
- If a rate is based on estimated costs or actual results from the prior reporting period, include calculations to support the proposed rate. Calculation should provide enough information for NYSERDA to evaluate and confirm that the rates 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.

- Per-Task Cost Table** Submit one (1) table indicating both:
  - the total expenditures for each task in the Statement of Work and
  - the percent of total effort for each task.
- Cost Sharing Table** - The proposal should show non-NYSERDA funding of at least 50% of the total cost of the project. **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 which have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. Show the cost-sharing plan in the following format (expand table as needed):

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

**7. Appendix**

- **Letters of Commitment or Support** - If you are relying on any other organization or business to do some of the work, provide services or equipment, or share in any non-NYSERDA cost, include a letter from that organization or business describing their commitment. Also include letters of commitment or support from businesses or organizations critical to the future commercialization, demonstration, or implementation of the project. **Absence of letters of commitment or support will be interpreted as the proposer not having commitment or support from those parties.**
- **Exceptions to the Terms and Conditions** - If you do not accept the standard terms and conditions (including the recoupment provisions) as contained in the attached Sample Agreement, provide alternate terms with justification based on the risk and benefit to NYSEERDA and New York State.

#### **IV. RECOUPMENT may be required.**

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Please refer to “General Conditions” in Section VI.

#### **V. PROPOSAL EVALUATION**

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Proposals will be reviewed by a Technical Evaluation Panel (TEP) and will be scored and ranked according to the following criteria, *listed in order of importance.*

##### **EVALUATION CRITERIA**

■ **Requirements** - A **negative response** to any one (1) of the questions identified below by a check mark (✓) **may eliminate** the proposal from further consideration. **Does the proposal:**

- ✓ Address PON requirements?
- ✓ Include a Per-Task Cost Table?
- ✓ Provide at least 50% cost sharing of the total project cost?
- ✓ Include a Cost-Sharing Table with supporting documentation?
- ✓ Emphasize development of potentially marketable products rather than basic research?
- ✓ Provide direct and quantifiable energy, environmental, and economic benefits in New York State?
- ✓ Include a Commercialization Plan?

■ **Overall**

- What is the likelihood of the proposal achieving its stated goals?
- Have the risks been identified and addressed?
- How well does the proposer understand the project?
- Is the proposed project likely to be the best approach to exploit the opportunity?
- What is the potential that this project will lead to future bioproduct or bioproduct equipment manufacturing in New York State?
- If the proposed work involves developing pilot facilities, is there demonstration of the preferred long-term (five (5) years or greater) commitment to staff and operate the facility?
- Is the proposed work technically feasible, innovative, and superior to alternatives?

■ **Proposer or Proposing Team**

- Is the project's organizational structure appropriate and does it include a single lead proposer responsible for managing all aspects of the project and ensuring project success?
- Are roles of responsibility for individual project personnel defined and is their experience appropriate for their responsibilities?
- How qualified is the proposer or team to perform the proposed work, based on the evidence provided?
- Is the involvement of the private sector appropriate for the proposed work? Is the team likely to commercialize the product?
- Does the proposer or team show a balance of technical, business, technical communication and administrative expertise?
- Is there evidence of a good performance record on other relevant projects?
- Is there evidence of experience relevant to New York State as needed?
- Does the work include appropriate coordination with New York State entities? Will a significant portion of activities occur within New York State, as preferred?
- How firm are the commitments from essential team participants?

#### ■ **Statement of Work (SOW) and Schedule**

- Is the SOW well-organized, clear, and complete?
- Is the level of detail provided sufficient to adequately describe the work to be accomplished?
- Is the SOW likely to achieve the goals of the project?
- Will the project measure quantifiable benefits in a well conceived manner?
- Is the schedule provided in adequate detail?
- Are significant, appropriate, and quantifiable milestones and delivery of reports identified?
- How likely is the project to meet the significant milestones?

#### ■ **Cost and Commercialization Plan**

- Is the overall project cost justified based on the proposed work and expected benefits?
- Is the amount of funding allocated for specific tasks reasonable and sufficient?
- Is the commercialization plan's strategy well-conceived and appropriate for the stage of development? Is the commercialization schedule appropriate for the work, or within three (3) years as preferred?
- Will the proposed solution need additional development after this work ends?
- How appropriate are the proposer's cofunding contributions (sources and amounts) with respect to the degree of risk, potential to benefit from the work, and financial status of the organization?

#### **OTHER CONSIDERATIONS**

Proposals will be reviewed to determine if they reflect NYSERDA's overall objectives, including: the availability and quality of public data that will come out of the project, the balance among NYSERDA projects of long-term and short-term benefits, risk/reward relationships, similar ongoing or completed projects, the general distribution of NYSERDA projects among industries and other organizations, and the distribution of projects within New York State.

## **VI. GENERAL CONDITIONS**

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**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 [www.nyserda.org/about/nyserda.regulations.pdf](http://www.nyserda.org/about/nyserda.regulations.pdf). However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

Information on the availability of New York State 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** - 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/killin/st/st220td\\_507\\_fill\\_in.pdf](http://www.tax.state.ny.us/pdf/2007/killin/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/killin/st/st220ca\\_606\\_fill\\_in.pdf](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.pdf>.

**Contract Award** - NYSERDA anticipates making multiple awards under this PON. 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. NYSEDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal. NYSEDA expects to notify proposers in approximately eight (8) weeks from the proposal due date whether your proposal has been selected to receive an award.

**Recoupment** - For any new product development projects requesting NYSEDA funding over \$75,000, NYSEDA will require a royalty based on sales of the new product developed. NYSEDA's standard royalty terms are 1.5% of sales for products produced in New York State (for a period of fifteen years or until the Contractor pays NYSEDA an amount equal to the amount of funds paid by NYSEDA to the Contractor, whichever comes first) and 5% of sales for products produced outside of New York State (for a period of fifteen years or until the Contractor pays NYSEDA an amount equal to three (3) times the amount of funds paid by NYSEDA to the Contractor, whichever comes first).

**Limitation** - This PON 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 PON when it is in NYSEDA's best interest. NYSEDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

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

## VII. ATTACHMENTS

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Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-responsibility

Attachment C - Contract Pricing Proposal Form (CPPF) and Instructions (this is the budget form)

Attachment D - Sample Agreement

(If you are selected, the Sample Agreement will form the basis of the contract you would sign with NYSEDA. Do not use Exhibits E or F of the Sample Agreement to format the proposal you are submitting now. Those are intended for the Final Report you would submit upon completion of the project.)