

Economic and Environmental Impact Evaluation Contractor
Request for Proposal (RFP) 1810
Up to \$2.7 Million Available

Proposals Due: February 8, 2011 by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from organizations or individuals interested in assessing economic and environmental impacts of NYSEERDA's programs including but not limited to: electric energy efficiency, natural gas and fuel energy efficiency, research and development (R&D), transportation congestion, alternative fuel vehicles, workforce development, distributed generation, renewable energy, and programs that target carbon reduction and climate change mitigation. The selected contractor(s) will assist in the development and application of protocols in the following areas:

- A. Economic Impact analysis, including (1) benefit/cost analysis, (2) job creation/retention, (3) Gross State Product (GSP) impacts, (4) impacts on economic development, growth of clean energy industries, and changes in economic structure, (5) wholesale energy price suppression, (6) incremental costs, and (7) non-energy impacts.
- B. Environmental Impact analysis, including calculations of (1) emissions reductions, (2) benefits from environmental protection programs, (3) monetization of environmental impacts, including valuation of reductions in greenhouse gases (GHG), and (4) use of established protocols for estimating public health and ecosystem related benefits.

Proposals could address one or both areas. The initial term of this contract will be for two years with a maximum funding amount of \$1.2 million. After the initial two-year term, the contract may be renewed annually, at NYSEERDA's option, for an additional three years at approximately \$500,000 per year.

Proposal Submission: Proposers must submit two (2) paper 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. In addition to the two (2) paper copies, you must submit a digital copy of your proposal on a CD-ROM in a Portable Document Format (PDF) readable on Microsoft Windows XP systems. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 1810
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Helen Kim (hk1@nyserda.org) at (518) 862-1090, ext. 3369. If you have contractual questions concerning this solicitation, contact Venice Forbes (vwf@nyserda.org) at (518) 862-1090, ext. 3507.

No communication intended to influence this procurement is permitted except by contacting Helen Kim (Designated Contact) at (518) 862-1090, ext. 3369. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other 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

Since 1998, NYSERDA has been responsible for conducting evaluation of the System Benefits Charge (SBC) program. Within NYSERDA, the Energy Analysis unit is organizationally separate from other units that perform project and program management functions related to implementation and administration of the programs.

NYSERDA's evaluation activities continue to expand to meet the myriad, yet distinct, reporting requirements for the **New York Energy \$martSM** Program, Energy Efficiency Portfolio Standard (EEPS), Renewable Portfolio Standard (RPS), Regional Greenhouse Gas Initiative (RGGI), Statutory Research & Development (R&D), Federal Congestion Mitigation Air Quality (CMAQ) activities and other programs. The current evaluation structure used by Energy Analysis is divided into the following categories: (1) General Assistance, (2) Measurement & Verification, (3) Process Evaluation, (4) Market Characterization and Assessment, (5) Survey Contractor, and (6) Economic and Environmental Impact (the subject of this solicitation). NYSERDA's evaluation structure is shown in Figure 1.

Currently, macroeconomic, benefit/cost, and cost-effectiveness analyses are conducted by Energy Analysis staff with minimal support from external contractors. Macroeconomic analysis is conducted by staff using Policy Insight, a product of Regional Economic Models, Inc. (REMI). NYSERDA also uses Multi Area Production Simulation software for power system modeling. Given the expansion of NYSERDA's activities and a growing emphasis on climate change, NYSERDA requires innovative and advanced methods of assessing economic and environmental impacts. Assistance is also needed to improve current methods for determining costs of energy efficiency measures and economic benefits to support the total resource cost (TRC) test required for EEPS-funded programs. The contractor(s) selected under this solicitation will support the evaluation of economic impacts (including benefit/cost analysis) and environmental impacts across many NYSERDA programs.

For a description of the programs supported by NYSERDA, please refer to the Internet links provided in Table 1.

Figure 1. NYSERDA's Evaluation Structure

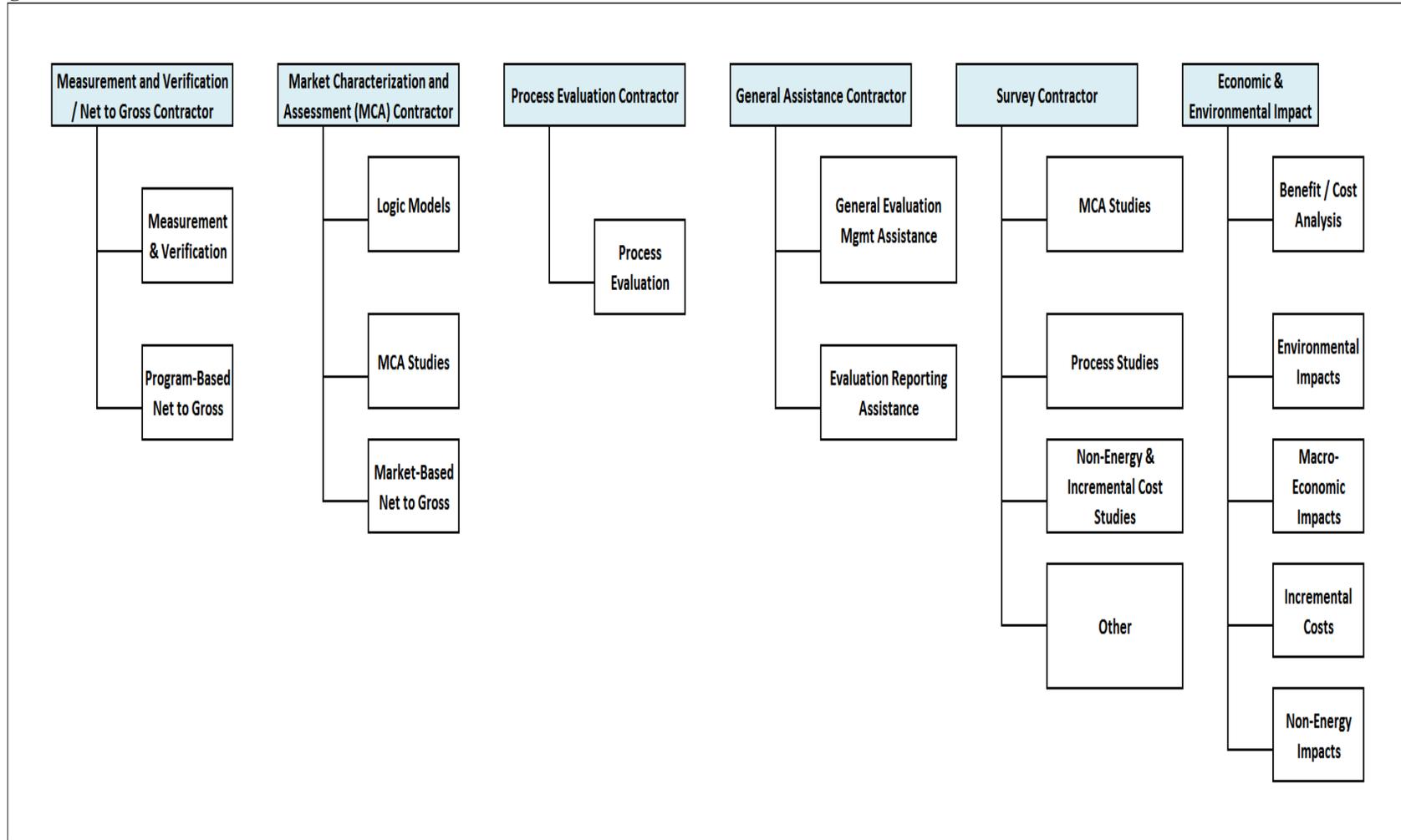


Table 1. Links to Program Descriptions and Evaluation Documents

<p>NYSERDA Evaluation Webpage: www.nyserda.org/Energy_Information/evaluation.asp</p>
<p>System Benefits Charge</p> <ul style="list-style-type: none"> - 2006 Operating Plan: www.nyserda.org/publications/sbcOperatingPlan2006.pdf - 2009 Supplemental Revision to the SBC Operating Plan: www.nyserda.org/publications/Approval%20of%20Supplemental%20Revision%20to%20SBC%20Operating%20Plan.pdf
<p>Energy Efficiency Portfolio Standard</p> <ul style="list-style-type: none"> - Background: www3.dps.state.ny.us/W/PSCWeb.nsf/All/06F2FEE55575BD8A852576E4006F9AF7?OpenDocument - Evaluation: www.dps.state.ny.us/EEPS_Evaluation.html
<p>Regional Greenhouse Gas Initiative</p> <ul style="list-style-type: none"> - Background: www.nyserda.org/RGGI/default.asp - Evaluation and Operating Plan: www.nyserda.org/RGGI/evaluations.asp - New York State Greenhouse Gas Emissions Inventory and Forecast : www.nysenergyplan.com/Supporting_Documents/Greenhouse%20Gas%20Emissions%20Inventory%20&%20Forecasts.pdf
<p>Renewable Portfolio Standard</p> <ul style="list-style-type: none"> - Background: www.nyserda.org/rps/index.asp - Evaluation and Program Documents: www.nyserda.org/rps/documents.asp
<p>Green Jobs – Green New York</p> <ul style="list-style-type: none"> - Background: www.nyserda.org/GreenNY/ - Evaluation Plan: www.nyserda.org/GreenNY/default.asp
<p>Congestion Mitigation and Air Quality (CMAQ) Improvement Program</p> <ul style="list-style-type: none"> - Background: www.fhwa.dot.gov/environment/cmaqps/ - New York State Clean Air School Bus Program Solicitation: www.nyserda.org/rps/index.asp
<p>R&D Program</p> <ul style="list-style-type: none"> - Background: www.nyserda.org/programs/Research_Development/default.asp?i=28

II. Project Requirements

A. Services Requested

Using a teaming arrangement, the selected contractor(s) will work with NYSERDA staff to complete projects on a task work order basis. A separate NYSERDA evaluation contractor will perform the measurement and verification (M&V) work associated with quantifying energy savings from energy efficiency programs. The contractor(s) selected through this RFP 1810 will be assigned the task of evaluating various economic and environmental impacts across NYSERDA’s portfolio of programs. These programs include but are not limited to: electric energy efficiency, natural gas and fuel energy efficiency, R&D, transportation congestion, alternative fuel vehicles, workforce development, distributed generation, renewable energy, and programs that target carbon reduction and mitigation.

For economic impact analysis, evaluation activities may include, but are not limited, to the following:

1. Estimating program impacts on job creation/retention, Gross State Product, economic development and growth of clean energy industries, growth in markets for clean energy technologies and products, and changes in economic structure.
2. Suppression of wholesale energy prices.

3. Estimating non-energy impacts that affect life cycle costs (such as changes in operations & maintenance (O&M) costs, water use, waste, and labor costs) that accrue to program participants.
4. Estimating incremental costs for selected prescriptive and custom energy efficiency measures for both normal replacement and early replacement scenarios.
5. Application of the TRC test and development of other cost-effectiveness criteria and tests that capture all associated costs and benefits, including environmental impacts, increased reliability, increased performance, wholesale energy price suppression, and avoided transmission and distribution (T&D) infrastructure costs.
6. Calculating the cost-effectiveness of R&D programs.
7. Assessment of economic impacts on low-income and environmental justice communities.

For environmental impact analysis, evaluation activities may include, but are not limited to the following:

1. Development and use of factors for reporting reductions in greenhouse gas (GHG) emissions and other pollutants resulting from energy efficiency and other NYSERDA programs.
2. Development and use of protocols for estimating net energy and environmental benefits associated with programs that target environmental protection, such as forest management, waste management, water management, carbon sequestration, and programs designed to achieve emissions reductions from industrial processes such as cement production.
3. Development and use of life cycle analysis methodologies, such as well-to-wheels analysis in the case of fuels used for transportation and life cycle fuel carbon intensity for forest management practices.
4. Monetization of environmental impacts, including valuation of carbon reduction.
5. Use of established protocols for monetization of health and ecosystem related benefits related to energy and environmental initiatives.
6. Assessment of environmental impacts on low-income and environmental justice communities.

The proposal could address either the economic impact analysis component, or the environmental impact analysis component, or both. Proposals that address both components could be awarded more points during RFP scoring (see Section V: Proposal Evaluation).

B. General Requirements

The selected contractor shall:

1. Be aware of, or rapidly become familiar with, the broad slate of energy related programs, goals and objectives supported by NYSERDA and gain an understanding for the requirements and timelines for evaluating these programs.
2. Cooperate with NYSERDA's other specialty evaluation contractors and assume responsibility for timely completion of the deliverables listed in the **Services Requested** section of this RFP.

3. Keep NYSERDA informed weekly by telephone, in-person meetings or e-mail on the progress of the evaluation effort. Meetings with NYSERDA staff will be required as needed.
4. Be proactive and flexible in order to meet NYSERDA's changing evaluation needs.

In all circumstances, the selected contractor's contribution to NYSERDA's program evaluation efforts shall be based on the following principles: (1) objectivity, fairness, and balance in terms of the types of data collected, and (2) use of sound methodologies, credible data and analysis, and adherence to the highest professional standards. All work shall be properly documented, maximizing transparency of methods, data manipulations, analyses, assumptions, and data sources.

C. Reporting Requirements

The selected contractor shall provide:

1. Monthly reports of all activities pertaining to the contract. These status reports shall indicate the specific activities underway, progress made on those efforts, and hours expended by each team member for each activity.
2. Monthly budget tracking spreadsheets, including labor hours of each team member, for the period covered in the contractor's invoice submitted to NYSERDA for payment.
3. Comprehensive reports on any research activity as it is completed and as directed by NYSERDA. These reports, if requested, shall provide all supporting information that NYSERDA will need to inform future decision making.
4. Quarterly and annual summaries of activities, analyses, and results to be incorporated into NYSERDA's quarterly and annual evaluation reports and as directed by NYSERDA. The content and structure of this reporting shall be specified in discussions with NYSERDA.
5. Other reports as requested by NYSERDA.

D. Deliverables

Key deliverables to be completed by the selected contractor may include, but not be limited to:

- Monthly status reports.
- Monthly budget spreadsheets.
- Quarterly and annual summaries of activities, analyses, and results.
- Work scopes, schedules, and budgets developed in response to task work orders issued by NYSERDA during the agreement period.
- Draft and final work plans.
- Draft and final data collection instruments and analytical approaches, where applicable.
- Memos and analyses designed to inform NYSERDA staff on the progress of contractor activities.
- Draft and final reports.

E. Available Funds and Contract Period

The initial term of this contract will be for two years with a funding amount of \$1,200,000, or \$600,000 per year. It is anticipated that approximately 2/3 of this funding amount will be allocated to analysis of economic impacts and 1/3 will be allocated to analysis of environmental impacts. The proportional allocation of funding between economic and environmental impact analyses may change in the future,

depending on NYSERDA's evolving needs, and the selected contractor(s) must be willing to accommodate any such reallocation. After the initial two-year term, the contract(s) may be renewed annually, at NYSERDA's option, for an additional three years at approximately \$500,000 per year (total).

F. NYSERDA's Responsibility

The NYSERDA Project Manager will be responsible for overseeing and managing all tasks undertaken by the selected contractor(s), including but not limited to: issuing task work orders; reviewing, commenting and approving work scopes and subsequent deliverables; coordinating with program staff and interested external stakeholders; promoting coordination between the selected contractor and NYSERDA's other evaluation contractors; approving invoices promptly; and reviewing and preparing work products for inclusion in NYSERDA's program evaluation and status reports.

III. Proposer Qualifications

A. Economic Impacts

For economic impact analysis, the proposer must demonstrate capabilities in the following areas:

1. **Benefit/Cost Analysis:** benefit/cost analysis of public benefits programs, defining baseline conditions, use of appropriate discount rates and time horizons, life cycle analysis, and methods described in the California Standard Practices Manual and the Environmental Protection Agency (EPA) Guidelines for Preparing Economic Analysis.
2. **Macroeconomic Impacts:** evaluating the state-level economic impacts of various types of programs, including clean energy, product development, workforce development, market development, and manufacturing assistance; experience with input-output models; determining job creation/retention and impact on GSP; calculating wholesale energy price suppression due to reduced demand for energy; and calculating impact of lower energy bills on the GSP.
3. **Industrial growth impacts:** evaluating the impacts of R&D and other program activities on the development and growth of targeted clean energy industries, growth of markets for clean energy technologies and products, and changes in economic structure.
4. **Non-Energy Impacts:** estimating changes in O&M costs, water use, waste, labor costs, and similar impacts from energy efficiency programs.
5. **Incremental Costs:** using secondary and primary data to develop protocols for estimating incremental cost of prescriptive and custom energy efficiency measures for both normal replacement and early replacement scenarios.
6. **Low-income Sector:** determining the impact of efficiency programs on the low-income sector.

B. Environmental Impacts

For environmental impact analysis, the proposer will need to demonstrate capabilities in the following areas:

1. **Emissions Factors:** developing factors or other approaches to estimate net (*i.e.*, taking into account baseline assumptions) avoided emissions from electricity and fossil fuel savings, alternative fuel vehicles, carbon sequestration, distributed generation, alternative industrial processes, and renewable energy generation (including anaerobic digester gas).

2. Total Life Cycle Analysis: developing protocols to estimate life cycle economic and environmental impacts (*e.g.*, well-to-wheel analysis in the case of fuels for transportation) that can feed into benefit/cost analysis of energy efficiency and other programs.
3. Monetization: developing factors for monetizing environmental impacts, including valuation of reductions in GHGs, NOx, SO2, mercury, and particulate matter, and associated health and societal benefits using established protocols.
4. Environmental Justice: developing evaluation techniques for measuring program impacts on environmental justice communities.

C. Contract Management

The proposer shall:

1. Demonstrate that it has a team that is directly applicable to and consistent with the evaluation needs of this RFP. The primary contractor shall have full responsibility for maintaining necessary communication with NYSERDA and for ensuring that all deliverables applicable to the contract meet quality standards and are provided to NYSERDA according to an approved timeline.
2. Demonstrate capability to work within a teaming environment with other evaluation contractors, thereby leveraging data collection and avoiding duplication of effort. Past experience demonstrating the knowledge and organizational skills needed to conduct such coordination shall be included and summarized in the proposal.

D. Technical Requirements

1. MS Office, MS Access.
2. Statistical software expertise with SPSS, STATA, or SAS. Must be able to demonstrate expertise in appropriate statistical analyses and interpretation of various statistical tests associated with survey data.
3. For economic impact analysis, demonstrate expertise in macroeconomic software such as Policy Insight.
4. Ability to effectively communicate technical information concisely and accurately, taking into account uncertainty/limitations surrounding data sources and analytical methodologies.

IV. Proposal Requirements

A. Submission

Proposers must submit two (2) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFP. In addition to the two (2) hard copies, you must submit a digital copy of your proposal on a CD-ROM in a Portable Document Format (PDF) readable on Microsoft Windows XP systems. A completed and signed Proposal Checklist 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.

The Intent to Propose form (Attachment C of this RFP) may be submitted, but is not required.

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.

Unnecessary attachments beyond those sufficient to present a complete, comprehensive and effective response will not influence the evaluation of the proposal. Proposers will not be reimbursed by NYSERDA for any costs associated with preparation of their proposals. Each page of the proposal should state the name of the proposer, the RFP number, the page number, and formatted with 1-inch margins (top, bottom, left and right) and 11-point font. The proposal must be in the following format:

Proposal Checklist (Attachment A)

Section 1: Introduction and General Information

Section 2: Statement of Work/Approach

Section 3: Management Structure

Section 4: Qualifications, Experience, and References to Similar Projects

Section 5: Potential Conflict of Interest

Section 6: Project Personnel and Rate Form (Attachment D)

Appendices

B. Proposal Explanation

Section 1: Introduction and General Information

(Maximum of 3 pages if proposing for economic impact only or environmental impact only; 6 page limit if proposing for both.)

Proposers shall:

- Clearly indicate whether the proposal submission is for economic impact, environmental impact, or both.
- Identify key information about its organization and other organizations that are part of the proposer's team.
- Summarize its understanding of the objectives and requirements of this RFP and explain how it is uniquely qualified to perform each activity as specified in Section III: Proposer Qualification of this RFP.

Section 2: Statement of Work/Approach

The selected contractor will be working on a task work order basis. Each project will be developed with input from NYSERDA staff. Given the uncertainty in the specifics of the projects, bidders are asked to provide a proposed approach for evaluating certain hypothetical projects described below. If the proposal is for economic impacts, Scenarios 1 and 2 must be addressed. If the proposal is for environmental impacts, Scenario 3 must be addressed. If the proposal is for both impacts, all three scenarios must be

addressed in the proposal. For **each** scenario addressed in the proposal, the proposer must fill out the Contract Pricing and Proposal Form (CPPF) (Attachment E).

Project Scenario # 1: Economic Impacts. Describe the approach the proposer would use to develop protocols for estimating the economic impacts, including GSP and job impacts, of the Green Jobs –Green New York (GJGNY) Program, including the Workforce Development component. Information about the GJGNY program can be found at www.nyserda.org/GreenNY. This website contains operating plans for various GJGNY activities. (Maximum length 6 pages, excluding the CPPF.)

Project Scenario # 2: Non-Energy Impacts. Describe the approach the proposer would use to develop protocols for estimating the non-energy impacts of NYSERDA’s C/I Green Buildings Services. Identify a list of potential impacts that accrue to the site owner and site occupants. For each non-energy impact, provide a description, method of measuring or quantifying, and method of developing a monetized value. Details of the Green Buildings Services can be found at www.nyserda.org/Programs/Green_Buildings/Default.asp. (Maximum length 6 pages, excluding the CPPF.)

Project Scenario #3: Environmental Impacts. Describe the approach the proposer would use to estimate reductions in GHG emissions and criteria pollutants (designated in the Clean Air Act) from a Combined Heat and Power program under which funding is provided for systems using a variety of fuel inputs (*e.g.*, natural gas, digester gas, landfill gas, and wood) to generate electricity and heat. For each GHG and criteria pollutant, provide an approach for calculating the reductions and approach for developing a monetized value. Examples of projects funded by NYSERDA can be found at <http://chp.nyserda.org>. (Maximum length 6 pages, excluding the CPPF.)

Section 3: Management Structure

(Maximum of 3 pages, if the proposal is for economic impact only or for environmental impact only; 6 page limit if the proposal is for both.)

Proposers shall:

- Identify all team members, including the Principal or Lead contact, who will be responsible for ensuring that projects are completed on time and of good quality.
- Provide the names and addresses of subcontractors and names of individuals associated with the subcontractor.
- Provide a clear description of the roles, responsibilities, and availability of each key person and include an organization chart illustrating these roles and responsibilities.
- Designate one team member who will serve as the day-to-day contact with the NYSERDA Project Manager.
- Discuss how the proposer will manage and maintain flexibility to accommodate potentially short notification times and tight deadlines.
- Describe how the proposer will coordinate the work of the economic impact team with that of the environmental impact team.

Section 4: Qualifications/Experience/References to Similar Projects

(Maximum of 3 pages if the proposal is for economic impact only or for environmental impact only; 6 page limit if the proposal is for both.)

Proposers shall:

- Describe specific experience related to the activities described in Section III (Proposer Qualification) of this RFP.
- List and briefly describe relevant projects that have been completed by the proposer/proposing team. Indicate which team members were responsible for each project described. Resumes of all team members must be provided in an appendix.
- Indicate the name and telephone number of at least three references for whom your organization has completed similar projects.

Section 5: Potential Conflict of Interest

Identify the nature of any potential conflicts of interest among team members in providing services to NYSERDA under this RFP. Fully discuss possible conflicts of interest, actual and perceived, which could arise in connection with performance by team members of the proposed contract. Describe how your firm would resolve conflicts of interest.

In the event NYSERDA determines that a team member may have a conflict of interest or the appearance of a conflict of interest, NYSERDA may: (1) take this into consideration in evaluating the proposal; (2) exclude the proposer from consideration for an award; (3) adjust the scope of work to avoid the conflict or appearance of conflict; or (4) negotiate other appropriate actions with the team member to avoid the conflict or appearance of conflict.

Section 6: Cost Proposal

Using Attachment D, Project Personnel and Rate Form, please identify all individuals who will perform work under the **Services Requested** section under an agreement with NYSERDA (including all subcontractor personnel).

Attach documentation to support the indirect multiplier(s) included in the personnel rates as follows:

1. Describe the basis for the overhead rate proposed (*i.e.*, based on prior period actual results; based on projections; based on federal government or other independently-approved rates).
2. If rate is approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If rate is based on estimated costs or prior period actual results, include calculations to support proposed rate. Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate is consistent with generally accepted accounting principles for indirect costs.

The indirect rate must include all costs associated with providing the requested services with the exception of travel expenses which will be cost reimbursable. 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.

Appendices

Materials to be submitted include:

1. Resumes of key personnel that will complete the tasks described in the Statement of Work, detailing education, publications, positions held and time in position (maximum of 2 pages per resume).
2. Letters of commitment from subcontractors.
3. Documentation of indirect multipliers for personnel rates.

4. Disclosure of Prior Findings of Non-responsibility (Attachment B of this RFP).
5. NYSERDA Contracts Awarded (if applicable).
6. Prior and/or Competing Proposals (if applicable).
7. Exceptions to Terms & Conditions (if applicable).
8. Indictment/Conviction of Felony (if applicable).

V. Proposal Evaluation

All proposals received by the due date and meeting the requirements established in this RFP will be reviewed and ranked by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers. Final rankings and the contract award will be based on the following criteria and weighting factors:

1. Responsiveness to the Work Scope of the RFP (25%)

- Does the proposer present a sound approach for accomplishing the objectives of this proposal?
- Has the proposer demonstrated a clear understanding of the goals and objectives of this RFP?
- Are the responses to the project scenarios thorough, specific, and consistent with the stated objectives?
- Is the proposal well-organized and easy to understand?

2. Relevant Experience and Qualifications (25%)

- Are the education and experience of key personnel relevant to the needs of the RFP?
- Does the proposing team have experience in conducting work outlined in the RFP?
- What is the quality of the project staff's performance on past projects related to the proposed work?

3. Management Plan (20%)

- Does the proposal address both the economic and environmental components?
- Does the proposer demonstrate the ability to complete assigned project in a timely manner?
- Are appropriate management and coordination strategies articulated?
- Is the management structure, including the staffing plan, clear and well-defined?
- Is there one team member designated as the day-to-day NYSERDA contact?
- Does the proposer appear to have the flexibility to accommodate potentially short notification times and tight deadlines, as well as evolving needs under the task work order arrangement?
- Do appendices include resumes and letters of commitment?

4. Cost (20%)

- Are hourly rates, overhead rates, and total hours reasonable and appropriate?
- Are the proposer's costs competitive compared to other proposals?

5. Other (10%)

- Is the proposal well organized, well written and complete?
- Does the proposal offer economic benefits in New York State? *E.g.*, an office in New York, hiring of New York employees, *etc.*

VI. General Conditions

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public

access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/about/nyserda.regulations.pdf. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

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

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. *See*, ST-220-TD (available at http://www.tax.state.ny.us/pdf/2007/fillin/st/st220td_507_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. *See*, ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed

guidance for contractors which is available at <http://www.tax.state.ny.us/pdf/publications/sales/pub223.pdf>.

Contract Award - NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal. NYSERDA expects to notify proposers 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.

VII. Attachments

- Attachment A – Proposal Checklist
- Attachment B – Disclosure of Prior Findings of Non- Responsibility
- Attachment C – Intent to Propose
- Attachment D – Project Personnel and Rate Form
- Attachment E – Contract Pricing and Proposal Form
- Attachment F – Sample Agreement