



## **Energy Efficiency and Renewable Energy Resources Potential Study**

Request for Proposal (RFP) 2326  
Up to \$650,000 Available

**Proposals Due: August 25, 2011 by 5:00 PM Eastern Time\***

The New York State Energy Research and Development Authority (NYSEERDA) is seeking proposals from organizations or individuals interested in analyzing the status and potential of energy efficiency and renewable energy technologies in New York State. The information obtained from this study will support new program development efforts and assist in preparing the 2013 State Energy Plan. The study will also be used to help NYSEERDA evaluate the cost-effectiveness of energy efficiency and renewable energy technologies and programs, and help State agencies identify energy efficiency and renewable energy resource options.

**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 Proposal Checklist containing an original signature attached to the front of the proposal. Proposals must be clearly labeled and submitted to the below address:

**Roseanne Viscusi, RFP 2326  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Ted Lawrence at (518) 862-1090, ext. 3419 or [tjl@nyserda.org](mailto:tjl@nyserda.org). If you have contractual questions concerning this solicitation, contact Elyda Ahmed at (518) 862-1090, ext 3232 or [ela@nyserda.org](mailto:ela@nyserda.org).

No communication intended to influence this procurement is permitted except by contacting Ted Lawrence (Designated Contact) at (518) 862-1090, ext. 4319 or [tjl@nyserda.org](mailto:tjl@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.

\*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](http://www.nyserda.org).

## **I. Introduction**

New York State is currently engaged in a state-wide energy planning process directed by the New York State Energy Planning Board that will culminate in a 2013 New York State Energy Plan. The Energy Coordinating Working Group (ECWG) is comprised of representatives from each of the 15 State agencies and authorities that form the New York State Energy Planning Board. The ECWG has identified the need for a comprehensive quantitative assessment of the long-term (20 years) potential contribution of end-use energy efficiency and renewable energy resources toward meeting the State's energy requirements, with associated costs, savings, and emission reductions, as a priority issue for the 2013 New York State Energy Plan.

The objective of this study is to develop a comprehensive quantitative assessment of the long-term technical, economic, and achievable potentials for

- 1) end-use energy efficiency improvements and conservation opportunities applicable to electricity, petroleum, and natural gas use in the residential, commercial, industrial, and government sectors;
- 2) renewable energy resources, including grid-level (i.e. wholesale) electricity generation (land-based and offshore), customer-sited production of electricity and thermal energy (including customer-sited use of bio-based fuels); and
- 3) greenhouse gas and other air pollutant emission reductions (e.g. NO<sub>x</sub> and criteria pollutants) associated with implementation of energy efficiency improvements and renewable resources.

The purpose of this RFP is to solicit technical and analytical consulting services to support the successful completion of this study.

## **II. Program Requirements**

The Contractor shall use and thoroughly reference existing data sources and studies to the extent practicable in meeting the study objectives as described below.

The successful proposer will be required to provide, but shall not be limited to, the following services:

### **Task 1 - Energy Efficiency Measures**

- A.** The Contractor shall identify the sources of all data.
- B.** Using existing data resources, the Contractor shall develop baseline data (including a 20-year baseline or business-as-usual forecast) on existing energy efficiency measures installed in New York State, disaggregated into geographic areas (e.g. NYISO load zone groupings) to reflect differences in parameters such as technology costs and

performance, avoided energy costs, and fuel availability, and associated energy savings and emission reductions.

- C.** The contractor shall develop scenario analyses to estimate the portfolios of energy efficiency technologies, across energy types and sectors, which could achieve various target levels for energy use reductions, and reductions in emissions of greenhouse gas and other air pollutants.
- D.** The Contractor shall identify and describe the electricity, natural gas, and petroleum efficiency and conservation measures and bundled measures that would be analyzed. The Contractor shall screen each of the measures and bundled measures according to the following criteria:
- Potential for increased use within the next 5, 10, 15, and 20 years; and,
  - Potential energy (petroleum, natural gas, and electricity) savings and emission reductions within the next 5, 10, 15, and 20 years.

The Contractor shall submit a description of the procedure and criteria weighting used for the screening to NYSERDA for approval.

- E.** The Contractor shall use a screening to determine which efficiency measures and bundled measures will be analyzed in Tasks 1-E through 1-J. The Contractor shall provide a list of the individual and bundled measures that pass the screening test to NYSERDA for approval. The Contractor shall also provide to NYSERDA a list of measures that failed the screening test with reasons why such measures failed.
- F.** The Contractor shall calculate estimated savings in oil, natural gas, and electricity use (including peak day/hour demand) resulting from implementing efficiency measures or bundled measures.
- G.** The Contractor shall determine technical, economic, and achievable potential (next 5, 10, 15, and 20 years), cost of saved energy, and benefit/cost ratio for each measure and bundled measures. Besides technologies that are commercially available, the study will include technologies that are in near- to mid-term development stages, incorporating anticipated improvements in cost and performance, learning curves, and economies of scale. The Contractor shall submit to NYSERDA for approval an outline of the assumptions and methodologies for these analyses, and the sources of all data. Costs shall include but not be limited to capital, installation, and operating and maintenance costs as well as program incentives.
- H.** The Contractor shall prepare an overall score for each of the efficiency measures based on: technical, economic, and market achievable potential; cost of saved energy; benefit/cost ratio; technical, institutional, policy, and market barriers; and, likelihood of

successful adoption. The Contractor shall submit a description of the scoring procedure and criteria weighting to NYSERDA for approval.

- I. The Contractor shall prepare technology or measure supply curves for New York State, and for different geographic areas of NYS to reflect differences in parameters such as technology costs and performance, avoided energy and capacity costs, and fuel availability, and their associated energy savings (demand and energy).
- J. The Contractor shall determine the impact of future efficiency measure developments and market trends, changes in energy use, market interventions and incentive programs, increased electrification of energy use, and fuel switching on the above findings for the energy efficiency measures.

## **Task 2 - Renewable Energy Resources and Applications**

- A. The Contractor shall identify the sources of all data.
- B. Using existing data resources, the Contractor shall develop baseline data on existing renewable energy technologies installed in New York State, disaggregated into geographic areas to reflect differences in parameters such as technology costs and performance, avoided energy costs, and fuel availability, and their associated energy savings (demand and energy), and their associated contribution to energy generation (capacity and energy) for wholesale and end-use applications, and avoided GHG emissions.
- C. The contractor shall develop scenario analyses to estimate the portfolios of renewable resources, across energy types and sectors, which could achieve various target levels for energy use reductions, renewable resource implementation, and reductions in greenhouse gas emissions and other pollutants.
- D. The Contractor's analyses shall include, but not be limited to, the following renewable energy applications: customer sited use of solid, gaseous and liquid bio-fuels or creation of such for consumption or purchase by others; biomass-to-electricity, conventional micro hydropower and hydrokinetic energy, energy from landfill gas, municipal solid waste-to-electricity including conventional thermal and pyrolysis gasification, ocean energy, solar photovoltaic (PV), solar thermal, passive-solar design, and off-shore and land-based wind. The Contractor shall assess the contributing resource base for each of the above technologies.
- E. The Contractor shall screen each of the above technologies according to the following criteria:

- Potential for increased contribution to energy supply in New York (wholesale and end-use applications) within the next 5, 10, 15, and 20 years; and,
- Potential for increased installed capacity in New York (wholesale and end-use applications) within the next 5, 10, 15, and 20 years.

The Contractor shall submit a description of the procedure and criteria weighting used for the screening to NYSERDA for approval.

**F.** The Contractor shall use the screening test to determine which renewable energy technologies will be analyzed in Tasks 2-F through 2-J. The Contractor shall provide a list of the renewable energy applications that pass the screening test to NYSERDA for approval. The Contractor shall also provide to NYSERDA a list of technologies that failed the screening test and reason why such technologies failed.

**G.** The Contractor shall prepare renewable energy technology profiles that include, but are not limited to:

- Technology description
- Performance characteristics (including efficiency, capacity factors, product life, degradation)
- Cost of energy (including equipment, installation, operating and maintenance)
- Life-cycle economics
- Advantages and disadvantages of technology
- Non-energy benefits of technology
- Technical, economic, and market potential (next 5, 10, 15, and 20 years)
- Market drivers
- Deployment barriers (regulatory, market, information, community acceptance, infrastructure including access to transmission, deliverability, impact on NYISO system operations, technology, financial, economic)
- Opportunities to address barriers
- Avoided greenhouse gas and other air-pollutant emissions (compared with non-renewable technologies and displaced imports of energy as applicable)

**H.** The Contractor shall prepare renewable energy technology supply curves for New York State, disaggregated into geographic areas to reflect differences in parameters such as technology costs and performance, avoided energy capacity costs, and fuel availability, and their associated energy savings (demand and energy). The Contractor shall determine technical, economic, and market potential (next 5, 10, 15, and 20 years). Besides technologies that are commercially available, the study will include technologies that are in near- to mid-term development stages, incorporating anticipated improvements in cost and performance, learning curves, and economies of scale. The Contractor shall submit to NYSERDA for approval an outline of the assumptions employed, including federal and state subsidies and incentives, and the sources of all data.

- I. The Contractor shall submit a description of the scoring procedure and criteria weighting to NYSERDA for approval. The Contractor shall prepare an overall score for each of the renewable energy technologies based on technical and market potential, cost of saved energy, market barriers, need for intervention, and likelihood of successful adoption.
- J. The Contractor shall determine the impact of future renewable energy technology developments and market trends, increased demand, market interventions and incentive programs, increased electrification, and fuel switching on the above findings for the technologies analyzed.

### **Available Funds and Anticipated Schedule with Deliverables**

An award not to exceed \$650,000 is anticipated.

The contract period is anticipated to begin September 15, 2011 and extend through August, 2013.

Preliminary estimates of the technical, economic, and achievable potential for energy efficiency and renewable energy shall be submitted to NYSERDA by **June 1, 2012** for those technologies holding greatest promise, to be followed by additional technologies at a later time. Some of these estimates may be needed sooner than June 2012 and may be delivered in stages, which will be determined by NYSERDA Energy Analysis staff during a preliminary meeting with the contractor at the beginning of the project.

A draft Final Report shall be submitted to NYSERDA by **May 1, 2013**. NYSERDA will provide comments on the draft to the Contractor within 30 days.

The Final Report shall be submitted to NYSERDA by **July 31, 2013**.

In addition to the Final Report, the successful proposer shall be required to submit monthly progress reports, in a letter format, to NYSERDA's Project Manager. The reports shall: summarize progress on contracted work efforts and provide interim results with respect to project objectives; identify problems encountered and how they will be resolved; indicate any significant deviation from the approved schedule; and summarize all costs incurred in relation to the budget and work progress.

### **III. Proposal Requirements**

#### **Background**

Previous studies examining the technical, economic and achievable potential (“potential studies”) have played a key role in establishing the current “45 by 15” Clean Energy Policy goals. A potential study was conducted for NYSERDA by a consultant to serve as supporting analysis for the 2002 State Energy Plan, and a final report was issued in 2003 (2003 potential study <http://www.nyserdera.org/sep/EE&ERpotentialVolume1.pdf>). The 2003 potential study addressed electricity-only energy efficiency and renewable resources (for 2007, 2012 and 2022 time frames), and has provided the quantitative basis for a wide range of New York’s regulatory proceedings, policy-making, and program development throughout the past decade, including establishment of the Renewable Portfolio Standard (RPS) and Energy Efficiency Portfolio Standard (EEPS) programs. A natural gas potential study (<http://www.nyserdera.org/publications/Final%20Statewide%20Natural%20Gas%20Efficiency%20Potential%20Study.pdf>) with limited scope was conducted for NYSERDA in 2005, which estimated the amount of gas efficiency that could be achieved in the context of several specific funding scenarios. In 2008, some targeted updating of the 2003 potential study (electricity-only, 2018 time frame) was commissioned to support the development of EEPS programs and to support the 2009 State Energy Plan; the natural gas potential study was also updated on a limited basis in 2009.

The analytical results of this study will be used to inform the 2013 New York State Energy Plan process, with respect to consideration of developing statewide long-term goals for energy efficiency and renewable resources that may extend substantially beyond the 2015 time frame of the current “45 by 15” Clean Energy Policy goals. Further, the study results will be used to guide the design and development of the specific policies and programs that will be needed to achieve the next level of long-term goals.

#### **Scope of the Study**

The study will be based on a 20-year baseline forecast of energy use, by energy/fuel type and sector, consistent with New York’s state energy planning assumptions. Technical, economic, and achievable potentials for energy efficiency measures and renewable energy resources will be estimated for 5-, 10-, 15- and 20-year planning horizons, expressed as increments from the baseline forecast. New York will be disaggregated into geographic areas, to reflect differences in parameters such as technology costs and performance, avoided energy and capacity costs, and fuel availability. The study will include scenario analyses to estimate the portfolios of energy efficiency technologies and renewable resources, across energy types and sectors, which could achieve various target levels for energy use reductions, renewable resource implementation, and reductions in greenhouse gas emissions and other air pollutants.

Besides technologies that are commercially available, the study will include technologies that are in near- to mid-term development stages, incorporating anticipated improvements in cost and performance, learning curves, and economies of scale. The study will include various scenarios in terms of annual targets (determined by NYSERDA staff) for energy use reduction,

renewable resource implementation, and reductions in greenhouse gas emissions and other air pollutants, and then estimate the portfolios of technologies that could be implemented most cost-effectively to achieve the specified targets in certain years. The study will take into account the status of current clean energy programs in New York State.

Technology capital and operating costs, avoided energy and demand costs, avoided greenhouse gas emissions, and cost-effectiveness of the technologies will be estimated. Efficiency and renewable supply curves will be developed by sector, fuel, technology, and geographic area. Levels of risk and barriers to implementation will be identified.

### **Meetings and Briefings**

The successful proposer shall be required to work closely with NYSERDA Energy Analysis staff, including at least one meeting in Albany with staff at the beginning of the project to review final study plans, approaches, schedule, staffing, etc. and at least one meeting to discuss comments on the draft final report.

### **Proposal Description**

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

Proposers should submit information describing their technical qualifications and experience, ability to meet the schedule for completing the services defined in the Scope of Services section, and acceptance of the contractual terms contained in the attached Sample Agreement. Proposals should be concise, legible, clearly written, and complete. Proposals must be submitted in separate parts - Part 1, Technical Proposal; and Part 2, Cost Proposal. Proposals should be limited to 30 pages, excluding attachments. Two (2) compact disks, each containing a complete proposal and proposal checklist in PDF format, and one (1) complete paper copy of the proposal with a completed Proposal Checklist with an original signature attached to the front of the proposal must be submitted to NYSERDA by **5:00 P.M., August 25, 2011**.

The selected proposer must be ready to contract on the day final selection is made, which currently is expected to be on or about **September 15, 2011**. Therefore, NYSERDA requests that proposers carefully review the attached Sample Agreement and clearly state in their proposals any exceptions to the terms and conditions of the Agreement.

The proposal must be in the following format:

**Part 1 - Technical Proposal**

RFP No. 2326 Proposal Checklist

Section 1: Introduction and General Information

Section 2: Statement of Work/Approach

Section 3: Management Structure

Section 4: Qualifications

Section 5: Project Schedule and Staffing Plan

Section 6: Potential Conflict of Interest

Appendices: Resumes of Key Personnel, who will work on the project.  
Summaries of Prior Work, by organization and key personnel.  
Other Supporting Material (optional)

**Technical Proposal Explanation**

*Proposal Checklist:* A checklist is attached to this RFP as Attachment A. It **must** be included in the two (2) compact disks. The one (1) complete paper copy must contain an original signature.

- 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, you must be prepared to provide alternative terms with justification based on the risk and benefits to NYSERDA and New York State.
- The individual signing the Checklist must be authorized to commit the proposer's organization to the proposal as submitted.

*Section 1: Introduction and General Information.* Proposers should summarize their understanding of the objectives and requirements of this RFP. Proposers should *briefly* identify key information about their organization and any other organizations that are part of the proposer's team.

*Section 2: Statement of Work/Approach.* The Statement of Work must be in compliance with the scope of services, deliverables, and schedule outlined in this RFP. The Statement of Work must include a set of tasks that will provide the required analyses and should describe the actions you will take to complete each task. The proposer should describe its approach and methodology, and define the rationale for both.

*Section 3: Management Structure.* Proposers should identify all team members, including the Project Manager and any subcontractors, who will be responsible for ensuring that the project is timely and of good quality. Provide a clear description of the roles and responsibilities of each person in completing the work plan. Provide the names and addresses of subcontractors and

describe how they were chosen. Provide an organization chart. Describe how you plan to coordinate this evaluation with NYSERDA Energy Analysis staff. Resumes of all team members should be provided in an appendix.

*Section 4: Qualifications.* Describe specific experiences relevant to the performance of this type of project. Discuss proposed teaming arrangements, if applicable. A letter of commitment must be included for each team member in the proposal and can be included as part of the appendices. State the team's individual and combined expertise that would enable successful completion of the project. List and briefly describe relevant projects that have been completed by the proposer/proposing team, including projects completed in New York State. Indicate which team members were responsible for each project described. Indicate the name and telephone number of at least three references for whom your organization has completed similar projects. Summaries of prior work and other supporting materials that demonstrate your ability to complete the work requested in this RFP may be submitted as attachments to your proposal.

*Section 5: Schedule and Staff Plan.* The proposer should include a timeline for completing each task and major sub-task identified in the Statement of Work. Prepare a master schedule in bar chart form showing anticipated starting and completion times for each task, in terms of weeks or months after the contract is signed. The staffing plan should identify key personnel, including any subcontractors or other resources, responsible for completing each task. **PROVIDE A TABLE SHOWING THE NUMBER OF HOURS EACH KEY PERSON OR SUBCONTRACTOR WILL SPEND ON EACH TASK AND THE TOTAL HOURS PER TASK.**

*Section 6: Potential Conflict of Interest.* Identify the nature of any potential conflict of interest your firm might have in providing services to NYSERDA under this RFP:

Discuss fully any conflicts of interest, actual or perceived, which might arise in connection with your firm's performance of the proposed agreement. If conflicts do or might exist, describe how your firm would resolve them.

## ***Part 2 - Cost Proposal***

Proposers must complete a Contract Pricing Proposal Form (CPPF) for **each** of the following (see Attachment C):

- The total project; and,
- Each subcontractor.

Proposers must also provide detailed budget breakdowns, using the Supporting Schedule for the CPPF, for materials, equipment, and travel.

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

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

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

Furthermore, a proposer should include any special considerations with respect to billing or payment that it believes would differentiate it from other proposers, making the proposer's services more attractive.

Proposers should identify any potential restriction on the completion of the identified tasks with the stated budget.

Please note that cost information should **only** be included in the Part 2, Cost Proposal.

Proposers must submit two (2) compact disks and one (1) complete paper copy of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Program Opportunity Notice/Request for Proposal. 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.

#### **Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k**

Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws are available at: <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>). In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form (Attachment B).

Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

## V. Proposal Evaluation

Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) and the contract award will be based on the following criteria:

- Professional expertise and experience of the consultant and its assigned staff as it relates to the subject matter of this RFP, particularly familiarity with the energy efficiency measures and renewable energy resources in New York State and the ability to perform the required analysis;
- The proposer's ability to start and complete the work in a timely manner, including the ability to provide preliminary estimates of energy efficiency and renewable energy potential by June 2012 so that results can be included in the draft State Energy Plan, scheduled for September 2012, while ensuring a high quality of work and stability of assigned staff;
- Contract rates and other costs detailed in the CPPF;
- Responsiveness to this RFP, including thoroughness; and,
- Quality of the proposer's approach to the project and understanding of the project requirements.

Proposals shall be complete in all respects as outlined in Section 3 (Proposal Requirements).

## 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](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 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](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](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 three 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.

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## **VII. Attachments:**

- A. Proposal Checklist**
- B. Disclosure of Prior Findings of Non-Responsibility Form**
- C. Contract Pricing Proposal Form (CPPF)**
- D. Intent to Propose Form**
- E. Sample Agreement**