



Applications accepted January 1, 2009 through June 30, 2011 by 5:00 PM Eastern Time

The New York State Energy Research and Development Authority (NYSEERDA) is issuing this Request for Qualifications (RFQ) for the selection of Home Energy Rating Systems (HERS) Providers. HERS Providers responding to this RFQ must be accredited by the Residential Energy Services Network (RESNET) (www.natresnet.org) at the time of application to offer HERS Provider services in New York State. NYSEERDA encourages HERS Providers accredited by RESNET to offer services in New York State to respond to this RFQ as soon as possible. HERS Providers that are not currently accredited in New York State are encouraged to fulfill the necessary RESNET requirements, receive accreditation, and then respond to this RFQ.

Successful applicants will provide services in support of NYSEERDA's New York ENERGY STAR® Homes (NYSESH) Program. The NYESH Program is an innovative market transformation program that targets the new residential homes marketplace, is funded through the New York Energy Smart™ Program, and is built upon the ENERGY STAR platform of the U.S. Environmental Protection Agency and the U.S. Department of Energy. Successful applicants to this RFQ shall be required to remain current with all RESNET standards and regulations applying to HERS Providers and sign a NYSEERDA Participation Agreement, thereby agreeing to follow all NYESH participation requirements.

In New York State, HERS Raters who choose to participate in the NYESH Program must operate under a RESNET accredited New York HERS Provider. RESNET-certified HERS Raters participating in the NYESH Program provide builders with an objective evaluation of the energy efficiency of a planned home, and then work with the builder to ensure the completed structure will comply with the requirements of the NYESH Program. HERS Providers are responsible for ensuring their affiliated Raters have the current version REM/Rate software and are up to date with current Program standards. Providers are also responsible for submitting documentation of Rated homes to the EPA and to NYSEERDA's Program Implementer.

The services provided as a result of this RFQ are to be delivered in the New York Energy Smart™ program area which includes the following electric utility service territories: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. Orange and Rockland Utilities Inc., National Grid (formerly Niagara Mohawk Power Corporation), New York State Electric & Gas Corporation and the Rochester Gas & Electric Corporation. Other utility territories may be added during the term of the contract at NYSEERDA's discretion.

Statement of Qualifications Submission: Applicants must submit five (5) copies of the Statement of Qualifications with a completed and signed checklist (see attachment A) attached to the front of each copy, one of which must contain an original signature. NYSEERDA anticipates multiple awards under this RFQ. Statement of Qualifications must be clearly labeled and submitted together to:

Roseanne Viscusi, RFQ 1287
NYSEERDA
17 Columbia Circle
Albany, NY 12203-6399

Program questions on this RFQ should be directed to Brian Atchinson at (518) 862-1090, ext. 3382, or bta@nyserda.org. Contractual questions should be directed to Venice Forbes at (518) 862-1090, ext. 3507, or vwf@nyserda.org.

Late, incomplete or unsigned applications will be returned. Faxed or e-mailed applications will not be accepted. Applications 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 website at www.nyserda.org.

I. INTRODUCTION, PROGRAM BACKGROUND AND DESIRED GOALS:

The New York ENERGY STAR® Homes (NYESH) Program, funded through NYSERDA's **New York Energy \$mart**™ Programs, is designed to promote an enhanced version of the U.S. Environmental Protection Agency's (EPA) ENERGY STAR Homes Program. The Program provides technical assistance and targeted financial incentives for participating builders to encourage the construction of energy efficient, durable, and healthy one to four family homes in eligible electric utility service territories throughout New York State. To qualify as a NYESH, a home must be built by a participating builder and fulfill all program requirements. These requirements include having a Home Energy Rating System (HERS) rating performed by a participating RESNET-certified HERS Rater. Details of these requirements are listed in the current EPA Partnership Agreement and the New York Addendum to the EPA Partnership Agreement and the 2008/09 NYS HERS Provider Participation Agreement.

In New York State, HERS Raters who choose to participate in the NYESH Program must be certified through the Residential Energy Services Network (RESNET) and operate under an accredited New York HERS Provider. RESNET is a national organization affiliated with the Mortgage Bankers Association of America. Participating HERS Providers that are selected for NYSERDA's Program are expected to ensure that their affiliated Raters fulfill all NYESH Program participation requirements, including submitting a signed EPA Agreement and a signed New York State Addendum. Additional information on the New York ENERGY STAR Homes Program can be found at www.GetEnergySmart.org.

RESNET-certified HERS Raters participating in the NYESH Program provide builders with an objective evaluation of the energy efficiency of a planned home, and then work with the builder to ensure the completed structure will comply with the requirements of the NYESH Program. For any project seeking NYESH designation, the RESNET-certified HERS Rater is required to fulfill all Program requirements including: (1) an initial plan review, (2) a completed EPA Thermal Bypass Checklist and (3) a final rating resulting in an expanded HERS score of 84. Homes that are not subject to the process identified above will not be eligible for NYSERDA incentives. In the instance of a Rater's non-compliance with Program process, the HERS Provider for said Rater will not be eligible for HERS Provider Incentives. In the NYESH Program, the costs of the HERS Rater's service(s) are the responsibility of the builder.

RFQ 1287 is designed to enhance the services offered by HERS Raters in NYS and bolster the credibility of RESNET-accredited HERS Providers by incorporating NYSERDA oversight. Among other things, a stronger quality control system and more effective dispute resolution process are desired outcomes.

NYSERDA COMMITMENT:

For providing the services outlined below, NYSERDA is offering an incentive of \$75 per approved rating, payable to the HERS Provider. Incentives will be paid in accordance with NYSERDA's Prompt Payment Policy after receipt and review of the REM/Rate files, verification that required monthly and quarterly reporting is up to date, and is contingent upon successful completion of all requirements of RFQ 1287.

NYSERDA reserves the right to withhold payment of incentives at its discretion.

II. PROGRAMMATIC, TECHNICAL AND ADMINISTRATIVE REQUIREMENTS:

A. Programmatic

Applicants to this RFQ must demonstrate their capability to provide the following services as a HERS Provider in the NYESH Program.

Formal agreement with affiliated HERS Rater(s): Applicants that qualify through this RFQ are required to submit a template of the formal agreement used with their affiliated HERS Rater(s). This agreement shall state the rights and responsibilities of both the Rater and Provider. The agreement shall make explicit the minimum Rater qualifications required, including proof that their affiliated Rater(s) have been certified through RESNET. Copies of this agreement (excluding fee arrangements) must be included as part of the response to this RFQ for NYSERDA review.

B. Technical

Applicants are required to be in compliance with all RESNET standards and regulations that apply to RESNET-accredited HERS Providers. In addition to the RESNET requirements and the programmatic services listed in Section II, A, applicants must demonstrate their ability to fully execute the following technical tasks.

1. **HERS Rater Technical Training:** Applicants must list the RESNET-accredited trainer that they will be using. NYSERDA must be notified of training sessions offered by the HERS Provider prior to delivery, and such training sessions shall occur at least two (2) times per year.
2. **Rater Certification:** If applicable, applicants must describe their process for certifying Home Energy Raters (i.e., who administers the written exam, who scores the exam, and how raters are notified of their certification status). Applicants shall also list the name(s) of their rater supervisor(s) in New York State
3. **Rating Software:** Applicants must identify the RESNET-accredited rating software (i.e., TREAT, REM/Rate) that their affiliated Raters are using and provide NYSERDA with a copy of their current software licensing agreement.
4. **Quality Assurance/Quality Control Program (QA/QC):** In addition to complying with RESNET QA/QC standards, applicants must provide a copy of their current QA/QC procedures. These procedures shall, at a minimum, include a description of, **and historical data on**, the following:
 - Sampling methodology for on-site inspection
 - Sample on-site inspection report and copies of all forms used
 - On-site inspection level (minimum of 2% of total required)
 - Inspection protocols
 - Inspection results reporting process
 - Dispute resolution policy
 - Disciplinary plan (including termination of affiliation)
5. **HERS Rater Business Development training:** Applicants to this RFQ must provide a detailed list of business development training sessions (i.e., classes, seminars, regional meetings or conferences) offered to their affiliated Raters during the previous 12-month period. Applicants must also include a schedule of anticipated training sessions to occur in the 12-month period following their application to this RFQ.
6. **Technical Support:** Applicants must provide a detailed description of the technical support infrastructure they will use to ensure that their affiliated raters have access to the most current technical requirements of RESNET and the NYESH Program.
7. **Timely and accurate communications:** Applicants must demonstrate that they have in place a communication process that ensures all affiliated raters are kept current on the technical, procedural and programmatic policies of the NYESH Program. The communication process must also provide timely and accurate information to affiliated raters relating to RESNET policies, standards and requirements. Applicants shall include a detailed description of their communication process as part of this RFQ.

C. Administrative Tracking:

1. **Building File Upload.** For every home Rated through the NYESH Program, affiliated Raters shall be required to upload complete building files to their Provider, as well as to the Program Implementer (currently Conservation Services Group (CSG)). CSG will provide, within reason, technical support to assist Raters and Providers in fulfilling the upload and data collection requirements.
2. **Rater Status Updates.** HERS Providers participating in the NYESH Program must immediately notify NYSERDA, in writing, of any change in an affiliated Raters participation status (i.e. new

Certification in Process Rater, a Rater becoming fully certified, any Rater leaving Provider oversight, or any Rater/company losing certification).

D. Reporting:

1. **Monthly Reporting.** The Provider must submit a monthly report to NYSERDA and NYSERDA's Program Implementer which includes the following:

- List of all Certification in Process (CIP) Raters
- List of all supervised ratings that have been completed for each affiliated CIP rater (data to include Supervisor name, CIP Rater name, builder name, home address, date of supervised rating, status of project)
- List of all Certified Raters affiliated with applicant
- List of all Plan Reviews conducted during month (data to include Certified Rater name, builder name, home address, date of review)
- List of all EPA Thermal Bypass Checklist inspections conducted during month (data to include Certified Rater name, builder name, home address, date of inspection)
- List of all Final Ratings completed during month (data to include Certified Rater name, builder name, home address, date of final rating, pass/fail score)
- List of QA inspections conducted during month (data to include Certified Rater name, builder name, home address, QA inspector name, date of inspection, pass/ fail score)

Monthly Reports shall be provided to NYSERDA and its Program Implementer by the 15th day of the following month.

2. **Quarterly Reporting.** The Provider must submit quarterly activity reports to NYSERDA's Program Implementer. The quarterly report shall contain, but is not limited to:

- a) Identification of all Plan Reviews, EPA Thermal Bypass Inspections that affiliated raters have performed during the reporting period (data to include Certified Rater name, builder name, home address, date of review/ inspection)
- b) List and description of all Quality Assurance activity during the reporting period. This shall include, at a minimum: Certified Rater name, Participating Builder name, QA inspector name, home address, inspection date and outcome
- c) Quality Control: This information shall include a synopsis of all activities resulting from deficiencies uncovered during field QA inspections. A description of all technical support provided to Raters through QC processes shall also be reported.
- d) Dispute Resolution Activity: This shall include a description of any issues that arose during the reporting period, or that began before the reporting period and are ongoing, and their relevant statuses. For every ongoing dispute, an outline of the process being followed to resolve the issue shall be clearly identified.
- e) Copies of all field inspection reports and outcomes occurring during the reporting period. Volume reported must coincide with inspection levels defined in the Provider Solicitation Package
- f) List of all Ratings completed in the reporting period and all REM/Rate files pertaining to those ratings

Quarterly Reports shall be delivered to NYSERDA's Program Implementer by the 30th day of the following month.

E. Home Energy Rating Certificate (HERC). The Provider shall ensure that their affiliated Raters provide to builders a *Home Energy Rating Certificate (HERC)* for every home rated through the Program. Providing a HERC to builders is a RESNET accreditation requirement.

F. Program Rule Compliance. Providers shall ensure that all projects submitted to the Program on behalf of their affiliated Raters abide by all NYESH Program standards. This includes technical specifications, health and safety testing, and verification that the project has not has a Certificate of Occupancy for more than 30 days.

Failure to fulfill any requirements of RFQ 1287 may result in loss of Provider Incentives and/or termination of Partnership Agreement.

III. APPLICATION REQUIREMENTS - STATEMENT OF QUALIFICATIONS:

To be considered for selection under this RFQ, applying HERS Providers **must be accredited by the Residential Energy Services Network (RESNET) at the time of application** to provide this service in New York State. Applicants are to provide the information requested in **1 through 5** listed below. Number and title each response and reply in the order presented here. Applicants are to provide five (5) copies of Statement of Qualifications.

NYSERDA reserves the right to eliminate from further consideration any application that includes a Statement of Qualifications that is deemed to be substantially or materially non-responsive to the requests for information contained herein.

1. General Information

- a. Legal Name and address of company, or any other names used, i.e. dba
- b. Telephone Number, Fax Number, E-Mail Address
- c. Names and titles of two people authorized to represent the firm, and their resumes
- d. Federal Employer Identification Number
- e. Year firm was established
- f. Name and address of parent company (if applicable)
- g. Indicate type of firm:
 - Partnership
 - Corporation - Indicate State incorporated in:
 - Sole Proprietor
 - Branch Office of:
 - Joint Venture (list venture partners)
 - LLP
 - LLC
 - Other (explain)
- h. This application applies to:
 - Parent Company
 - Subsidiary
 - Division
 - Branch Office
 - Other (explain)

List the names of any of the above-marked entities which are to be considered in this RFQ, and describe their functions, responsibilities, and interrelationships.
- i. Describe the structure that will be used to ensure local oversight of affiliated Raters

2. Copy of RESNET HERS Provider application and proof that firm has been RESNET-approved as a HERS Provider in New York State.

3. References

Include at least three (3) references from appropriate persons or organizations.

4. Services to be Provided

The items listed below are essential for successful participation as an Accredited HERS Provider. In the application, applicants should clearly articulate their ability to provide the services listed below. Details of the programmatic, technical, and administrative requirements can be found in Section II of the RFQ 1287.

- a. Programmatic
 - Template of the formal agreement with affiliated Raters
- b. Technical
 - 1. Training
 - 2. RESNET Certification
 - 3. Rating Software
 - 4. Quality Assurance/Quality Control Program
 - 5. HERS Rater Business Development training
 - 6. Technical Support
 - 7. Timely and accurate communications
- c. Administrative Tracking
 - 1. Building File Upload
 - 2. Monthly Reporting
 - 3. Quarterly Reporting
 - 4. Home Energy Rating Certificate

5. Capacity

- a. Provide a list and resumes, of personnel serving as the HERS Trainer, HERS Supervisor, QA/QC Supervisor, and any other management. (Note: staff cannot serve in more than one management position).
- b. Provide a list of Certified HERS Raters and CIP raters operating under the provider's authority.
- c. Provide a recruiting plan to increase the active rater network (if necessary).
- d. Provide a list of New York State counties in which the applicant intends to provide services.

IV. QUALIFICATION EVALUATION

NYSERDA will review each Statement of Qualifications and may contact selected references to determine whether an applicant has the necessary expertise to successfully perform the work for NYSERDA. Statement of Qualifications will be evaluated by a Technical Review Committee. The 14 evaluation criteria used by this committee are listed below.

Evaluation Component

A. General Criteria

- 1. Is the application complete?

B. Type of Services to be Provided

- 1. Does the applicant provide the services required by NYSERDA in Section II?
- 2. Does the applicant have a defined plan for quality assurance and customer dispute resolution?

C. Experience and Qualifications

- 1. Is the experience of key personnel relevant to the needs of this RFQ? Is the overall capability of the staff appropriate?
- 2. Has the applicant demonstrated recent experience in providing these services?
- 3. Does the application or Statement of Qualifications indicate that the staff's performance on delivering these services will be high quality?
- 4. Are sufficient resources (staff, facilities and equipment) being devoted to the service required?
- 5. Is management oversight and control adequate?
- 6. Does the Statement of Qualifications clearly demonstrate how the applicant will coordinate and interact with the relevant parties?
- 7. Is the coordination of other participants (proposing team subcontractors, local resources and other program participants) well developed?

E. Statement of Qualifications

1. Is the Statement of Qualifications thorough, specific, logical, and consistent with the RFQ's objectives?
2. Is the applicant's Statement of Qualifications of high quality?
3. Does the Statement of Qualifications reflect an understanding of all the issues involved and their interrelationships?
4. Has the Statement of Qualifications demonstrated a strong expertise in providing these types of services?

Applications will be accepted daily until 5:00 PM on June 30, 2011. Late, incomplete, or unsigned applications will be returned. Faxed or e-mailed applications will not be accepted. To apply: Send five [5] copies of the completed application, including Attachment A, to the attention of Roseanne Viscusi at the address on the front of this Program Request for Qualifications. At least one copy of the application must contain an original signature.

IV. GENERAL CONDITIONS

RESNET Accreditation - RESNET accreditation in New York State is a requirement for HERS Providers seeking to deliver their services in the New York ENERGY STAR Homes Program.

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSEDA 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 NYSEDA 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 NYSEDA that the applicant 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 except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/nyserda.regulations.pdf. However, NYSEDA 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

Tax Law Section 5-a - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires contractors, prior to entering an agreement with NYSEDA, to certify whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the New York State Department of Taxation and Finance to collect New York State and local sales and compensating use taxes. The Department of Taxation and

Finance has developed guidance and a certification form (ST-220) for contractors which is available at www.nystax.gov/sbc/nys_contractors.htm. The completed Form ST-220 (which is available upon request or at <http://www.nyserda.org/Funding/stdforms.asp>), will be incorporated in the agreement between NYSERDA and the contractor.

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful applications. NYSERDA will hold monthly Technical Evaluation Panels to review applications. Applicants can expect notification approximately three (3) weeks from the date of the TEP, informing whether your application 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.

Disclosure Requirement - The applicant 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 an applicant 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. Applicants 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.

V. Attachments:

Attachment A- Proposal Checklist

Attachment B- 2009 NY HERS Provider Agreement