"Facilitation Services in Support of the West Valley Citizen Task Force"
Request For Proposals (RFP) 2435

Proposals Due: May 15, 2012 by 5:00 PM Eastern Time*

Program Summary: NYSERDA is seeking a facilitation expert to coordinate the work of the West Valley Citizen Task force (CTF), provide logistical support in anticipation of regular CTF meetings, facilitate meetings in a collaborative manner that shares information to achieve consensus, compile meeting summaries and information, and maintain effective working relationships within the CTF and the agencies. Close collaboration with all of the CTF members and agency representatives is essential to assure continued success of the CTF process.

The Task Force has been meeting for 14 years, providing advice to NYSERDA and the U.S. Department of Energy (DOE) regarding cleanup and long-term management of facilities located at the Center. The Center is home to the West Valley Demonstration Project, a large nuclear waste cleanup project being conducted by DOE, and a shut-down radioactive waste disposal facility managed solely by NYSERDA.

Proposal Submission: Proposers must submit seven 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. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 2435
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Thomas Attridge at (716) 942-9960, ext. 2453 or tha@nyserda.org. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or vwf@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Thomas Attridge (Designated Contact) at (716) 942-9960 ext. 2453 or tha@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 will be returned. Incomplete proposals may be subject to disqualification. It is the bidders responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserda.org.

I. Introduction

A. Background - In March 1996, NYSERDA and the U.S. Department of Energy (DOE) issued a Draft Environmental Impact Statement (DEIS) for public comment which focused on evaluating closure options for the future management of facilities at the Center. During the development of the DEIS, NYSERDA perceived a need for broader public participation, above and beyond the public comments on the DEIS, to help in the development of a closure option for the Center. Forming a community advisory group seemed to be the best way to ensure that the issues and concerns of the community were understood. To make this a reality, NYSERDA, along with the support of DOE, initiated the formation of the West Valley Citizen Task Force. An independent facilitation contractor was hired to assist NYSERDA in convening the group and provide facilitation and coordination of its deliberations.

The West Valley Citizen Task Force held its first meeting in late January 1997. In July 1998, NYSERDA and DOE received the Task Force's Final Recommendations Report on its policies, priorities, and guidelines for the clean up, closure, or long-term management of the Center. Since 1998, the Task Force has met regularly to discuss a variety of issues regarding facility closure and long-term management of the Center. The mission of the Task Force has expanded into other areas including future site use, long-term stewardship, and regulatory issues. The group has provided several sets of comments to the U.S. Nuclear Regulatory Commission on its policy statement on the decontamination and decommissioning criteria for West Valley. The Task Force is also active in keeping the Congressional Representatives from the Western New York Region informed about the ongoing issues at the West Valley Site.

Responsibilities of the independent facilitator have included coordinating and facilitating CTF meetings, preparing written meeting summaries, convening and maintaining CTF membership, and fostering good working relationships with, and between, each CTF member. On several occasions, the CTF members have been asked if they would like to discontinue the services of the independent facilitator. The group has consistently objected to this idea, adding that the facilitator has been a key part of the success of the CTF process. Though the current facilitator is performing well and an important part of the group's success, NYSERDA believes it is important to offer other consultants with similar expertise the opportunity to bid on these services.

Additional background information about the Western New York Nuclear Service Center can be found in Attachment D. Additional information about the CTF can be found on the Task Force website (www.westvalleyctf.org).

B. Goals and Objectives - The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals for facilitation services to support the West Valley Citizen Task Force near the Western New York Nuclear Service Center in West Valley, NY. The Task Force has been meeting for fourteen years, providing advice to NYSERDA and DOE regarding cleanup and long-term management of facilities located at the Center. Continued success of the CTF will be, in part, dependent on securing the services of a highly-qualified, professional facilitator with experience in group facilitation.

II Program Requirements

A. Scope of Work - NYSERDA is seeking a facilitator to assist the West Valley Citizen Task Force (CTF) in its deliberations and communications with the site managers. NYSERDA has convened a Technical Evaluation Panel (TEP), with representation by NYSERDA, DOE, CTF and an outside communications expert, to assist in selection of the facilitation contractor. This Scope of Work is being circulated to solicit bids from firms and/or individuals

with facilitation expertise interested in managing the CTF meetings and interactions with NYSERDA and DOE. This Scope of Work details the expectations of the facilitator and the working arrangement between the facilitator and the CTF. Work for this task is expected to begin July 1, 2012 and continue through June 30, 2013. There is opportunity for four, 1-year contract renewals of the contract (extending to June 30, 2017) should the contractor perform in a high quality manner.

The successful contractor will be required to provide the full range of services as described below in a collaborative, professional and responsive manner:

Pre-Meeting Activities

The Contractor shall provide logistical support to the CTF. In coordination with NYSERDA and DOE, the Contractor shall:

- establish CTF meeting dates, places, and times;
- develop CTF meeting agendas based on the objectives, roles and challenges of the CTF process, and provide materials to CTF members in advance of CTF meetings;
- make necessary arrangements for CTF meetings including meeting sites, room set-up, audio-visual support, travel, accommodations, and food/refreshments; and
- make arrangements for internal and external speakers to address the CTF (if necessary).

Meeting Management

The Contractor shall serve as a neutral facilitator who seeks out the interests and positions of individual CTF members and supports each member in contributing to the deliberations of the CTF. The Contractor shall:

- facilitate each CTF public meeting (typically once per month) ensuring that the CTF Mission and Ground Rules (Attachment C) are followed by the participants;
- take notes during meetings;
- identify areas of agreement between CTF members and facilitate the development of consensus agreements;
- coordinate and facilitate all CTF Work Group (WG) meetings or conference calls including the Agenda WG, Education WG, Future Site Use WG, Legislative WG, and Technical WG; ;
- assist CTF members in coordinating and facilitating caucus meetings (if necessary);
- organize and distribute background materials and relevant handout information at each meeting; and
- provide a back-up facilitator, identified by the Contractor, to substitute if extraordinary circumstances prevent the primary facilitator from participating.

Post-Meeting Activities

The Contractor shall ensure follow-up information is shared in a timely manner with the CTF and agencies between CTF meetings. The Contractor shall:

- prepare and distribute a meeting summary after each CTF meeting;
- coordinate the mailing of meeting summaries, additional written materials and relevant information to CTF members and the CTF mailing list in a timely manner; and
- maintain positive working relationships with CTF members and agency representatives, communicating in between CTF meetings, as appropriate.

Coordination of CTF

The role of the Contractor shall be to encourage and guide the CTF in achieving its goals in a timely manner. The Contractor shall:

- consult with each CTF member and their constituencies to gain an understanding of the various community interests to help define objectives, roles, purpose, and challenges of the CTF process;
- keep up-to-date on emerging issues and ensure the Mission and Ground Rules of the CTF process are met;
- develop and maintain a schedule for CTF activities to delineate the issues for discussion, integrating the CTF activities with those of DOE and NYSERDA;
- develop and maintain a CTF mailing list, including a list of CTF member constituents (up to 10 per CTF member) to whom materials will be sent;
- keep the CTF website up-to-date;
- develop and maintain a Work Plan for CTF activities that focuses on relevant and/or emerging issues important to the cleanup at West Valley, and is consistent with the objectives, roles, purpose and challenges of the CTF process;
- help maintain a diverse CTF membership – identifying, interviewing and recommending high quality candidates when a vacancy occurs;
- develop, coordinate, and compile annual CTF-assessment surveys in the ongoing evaluation of the process to identify potential issues of concern and areas for improvement; and
- prepare an annual summary of CTF accomplishments.

<u>Communication with the Agencies</u>

The Contractor is responsible to communicate regularly with agency representatives about the developments of the CTF process. The Contractor shall:

- consult regularly with NYSERDA and DOE in defining the objectives, roles, purpose, and challenges of the CTF process;
- coordinate CTF activities with those of NYSERDA and DOE;
- promote open communication between CTF members and agency representatives;
- keep the NYSERDA and DOE Project Directors apprised of new developments and/or issues associated with CTF deliberations; and
- submit monthly invoices (which detail hours worked and expenses incurred) to NYSERDA project manager, with copies to DOE.

B. Proposers Qualifications - NYSERDA seeks proposals from firms and/or individuals with facilitation expertise who have 1) relevant education and training in facilitation, 2) experience with group facilitation and the coordination of group deliberations, and 3) the resources necessary to provide the full breadth of services required.

Relevant education and training would include degrees, training certificates, and other accredited education focused on, but not limited to, facilitation, consensus building, collaboration, organizational behavior, interpersonal relations, mediation, group dynamics, and communications.

Experience with group facilitation and the coordination of group deliberations would include past work efforts in managing the ongoing deliberations of a community advisory group including planning, implementation, personal interactions, and process evaluation.

Resources necessary to provide the full breadth of services would include sufficient organizational resources to provide the services described in the Scope of Work.

III. Proposal Requirements

A. Proposal Content - A complete response to this Request For Proposals shall include two parts:

Part I - Technical and Management

- Background/Objectives (1 page maximum);
- Services to be Provided (3 pages maximum);
- Management Plan and Schedule for the Work (6 pages maximum);
- Current Qualifications Statement that clearly presents the proposer's education, training and experience relevant to the Scope of Work;
- Letters of commitment from all participating organizations (if applicable);
- Completed "Proposal Checklist" form (Attachment A) - to be attached to the front of all copies of Part I of the proposal.

Part II - Cost and Disclosures

- Cost proposal including hourly rates and any other applicable costs or rates included on the attached "Contracts Pricing Proposal" form (Attachment E, instructions included);
- Disclosure of Prior Findings of Non-Responsibility - "Executive Order 127" form (Attachment B);
- Indictment/Conviction of Felony (if applicable);
- NYSERDA Contracts Awarded (if applicable); and
- Prior and/or Competing Proposals (if applicable).

IV. Proposal Evaluation

Proposals that meet the proposal requirements above will be reviewed by a Technical Evaluation Panel (TEP) using the following evaluation criteria:

A. Technical and Management Criteria

Quality of the Individual and Organization

- Educational background and training of the primary facilitator;
- Experience of the primary facilitator; and
- Quality of the resources and support systems of the organization.

Capability of the Organization

- Soundness of the approach to provide the required services;
- Ability to work with diverse interest groups and individuals;
- Quality and breadth of prior and current experience and performance (Note: proposers should be aware that information may be requested from client references);
- Ability to provide the necessary resources to conduct high quality work in a timely manner; and
- Understanding the technical aspects of nuclear and environmental waste management and/or remediation.

B. Cost Criteria

- The validity of the hourly rates proposed;
- A comparison of all proposers costs and fees; and
- The total cost of the propsosal.

TEP members will use a score sheet to rate and rank the proposals. After assessing the proposals from the technical and management, and cost criteria, the TEP will make a recommendation as to which proposal is most beneficial to the West Valley CTF process.

V. General Conditions

A. 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 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).

B. 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

C. State Finance Law (Section139-j and 139k) - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements can be found at 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.

D. Executive Order 127 - NYSERDA is required to comply with the provisions of Executive Order 127. The Executive Order (available at www.gorr.state.ny.us/gorr/eo127_fulltext.htm). Pursuant to the Executive Order, proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of $15,000, should include:

(a) the name, address, telephone number, place of principal employment and occupation of every person or organization retained, employed or designated by or on behalf of the proposer to attempt to influence the procurement process and whether such person or organization has a financial interest in the procurement. If a proposer has identified one or more such persons or organizations, a *Disclosure of Lobbyist* form (available upon request or www.nyserda.org/stdforms.html) must be completed and filed with the proposal for each person or organization identified.

(b) a disclosure statement regarding proposer's history of findings of non-responsibility made by any agency or authority within the previous five years where such prior finding of non-responsibility was due to intentional provision of false or incomplete information to a covered agency or authority with respect to Executive Order 127. All proposals submitted in response to this solicitation should include a completed *Disclosure of Prior Findings of Non-responsibility* form (see Attachment B - also available upon request or at www.nyserda.org/stdforms.html).

If a proposer fails to disclose accurate and complete information outlined in (a) or (b) above in a timely manner or otherwise fails to cooperate with NYSERDA in the implementation of Executive Order 127, NYSERDA shall consider this in its determination of the responsibility of such proposer. After submitting a proposal in response to this solicitation, proposers should recognize that disclosure of such information contained in paragraph number 1 above is an

ongoing responsibility and that failure to comply with Executive Order 127 may lead to the termination of a contract.

E. 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 (at www.tax.state.ny.us/pdf/2006/fillin/st/st220td_606_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 perspective contractor prior to contacting and filed with NYSERDA. *See,* ST-220-CA (available at www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors (available at www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf).

F. 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. 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 (Attachment F) to contract successful proposals.

G. 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.

H. 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.

VI Attachments

Attachment A - Proposal Checklist
Attachment B – Disclosure of Prior Findings of Non-Compliance

Attachment C – Mission and Ground Rules of the West Valley Citizen Task Force
Attachment D – Additional Information
Attachment E – Contract Pricing Proposal Form
Attachment F – Sample Agreement