

**Flexible Energy Technical Analysis 2
Request for Qualifications (RFQ) 2561
No Funding Associated with this Solicitation**

Proposals Due: July 19th, 2012 by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) is issuing this solicitation to establish a pool of consulting firms qualified to provide the NYSERDA Energy Analysis Program (EA) with diverse technical, energy, economic, and environmental analytical capacity, and which can also provide support services on short notice. EA receives requests to provide research, analytic and modeling support on a range of topics, often with constrained time horizons. Access to the pool of consultants with wide-ranging high quality technical expertise established through this solicitation will augment and enhance staff expertise when called upon to undertake individual, discrete projects with firm timelines. In addition, these retained resources will also be available for all Programs throughout NYSERDA, providing technical expertise when such services are needed.

Proposers may submit a proposal to provide support in one, all or any of the following Support Areas.

Electric System Analysis	Natural Gas Infrastructure Assessments	Fuel Supply and Infrastructure Analysis
Life-Cycle Assessment	Economic Analysis, Modeling and Forecasting	Benefit Cost Analysis
Policy Analysis and Planning	Transportation Systems Analysis	Market Research
Technology Evaluations and Penetration Studies	Health and Environmental Impacts Analysis	Strategic and Corporate Planning

Respondents who are selected under this solicitation will enter into a Task Order Agreement for one or more of the Support Areas with NYSERDA that will last for five (5) years. Future work issued in the form of Task Work Orders under this solicitation will vary in scope and budget and draw from various funding sources. The earliest expected start date for any potential work under this program is January 2013.

A bidder's conference call will be held on June 6th, 2012 at 10:00 AM Eastern Time. The call-in number is 866-394-2346, conference code #1692328714.

Proposal Submission: Proposers must submit ten (10) 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, RFQ 2561
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Andrew Kasius at (518) 862-1090, ext.3327 or ask@nyserda.org. If you have contractual questions concerning this solicitation, contact Elsyda Ahmed at (518) 862-1090, ext. 3232 or ela@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting Andrew Kasius (Designated Contact) at (518) 862-1090, ext. 3327 or ask@nyserda.org. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

* Proposals must be received by NYSERDA on or before 5:00 p.m. on July 19th. Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at nyserda.ny.gov.

I. Introduction

The NYSERDA Energy Analysis (EA) program provides energy policy and technical analysis services both internally to NYSERDA, as well as the State's energy policy and decision makers and energy industry stakeholders. EA routinely works collaboratively with other State agencies and entities to develop, implement, and evaluate energy policies and programs. Often times, NYSERDA and the EA program are turned to for research and analytic work to advance deliberations on general or specific energy and environmental proposals.

This solicitation will establish a pool of consulting firms qualified to support EA, and other NYSERDA programs, with diverse technical, energy, economic, and environmental analytical capacity, and which can provide services on short notice. EA receives requests to provide research, analytic and modeling support on a range of topics, often with constrained time horizons. Access to the pool of consultants with wide-ranging high quality technical expertise established through this solicitation will augment and enhance EA staff expertise when called upon to undertake individual, time sensitive projects. In addition, these retained resources will also be available for all programs throughout NYSERDA, providing technical expertise when such services are needed.

In 2007, NYSERDA released RFQ 1095, Flexible Energy Technical Analysis 1, which established Task Order Agreements with consultants in defined Support Areas. These Task Order Agreements will expire in August 2012. This solicitation is being issued to re-establish a similar program of support services and one which better reflects EA's current and anticipated mission, and is reflected in the make-up of the Support Areas listed in Section II.A below.

II. Program Requirements

A. Support Areas

Proposers are invited to submit, in the format described in Section III, a proposal describing their skills, expertise, qualifications, and personnel rates in any or all of the following areas:

A. Electric System Analysis

Assistance may be requested for analysis and modeling of the electric power system. Assessments may include the economic and physical impacts of changes and additions to elements of the electricity system such as generation, transmission, and distribution. Analyses may include electricity system optimization, simulation modeling, and thermal, voltage, and stability power flow analyses. For illustration, some of the software packages with which the Contractor is conversant may include: GE Multi-Area Reliability Simulation (MARS), and ICF International's Integrated Planning Model (IPM).

B. Natural Gas Infrastructure Analysis

Assistance may be requested to undertake projects (1) evaluating changes in domestic gas supply and pipeline projects on the cost, reliability and capabilities of the natural gas infrastructure serving New York and the Northeast, (2) utilizing modeling software to simulate pipeline operating conditions, (3) customizing and running models to produce simulations of day-to-day operations, (4) utilizing transient hydraulic modeling software to look at changing system conditions following contingency events, (5) using the Contractor's database of gas pipelines operating in New York to analyze the effects of increasing demand, new supply sources, and limited transportation capacity, (6) identifying the potential natural gas system impact from emerging end-use applications such as, but not limited to, compressed natural gas (CNG) and liquefied natural gas (LNG) for transportation related uses. For illustration, some of the software packages with which the Contractor is conversant may include, but not be limited to: Gregg Engineering's WinFlow and Gregg Engineering's WinTran.

C. Fuel Supply and Infrastructure Analysis

Assistance may be requested to analyze fuel supply and associated infrastructure in New York. This may include assessment of current and possible future supply and demand of petroleum products, coal, natural gas, renewable energy (e.g. wind and solar), renewable fuels (e.g. gaseous and liquid biofuels as well as solid biomass), nuclear energy and alternative energy carriers such as hydrogen. Such assessment may include fuel specific analysis of production costs, characterization of technological change (i.e. extraction or conversion technologies) and market dynamics affecting supply, demand and prices. Analyses may also include an assessment of the current and future required infrastructure to develop, produce, process,

refine, transport, and deliver these fuels to end-users in New York. The contractor may be requested to identify possible energy assurance issues such as supply disruption scenarios and strategies to respond to such events.

D. Life-Cycle Assessment

Assistance may be requested to perform life cycle assessments for clean technologies and products as well as life cycle analysis, including total fuel cycle analysis, for all relevant fuel pathways and energy end-uses in New York. Fuels of interest may include, but not be limited to, fossil fuels, nuclear power, renewable fuels, and energy carriers (e.g. electricity and hydrogen). Fuel cycle analysis may include, but not be limited to, the following processes: energy feedstock production; feedstock transportation and storage; fuel production; fuel transportation, storage and distribution; provision of energy service involving a conversion process (e.g. combustion in an engine or boiler). The primary analytic outputs of concern include: embodied energy by fuel type, energy required to produce a fuel, energy required to perform a service (e.g. miles of travel or space heating), fossil fuel energy requirements, emission levels of the major greenhouse gases, criteria air pollutants, and air toxins. For illustration, modeling systems may include Argonne National Laboratory's Greenhouse Gases, Regulated Emissions, and Energy Use in Transportation (GREET) Model.

E. Economic Analysis, Modeling and Forecasting

Assistance may be requested to assess the impacts of energy and environmental policies and new technologies on New York's employment, income, output, mobility, and other parameters. Analyses may be required to account for changes in investment and incremental costs of new technologies, energy savings from use of new technologies, changes in the price of electricity and other fuels, changes in energy expenditures and revenue to energy providers, opportunity costs, and changes from consumer and business expenditure patterns due to revenue that may be collected to pay for the policies. Analyses may be conducted on a net impact basis. For illustration, macroeconomic modeling capabilities may include Regional Economic Models, Inc. (REMI) and IMPLAN, Decision Time and SYSTAT 9 software created by SPSS Inc. In addition, required assistance may include multi-year forecasts of electricity and fuel use requirements and prices for all fuel types in all sectors. Fuels may include natural gas; distillate and residual oil with varying sulfur content; various types and grades of coal; renewable resources including wind, biomass, landfill gas, and photovoltaic systems; and nuclear power. Sectors may include electricity, commercial, industrial, residential, and transportation. Prices for each fuel and customer sector may include commodity prices (e.g., the price at Henry Hub for natural gas or the price of crude oil for petroleum products) and transportation prices to various New York delivery points.

F. Benefit-Cost Analyses

Assistance may be requested to develop inputs necessary to conduct benefit-cost analyses of NYSERDA's public benefits programs including programs that target electric energy efficiency, natural gas and fuel oil efficiency, demand response, renewable electricity and fuels, distributed generation, and transportation efficiency. Inputs to benefit-cost analyses include estimation of benefits such as avoided energy and capacity costs, avoided distribution and transmission costs, wholesale price suppression, system reliability benefits, options benefits, macroeconomic impacts, and monetization of non-market goods such as comfort, health, and environmental impacts. In addition, the proposer must have experience with monetizing impacts of innovative building technologies as well as experience with estimating positive and negative impacts on O&M, water use, waste, and labor costs associated with the energy efficiency and other programs. Proposers must also have experience in identifying appropriate baselines, development of incremental measure costs, use of appropriate discount rates and time horizons, and life cycle analysis.

G. Policy Analysis and Planning

Assistance may be requested to perform analyses and assessments of general and specific energy related public policy initiatives that are under consideration and/or being planned. Analyses sought from the Contractor may be qualitative or quantitative and include: assessments of best practices regarding regulatory and tax policies to promote clean energy goals and objectives; and, analysis of proposed policy initiatives in regards to energy supply and costs, estimated effects on businesses in the State, impacts on

consumers (*i.e.*, ratepayers or taxpayers), direct job impacts and fiscal and tax implications for the State's general fund. Quantitative analysis may include modeling of the energy system under various policy scenarios using such tools as the MARKet Allocation (MARKAL) Model.

H. Transportation Systems Analysis

Assistance may be requested to analyze the effects of transportation programs and policies on energy efficiency and consumption and the effects of energy policies and pricing on transportation demand and use. The Contractor should be knowledgeable about alternative fuels and vehicle technologies, transportation demand, advanced transportation technologies, such as intelligent transportation systems, and transportation systems management and operations and travel demand modeling. Examples of possible requests could include: evaluate the regional or statewide impact of alternative transportation fuel facilities such as liquefied or compressed natural gas and other alternative transportation fuel facilities; conducting projects related to energy and fuel supply infrastructure; systems modeling and assessment; safety issues; fuel supply adequacy studies; and electric vehicle infrastructure deployment.

I. Market Research

Assistance may be requested to perform State or national level market research analyzing energy end-use sectors such as buildings, industrial operations, transportation and power generation and to assess market opportunities for new technologies and practices, across sectors. Such analyses would examine factors such as end-use market size and growth rates, as well as issues and trends affecting clean energy technology adoption. Examples of market specific assessments may include: the efficacy and comparative cost-effectiveness of new technologies and practices; ongoing changes in market activity with respect to energy efficiency products and services; and, supply chain studies to identify areas of strategic opportunity for New York, in terms of workforce capabilities, existing resources, or economic development opportunities. Studies could include assessments of potential energy, environmental, and economic benefits of strategies to deliver programs to end-use sectors and identify market and institutional barriers to technology and product adoption, as well as program opportunities to address those barriers.

J. Technology Evaluations and Penetration Studies

Assistance may be requested to assess new energy technologies and practices for efficacy and cost-effectiveness. Technology assessments may include energy efficiency measures; electricity generation equipment and delivery modalities such as those associated with distributed generation and combined heat and power systems; and alternative transportation technologies such as advanced vehicles and infrastructure. Penetration studies may include analysis of market activity of specific energy technologies, relative to other technologies, and changes over time, including historic information and forecasting of future activity. The Contractor may be requested to assess a wide range of new and improved energy related equipment and practices.

K. Health and Environmental Impacts Analysis

Assistance may be requested to perform environmental and health impact assessments related to energy policy analysis in support of a multi-pollutant policy analysis framework. Some examples of analysis make include use of the U.S. Environmental Protection Agency (EPA) Benefits Modeling and Analysis Program (BenMAP) software in analyzing validated health impacts associated with energy decision making. Activities may include compiling and analyzing best practices and developing and running health-based models to determine the health impacts associated with emissions from energy technologies. The Contractor may be requested to conduct analyses of environmental issues associated with energy policy and planning and development including issues such as levels of air emissions (*e.g.*, SO₂, NO_x, CO₂, CH₄ and other greenhouse gases, mercury, particulates, and volatile organic compounds), air quality, direct and indirect effects of energy on wildlife, performance and costs of technologies, water quality, changes in ecosystems, economic impacts of ecosystem degradation and recovery, and costs of mitigation of environmental impacts. Activities could also include reviewing and commenting on draft environmental impact assessments and statements and State and federal licensing and permitting actions, providing technical analysis to support the review and development of studies related to such actions, and identifying viable alternatives to proposed activities addressed in the assessments and categorizing and developing responses to public comments.

L. Strategic and Corporate Planning

Assistance may be requested to support NYSERDA in its review of its programs and organizational structure and to conduct internal strategic analysis to help ensure NYSERDA's corporate structure supports its strategy. Activities may include: benchmarking of best practices, assessment of opportunities, strengths, and programmatic gaps; identification of appropriate software support; and identifying and assessing new funding avenues and partners such as foundations, private partnerships, and federal funds.

B. Funding and Schedule

Funding will be identified on a project-specific basis, and will be determined in part on the scope and subject matter of the Task Work Orders as they are developed according to needs. This solicitation is expected to establish a pool of qualified consultants to assist NYSERDA and Energy Analysis for time sensitive projects, and NYSERDA cannot anticipate whether the need will arise or if funding will be available for any, or all, of the Support Areas listed above. However, past experience shows that EA, and other programs within NYSERDA, are periodically called upon to perform analyses similar to those described in the Support Areas descriptions.

C. Services Requested

As a result of this RFQ, NYSERDA expects to retain up to three qualified contractors to provide services in each of the specified Support Areas outlined in Section II of this RFQ. The number and type of services requested from the selected contractors will depend on the nature and complexity of the project, the contractor's expertise, the volume and frequency of the services requested by NYSERDA, and performance.

Proposers are permitted, but not required, to team with partners (subcontractors) they consider would offer complementary expertise in the Support Areas identified in Section II.

D. Task Order Agreements

Up to three contractors will be selected through this RFQ to fulfill the needs of each of the Support Areas. NYSERDA will enter into a general Task Order Agreement with that contractor selected for each Support Area, with the flexibility to request services for a variety of activities. A Task Order Agreement is used because no estimate can be made in advance as to the type, amount, and complexity of the work each contractor will be requested to perform.

The Task Order Agreements will not guarantee any specific amount of work, but may contain a maximum dollar amount. The amount of work assigned to each contractor will depend on their particular expertise, the amount of work requested in the contractor's technical area, past performance, current workload, deadline requirements, and the ability of the contractor to provide high quality, cost-effective, and timely services. NYSERDA reserves the right to negotiate among finalists to ensure access to specific expertise. If multiple contractors are selected with overlapping areas of expertise, NYSERDA may also ask selected contractors for proposals and bids on specific assignments.

E. Task Work Order Requests and Plans

Projects will be assigned through a written Task Work Order Request and initiated through a Task Work Order Plan, which will become a binding agreement for all parties.

For projects with anticipated budgets under \$200,000, NYSERDA Project Managers will pursue either of the following options: 1 - issue a Task Work Order Request to the highest ranked consultant under a specified Support Area, or; 2 - issue a minibid request to the top three ranked consultants under a specified Support Area. Under Option 1, if the response from the top ranked consultant is considered satisfactory, a written Task Work Order Plan will be completed. If considered unsatisfactory, NYSERDA retains the option of reissuing the Task Work Order Request as a minibid, as described in Option 2. For projects with anticipated budgets of \$200,000 or greater, NYSERDA will issue the minibid request to the top three ranked consultants. Under both a request to the top ranked consultant and in the minibid process, respondents provide a detailed response to the request, including staffing, hours, budget, and scope of work.

The Task Work Order Plan will be prepared by the contractor in cooperation with NYSERDA. Task Work Order Plans shall include:

- The goals and objectives of the project
- The approach that will be taken outlined by tasks
- Any relevant background information
- Defined deliverables
- The project time frame
- The names and titles of individuals to work on the project
- The total not-to-exceed cost of the project, including a breakout by task and by title, hourly rate, hours, and non-labor costs
- The identification of measures and ability to track project success

The details of any Task Work Order Plan will be consistent with the level of complexity of the proposed project or activity. Hourly rates shall be those in the general Task Order Agreement. The Task Work Order Plan for projects is expected to be 1-5 pages depending on the complexity of each project. NYSERDA must review and approve all Task Work Order Plans before projects are implemented.

F. Contractor Responsibilities

NYSERDA expects to issue, to selected Contractors, requests for services in one or more of the Support Areas. For each such request, the selected contractor shall be required to:

- Prepare a Task Work Order Plan, as outlined in Section II. D. above with budget, for each project for review and approval by NYSERDA;
- Negotiate the scope and cost of the technical assistance with NYSERDA;
- Upon agreement by all parties to the Task Work Order Plan, provide the required assistance within the required time frame;
- Submit any deliverables to NYSERDA for review and approval; NYSERDA's review will ensure that the deliverable conforms to the Task Work Order Plan, and;
- Provide required documentation of expenditures by task, based on the Task Work Order Plan, when seeking reimbursement from NYSERDA.

G. Compensation

Compensation will be based on the contractor's direct and indirect personal services costs (included in the proposal) plus allowable expenses. Fees will be based on the contractor's hourly rates for the appropriate level of staff as well as for any subcontractors listed in the proposal. NYSERDA will negotiate each Task Order Agreement on the basis of demonstrated competence and qualifications, at fair and reasonable fees. Fee schedules shall be included in each proposal that identify rates for each member of the team by title, including subcontractors. Proposers are asked to consider the length of the Task Order Agreement (five years) in proposing their fee schedules and annual escalation rates.

Budgets for all work conducted will be included in the Task Work Order Plan and approved by NYSERDA. The Task Work Order Plan will also place a ceiling, or not-to-exceed amount, for each project. Contractors who accrue billable hours beyond the ceiling in the Task Work Order Plan, without approval in writing by NYSERDA, will do so at their own risk. **Contractors will not be compensated for time spent in the preparation of any Task Work Order Plan.** Preparation of the Task Work Order Plan is considered to be covered by the contractor's overhead expense.

III. Proposal Requirements

Proposers are invited to submit a proposal for one, all or any of the Support Areas.

A. Submittal

To be eligible for selection under this RFQ, Proposers must submit a complete bid package and agree to the terms and requirements of this RFQ. Proposers must submit **ten (10) copies** of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFQ. A completed and signed **Proposal Checklist** (Attachment A) must be attached as the front cover of your proposal, one of which must contain an

original signature. Proposals must be received by NYSERDA on or before 5:00 pm on July 19th, 2012. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned.** Faxed or e-mailed copies will not be accepted.

B. Length

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, RFQ 2561, and the page number. Proposals may be either single- or double-sided, but a page is considered one side of an 8-1/2" x 11" piece of paper. The font size shall not be smaller than 11 point.

C. Ownership and Compensation

All responses submitted as part of this solicitation process become the property of NYSERDA. Proposers will not be reimbursed by NYSERDA for any costs associated with the preparation of their proposals.

D. Proposal Format

Each proposal shall contain, at a minimum, **the following:**

1. Cover Letter (1 page suggested)

Proposers shall submit a cover letter on company letterhead that:

- (a) references RFQ 2561;
- (b) specifies each specific Support Area, by name and number, where services are being offered;
- (c) summarizes the proposer's ability to perform such services; and,
- (d) is signed by a person with authority to enter into a contract with NYSERDA.

Letters from subcontractors included in the proposal must be attached to the proposal and include the same information included in the proposer's cover letter.

2. Table of Contents (1 page)

Proposers should present a comprehensive table of contents that outlines the page number and section where each Support Area proposal can be found. Proposals will be evaluated independently for each Support Area. Proposals must be organized providing a separate section for each Support Area where services are being offered, even if information is provided for another section/Support Area.

Each Support Area being offered must include the items listed below, **regardless** of whether they have been presented in another section:

- (a) Overall experience and capabilities
- (b) Personnel Qualifications
- (c) Fee Schedule - Contract Pricing Proposal Form (CPPF)

3. Overall Experience and Capabilities (2-3 pages)

For each proposed Support Area, proposers must describe their expertise and ability as a team/firm to deliver services in the proposed Support Area. This should include the aggregate number of years working in this area and a brief summary of at least one and no more than three similar projects. The project descriptions should specify the level of involvement of the proposing firm and subcontractors and the results/deliverables of the project. For at least one of the projects mentioned, proposers must include customer contact names and phone numbers.

4. Personnel and Qualifications (1-2 pages, plus one-page résumés)

For each proposed Support Area, proposers must identify and describe the company or organization that will be the prime contractor under this RFQ and describe any personnel, teams, and subcontractors. Describe past relationships with team members and subcontractors. Include an organizational chart, if necessary. Describe the accomplishments, experiences, and expertise of the individuals comprising the proposing team relevant to this RFQ. Proposers must identify the project manager who will serve as the

single point of contact as well as all personnel that may be involved with providing services under this RFQ. In this section include one-page résumés that highlight recent experiences of all individuals who will be directly involved in providing services.

5. Fee Schedule - Contract Pricing Proposal Forms

For each proposed Support Area, proposers must include a fee schedule on the NYSERDA Contract Pricing Proposal Form (CPPF, Attachment C) for the services proposed under this RFQ. Fee schedules for proposers and all subcontractors shall include: direct labor costs presented by job title, and a range for each job title's hourly rate; travel and per diem costs; overhead rates (basis rate and items included in overhead rate); general and administrative costs and basis for application; and other costs. If a proposer is not located in New York State, describe how travel costs will be minimized.

Rate escalations shall be proposed by the proposer and will be considered for evaluation purposes as part of overall cost.

6. Relevant Attachments

Proposers must include all required attachments as listed in Section VI.

E. Indirect Cost

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.

IV. Proposal Evaluation

Proposals that meet Proposal Requirements (Section III) will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers. Responses to this RFQ will be reviewed and assigned scores based on the criteria highlighted below:

1. Responsiveness

- Overall responsiveness to NYSERDA's request as specified in this RFQ.

2. Personnel and Qualifications

- Adequacy/depth of corporate resources to provide requested services.
- Qualifications and expertise of the project manager, personnel/team, and subcontractors in relevant Support Areas
- Clear identification of staff/subcontractors that will be assigned to proposed Support Areas and project types.

3. Prior Experience

- Demonstrated ability to complete projects on schedule.
- Previous experience in the conduct and delivery of similar or related services.
- Quality and relevance of previous work as evidenced by sample projects.

4. Cost

- Reasonableness and relative competitiveness of labor rates, associated fees, escalation rates and overhead.

5. References and Other

- Information provided by references.
- Other personnel, programmatic and management factors deemed appropriate by NYSERDA.

Further, as part of the evaluation process, proposers may be required to have appropriate representatives attend an interview in Albany, NY prior to final selection.

NYSERDA anticipates that it will select no more than three (3) consultants for each Support Area, however it may be less. This minimum number cannot be determined until all proposals are received and reviewed.

Conflicts: The firm, its principals, subcontractors, and any personnel of the firm must be free from any financial or similar interest in any product or service which may conflict with or appear to conflict with the objectivity of the services provided to NYSERDA. Please describe all of your product, manufacturer or service-related affiliations. If any affiliations exist, you must provide a statement verifying these affiliations do not conflict with or appear to conflict with the objectivity of providing services to NYSERDA and its customers. Non-disclosure of any affiliation can result in the termination of a contract, if awarded.

V. 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 <http://nyserda.ny.gov/~media/Files/About/Contact/NYSERDARegulations.ashx>. 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 - NYSEDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain new procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/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 - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA 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.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA 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 NYSEDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/2006/illin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Contract Award - NYSEDA anticipates making multiple Task Order Agreements under this solicitation. It may award a Task Order Agreement 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. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA expects to notify proposers in approximately ten (10) weeks from the due date whether your proposal has been selected to enter into a Task Order Agreement.

Limitation - This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSEDA's best interest.

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 NYSEDA after the award of a contract, NYSEDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

VI. Attachments

- Attachment A: Proposal Checklist
- Attachment B: Disclosure of Prior Findings of Non-responsibility
- Attachment C: Contract Pricing Proposal Form (CPPF)
- Attachment D: Intent to Propose (Optional)
- Attachment E: Sample Agreement