



Monitoring Acidification and Mercury Impacts in New York State
Program Opportunity Notice (PON) 2669
\$2,000,000 Available

Proposals Due: April 9, 2013 by 5:00 PM Eastern Time*

NYSEERDA's Environmental Research Program seeks to increase the understanding and awareness of the environmental impacts of energy choices and emerging energy options, and to provide a scientific, technical foundation for formulating effective, equitable, energy-related environmental policies and resource management practices. The Program focuses on critical information needs and research gaps associated with electricity-related environmental issues relevant to New York State. Go to <http://www.nyserda.ny.gov/Environmental-Research/EMEP.aspx> for more information on the Program.

The Environmental Research Program has supported long-term monitoring for sulfur (S), nitrogen (N), mercury (Hg) and other electricity generation pollutants for more than a decade. To be most effective, long-term environmental monitoring programs must provide high-quality, reliable data that informs specific scientific or policy questions while also providing surveillance for unanticipated change. These programs should also integrate their data collection efforts into research programs that use and reexamine the data for multiple objectives.

This PON seeks qualified entities and teams to monitor the key ecosystem components for a period of up to five (5) years. Proposals must include monitoring, data analysis and reporting components. Specific monitoring activities requested are:

- Monitoring of Adirondack streams for hydrology and chemical trends relating to acidification, recovery and the influence of hydrologic events;
- Monitoring of New York State fish for temporal trends and spatial patterns of Hg bioaccumulation, and assemblage relating to acidification; and
- Monitoring of New York State birds for temporal trends and spatial patterns of Hg bioaccumulation, and changes relating to acidification.

Proposal Submission: Proposers must submit two (2) copies of the proposal on separate CDs, in Word or PDF format (a copy in each format preferred), along with one (1) complete paper copy, including the Proposal Checklist, which must contain an original signature. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, PON 2669
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this PON, contact Gregory Lampman at (518) 862-1090, ext. 3372 or ggl@nyserda.ny.gov. If you have contractual questions concerning this PON, contact Nancy Marucci at (518) 862-1090, ext. 3335 or nsm@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Gregory Lampman (Designated Contact) at (518) 862-1090, ext. 3372 or ggl@nyserda.ny.gov. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposers 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 NYSEERDA by 5:00 PM Eastern Time on April 9, 2013. Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the bidder's 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 NYSEERDA location other than the address above. If changes are made to this PON, notification will be posted on NYSEERDA's web site at www.nyserda.ny.gov.

I. INTRODUCTION

Electricity generation is a major source of N and S oxides, volatile organic compounds, fine particles, greenhouse gases, and air toxics such as Hg. These pollutants are associated with acid rain, smog, visibility degradation, climate change, and increased human and wildlife mortality and morbidity. The Environmental Research Program has supported long-term monitoring for S, N, Hg and other electricity generation pollutants for more than a decade. To be most effective, long-term environmental monitoring programs must provide high-quality, reliable data that informs specific scientific or policy questions while also providing surveillance for unanticipated change. These programs should also integrate their data collection efforts into research programs that use and reexamine the data for multiple objectives.

With changing policies, advances in scientific understanding and the need to be increasingly cost-effective, it is essential that long-term monitoring programs are periodically reassessed to optimize their value and effectiveness. A NYSERDA sponsored “Assessment of Long-Term Monitoring of Nitrogen, Sulfur, and Mercury Deposition and Environmental Effects in New York State” (LTM Assessment) has recently been completed. Copies of the final report and the compendium of metadata are available at:

<http://www.nysERDA.ny.gov/Publications/Research-and-Development-Technical-Reports/Environmental-Reports.aspx>

This PON seeks qualified entities and teams to monitor some of the key ecosystem components supported by the LTM Assessment for a period of up to five (5) years. Proposals will require monitoring, data analysis and reporting components. Multi-year monitoring plans must be included in the proposal, but will be subject to modification at NYSERDA’s discretion and based on input of the Technical Evaluation Panel (TEP) members. Teaming of organizations that include researchers and location-based field staff are encouraged, as is leveraging and coordination with existing datasets. Specific monitoring activities requested include:

- Monitoring of Adirondack streams for hydrology and chemical trends relating to acidification, recovery and the influence of hydrologic events;
- Monitoring of New York State fish for temporal trends and spatial patterns of Hg bioaccumulation, and assemblage relating to acidification; and
- Monitoring of New York State birds for temporal trends and spatial patterns of Hg bioaccumulation, and changes relating to acidification.

Total NYSERDA funding is limited to \$2,000,000, and may not be sufficient to fund all proposals received. NYSERDA anticipates funding activities in each of the categories of the PON. NYSERDA anticipates negotiating with the selected proposers to adapt their proposed monitoring plan to assure an appropriate balance of monitoring activities, to maximize project benefits and to assure activities are cost-effective. Cost-sharing by proposers of at least 25% is desired but not required. Leveraging of other research funding is strongly encouraged. NYSERDA funding is available for up to five (5) years, but proposed monitoring plans may have longer or shorter durations.

II. PON REQUIREMENTS – Targeted Research Areas

A. Monitoring of Adirondack Streams

Background: Lake data have generally served to represent surface waters in the Adirondacks, though it is known that lakes and streams respond quite differently to acidic deposition. Streams are often more sensitive to acidification than lakes because stream inputs are mainly from shallow flow paths with little buffering capacity, which can result in episodic acidification events even when base flow pH is circumneutral.

Stream monitoring in New York State has been undertaken at different scales, by a number of data collectors. Index streams are those in which in-stream concentrations and export are measured. The United States Geological Survey (USGS) has been primarily responsible for Index Stream monitoring in the Catskill region, in which four (4) streams are currently gauged and regularly monitored for a range of solutes, including pH, acid neutralizing capacity (ANC), base cations, aluminum (Al), phosphorus (P), N, and carbon (C). The US Geological Survey (USGS), in cooperation with the Adirondack Lakes Survey Corporation (ALSC), operates the Buck Creek monitoring site (which includes two [2] sub-watersheds) in the southwestern Adirondacks and SUNY Environmental Science and Forestry (ESF) continuously monitors Archer Creek, the inlet to Arbutus Lake, and two (2) sub-watersheds at Huntington Forest for hydrology and chemistry. In addition to these index streams, the ALSC routinely monitors chemistry at Bald Mountain Brook and Fly Pond outlet on a bi-weekly and monthly basis respectively, but continuous discharge is not measured.

Along with routine chemistry monitoring and index stream monitoring, some one-time surveys of stream chemistry have been completed in the Adirondacks, including the “Western Adirondack Stream Survey” (WASS) and the “East-Central Adirondack Stream Survey” (ECASS). These periodic surveys sampled a large number of streams to collect chemistry of spring snowmelt, autumn high flow and summer baseflow within short period of time. In addition to WASS and ECASS, the New York State Department of Environmental Conservation (DEC) administers the statewide Rotating Integrated Basin Study (RIBS), which monitors a rotating set of streams each year, although waters tend to be larger rivers and streams making them somewhat less applicable for assessing acidification and recovery issues.

Targeted Research: This PON seeks to build on these existing efforts to develop an efficient, intensive and extensive stream monitoring plan and sampling program in New York State that includes all three (3) levels of monitoring intensity: index streams, routine chemistry monitoring and periodic extensive surveys. The primary goal of new activities should be to gain a better understanding of acidification and recovery of streams in the Adirondacks, although some new activities in other acid impacted areas (e.g. Catskills) of the New York State may be warranted. In addition to assessing the effects of acidic deposition on stream chemistry, a secondary goal in monitoring hydrology is to aid in understanding the affects of episodic weather events on stream chemistry and flow in smaller streams.

B. Monitoring of New York State Fish

Background: Atmospheric deposition of Hg has caused an increase in Hg levels in freshwater ecosystems throughout the Northeastern U.S. In many areas, Hg levels are high enough to threaten aquatic ecosystem health and pose potential health risks to people that consume fish. Due to various Hg reduction policies, there have been significant reductions in Hg emissions in the Northeast U.S. There is a need to quantify the resulting changes in Hg deposition and the impacts on aquatic resources in New York State.

Acidification of many bodies of water in New York State has resulted in a decreased number of fish species and in some cases extirpation of fish entirely from some water bodies. Monitoring fish species assemblage and changes within bodies of water can provide information about aquatic ecosystem status and recovery from acidification.

Fish Hg monitoring has been ongoing in New York State for decades. Additional fish monitoring is needed to improve the understanding of spatial extent of Hg contamination. These data could help improve understanding of Hg relationship to water quality variables and to help parameterize models of fish Hg concentrations based on water chemistry and other variables. Additionally, while fish sampling for Hg is taking place, it is often possible to gain insight into fish community assemblage.

Developing models of fish tissue Hg concentrations based on easily measured variables, such as water chemistry, would make future fish monitoring programs more cost effective because monitoring fish tissues could be concentrated on specific geographical regions or water bodies of concern.

Targeted Research: This PON seeks research teams to develop and conduct a strategic Hg monitoring program for New York State fish. Proposed projects should seek to balance an expansion of the number of water bodies (lakes/streams) for which fish Hg samples have been collected, while also collecting fish samples from previously sampled water bodies to extend and/or develop trends in fish Hg concentrations. Preference will be given to proposers who define a path to improving models for Hg bioaccumulation. A secondary goal of this work is to gain additional insight into fish species assemblage in acid impacted lakes of New York State.

C. Monitoring of loons and songbirds for trends and spatial extent of Hg bioaccumulation

Background: Physiological and reproductive problems are well-documented for fish species and predators that eat fish, including loons, minks, and river otters. Recent studies have also found elevated levels of Hg in terrestrial animals, including insects, spiders, and songbirds. As in aquatic systems, Hg concentrations in terrestrial animals increase as Hg moves through the food chain, but the transfer mechanisms are not well understood and spatial patterns of Hg bioaccumulation in terrestrial systems are not well documented.

A recently published NYSERDA report indicates that Common Loons in the Adirondacks with territories on acidic lakes had extremely elevated blood Hg levels and decreased reproductive success. Population model results indicated that the portion of the Adirondack loon population exposed to high Hg levels has a reduced growth rate, compared to birds with low body burdens of Hg. Continuing to monitor loon Hg levels and how Hg levels control population dynamics is important to fully understanding how changes in emissions policies affect these organisms.

Fish and Common Loon monitoring has improved our understanding of how emissions policies impact aquatic systems, but Hg affects on biota in terrestrial systems is less well understood. Additional songbird monitoring is needed improve the understanding of Hg bioaccumulation in at risk songbird populations, and to determine if temporal trends in Hg concentrations in terrestrial biota can be identified.

Targeted Research: This PON seeks proposals to develop and conduct strategic monitoring of Hg in songbirds and loons in New York State. For songbirds, proposed projects should seek to balance the

identification of new Hg “hot spots” and areas where Hg bioaccumulation may be physiologically effecting behavior or reproduction, with improving the understanding of Hg concentration trends in previously sampled birds, guilds or habitat types. The overall goal is to understand how Hg deposition and U.S. Hg emissions reduction policies are affecting wildlife Hg concentrations and health. For loons, proposed projects should seek to build on previous work by tracking Hg levels in individual birds, assessing Hg effects on reproductive success of nesting pairs, continuing to expand temporal trends in Hg concentrations and by developing a better understanding of how emissions policy impacts Hg concentrations in aquatic systems. A secondary goal of this work is to gain insight into how bird species assemblages may be affected by calcium loss due to acid deposition in New York State.

III. PROPOSAL REQUIREMENTS – Targeted Research Areas

Proposers must submit two (2) compact disks, each containing a complete proposal and proposal checklist in PDF format, along with one (1) complete paper copy, including the Proposal Checklist, which must contain an original signature, attached as the front cover of your proposal, to the attention of Roseanne Viscusi at the address on the front of this PON. Proposals must be **received** by NYSERDA by 5:00 pm Eastern Time on April 9, 2013. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will not be accepted.

Proposals must follow the format below. Proposals should include sufficient, succinct information to complete the required descriptions and answer the questions described in the Proposal Evaluation criteria listed in Section VI. Each page of the proposal should state the name of the proposer, “PON 2669”, and the page number. The maximum length of each proposal section is shown. Proposers may contact Gregory Lampman at 518-862-1090, ext. 3372 before preparing a proposal to discuss PON goals and proposal requirements.

III. Part 1: Project Description (Maximum page length noted in parenthesis - up to 12 pages total, excluding resumes)

A. Proposal Checklist Cover Sheet

A signed and completed Proposal Checklist must be attached to the front of the proposal. (1 page)
Proposals lacking the appropriate completed and signed Proposal Checklist will be returned.

B. Project Summary

Briefly describe the proposed monitoring plan and activities in a succinct Project Summary that contains all of the necessary information for a cursory understanding of the proposed project.

Summarize how the project will build on existing monitoring or research data and activities. Briefly describe how the monitoring project will inform the broader science and policy questions of today, and describe how the data will be used by the proposer for this purpose. Include a description of the limitations of the project. The Project Summary should be a complete summary of the project on a single page. (1 page)

B. Project Management Plan and Qualifications

Briefly describe the project Management Plan at a high level that includes the *key* personnel and organizations participating in the project and the role that each will play. Include in this description why these entities are important to the project and how the strengths of each improve the overall project. (1 page)

For projects with multiple entities, include an Organizational Chart that lists all *key* personnel. Include any subcontractors and other sponsors involved in the project, showing their roles and responsibilities. (1 page)

Include a one-paragraph description of a *sample* of related projects that have been undertaken by the key personnel that demonstrates experience with the proposed project area. Relevant experience and demonstrated success at developing and operating monitoring programs and providing data to support policy is critical. (up to 3 pages)

Include the relevant portions of resumes for *key* personnel that include education and experience that are relevant to the proposed work. (1 page each - not included in page count)

C. Monitoring Plan.

A project Monitoring Plan must be developed to describe the proposed sampling approach. The plan should describe the project at a high level and how the information collected fits with or leverages other ongoing or completed activities. Additionally, the Monitoring Plan should include specifics such as the field sampling protocol(s), number of samples to be collected, sample locations (to the extent possible), proposed analysis, a data management plan, and the format in which data will be made available.

The Sampling Plan should include a description (statistical or otherwise) of how the proposed number and type of samples were determined to maximize the value of the data collected. If some or all of the sampling is to be conducted on a rotating basis, the Monitoring Plan should describe the rotation, the duration of the rotational cycle and the rationale for this approach. To the extent possible, re-sampling should be undertaken at a frequency for which trends can best be identified or otherwise justified. For new sampling exercises the number or frequency of sampling should be based on a similarly appropriate rationale (e.g. statistical analysis). (up to 3 pages)

E. Data Outreach Plan

Include a description of how collected data will be conveyed to policy makers, scientists doing similar collections, scientists interested in using the data, etc. This could include a plan for briefings to policy makers, presentations at scientific conferences, publications (especially “open-source”), outreach materials, magazine articles etc. Efforts to increase access to or use of project data and outreach materials is encouraged. Anticipated fees associated with open-source publication may be included in the budget. (1 page)

F. Master Schedule

Complete a schedule showing starting and completion times for all major tasks, in terms of months after project initiation. Include equipment procurement, installation and start-up, planned sampling dates/periods, planned meetings/briefings/conferences and other key events. The Schedule should not be overly optimistic but reflect the realities of environmental monitoring. (1 page)

G. Contract Pricing Proposal Form

Complete the attached Contract Pricing Proposal Form for the entire project, including any in-kind contributions and other cost-sharing. Include any supplemental information necessary to fully understand the project on a separate sheet. Care should be taken to allow the reviewers to understand what each of the components of the project is expected to cost (personnel, equipment, field sampling, sample analysis costs, data outreach etc.) as project modifications may be negotiated based on TEP feedback and at NYSERDA discretion. The degree and type of cost-sharing will be considered in the evaluation of proposals. Cost-sharing of at least 25% is desired. Leveraging of other research or monitoring funding are preferable. In-kind cost-sharing is acceptable and could include previously collected, but unanalyzed samples. (Not included in page count).

III. Part 2: Supporting Documentation

A. Letters of Commitment or Support

If you are relying on other organizations or businesses to do work, provide services or equipment, data or share in the non-NYSERDA cost, include a letter from that organization or business describing their commitment. If the use of unpublished data from other researchers is necessary for the project to be successful, letters of support showing the availability of these data must be included. **The absence of letters of commitment or support will be interpreted as the proposer not having commitment/support from those parties.** (1 page each - not included in page count)

B. 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 is available at: <http://www.ogs.ny.gov/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 PON that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this PON will disqualify your proposal

C. Indirect Cost (Overhead) Rate(s)

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

- 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).
- If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
- 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.

D. Annual Metrics Reports

If awarded, the proposer will be required to submit to NYSERDA's Project Manager on an annual basis, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be documented. Reporting shall commence the first calendar year after the contract is executed. Reports shall be submitted annually by January 31 for the previous calendar year activities (i.e. reporting period). Please see Attachment E Metrics Reporting Guide: Information Dissemination for the metrics that you will be expected to provide and the reporting duration. NYSERDA may decline to contract with awardees that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

IV. PROPOSAL EVALUATION

Proposals that meet the proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below. To develop the strongest portfolio of projects, submitted proposals may be modified in size and scope based on feedback from the PAC and/or at NYSERDA's discretion. NYSERDA anticipates making multiple awards under this PON, funding projects under all three (3) Targeted Areas of the PON, but NYSERDA reserves the right to not make an award under each Targeted Area and multiple contacts may be awarded for a single Targeted Area.

A. Technical Evaluation Criteria (listed in order of importance)

Management Plan and Qualifications – How well has the proposer organized a management plan and a project team with the necessary technical, operations, outreach, and administrative experience for successfully completing the project? Does the proposer include partnerships with other entities? How many of the team members are located in New York State? Have letters of support demonstrating the availability of data been included (if appropriate)? Have letters of support from sub-contractors been included (if appropriate)?

Soundness of Project Methods and Research Design, Tasks and Schedule - How suitable are the proposed project methods and overall research design for meeting the project objectives and yielding accepted results? How comprehensive, realistic, and explicit are the project tasks with respect to the project objectives and proposal requirements? Are specific measurable targets of success provided where applicable? Is the number of samples or frequency of sampling appropriate for the purposes outlined?

Usefulness and Value of Project Results - Does the proposal address one (1) or more Targeted Research areas? How useful are the project results expected to be in validating or improving New York State or federal policies, regulations, impact assessments, or models? Does the proposed project consider and build on existing monitoring activities? To what extent is the project coordinating with other research/monitoring initiatives (e.g., field sampling, use of existing datasets etc.) to provide maximum value to New York State? Did the proposer review and considered the findings of the Assessment of Long-Term Monitoring of Nitrogen, Sulfur, and Mercury Deposition and Environmental Effects in New York State?

Communication of Results - How promising is the reporting and information transfer plan for successfully using project results to realize the potential benefits of the project? Has the proposer developed an outreach approach that brings added value to their project? Does the proposer have a proven track record of making data available and proactively reaching out to policymakers?

Cost Criteria - How justifiable and reasonable are the overall costs compared to the expected usefulness of the project results? Is the level of effort and duration of the project appropriate to the goals? How justified and reasonable are the proposer's cost allocations and co-funding contributions (cash, in-kind services, etc.)? To what degree does the proposal include meaningful cost-sharing from other key organizations?

B. Other Considerations

If an investigator(s) identified in a proposal is an investigator on a current NYSERDA awarded project, for which project deliverables (such as reports) have been consistently delinquent, such delinquency will be considered negatively in the evaluation of the current proposal.

Projects will be reviewed to determine whether they reflect the overall needs and objectives of the Environmental Research Program, including:

- The balance among projects of long- and short-term benefits and risk/reward relationships, and whether similar projects are presently or have been previously funded.
- The general distribution of projects of diverse topics related to Program goals.
- The ways in which the proposed project fits with currently funded projects.
- The ease of measuring project success in quantifiable ways.
- If applicable, the responsiveness of the proposer in conducting other NYSERDA-funded work.

V. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of the 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 New York State 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 State 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.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 (4) 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.ny.gov/pdf/current_forms/st/st220td_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.ny.gov/pdf/current_forms/st/st220ca_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 - NYSERDA anticipates making multiple awards under this PON, funding projects under all Targeted areas of the PON. It may award a contract based on initial applications without discussion, or following discussion or negotiations pertaining to the monitoring activities, costs and schedule. 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 (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately eight (8) weeks from the proposal due date whether your proposal has been selected to receive an award.

NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Limitation - This PON 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 PON 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 (5) 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 A-1 – Acceptance of Standard Terms and Conditions

Attachment B – Disclosure of Prior Findings of Non-responsibility Form

Attachment C – Contract Pricing Proposal Form

Attachment D – Sample Agreement

Attachment E – Metrics Reporting Guide: Information Dissemination

Attachment F – Marketing Questionnaire