

“Toward Zero-Net Energy Wastewater Treatment”  
Program Opportunity Notice (PON) 2722  
**\$1,150,000 Available**

Proposal Due: September 17, 2013 by 5:00 PM Eastern Time\*

**Program Summary** - The New York State Energy Research and Development Authority (NYSERDA) supports improving the performance, sustainability, and resiliency of municipal water and wastewater treatment infrastructure. To this end, the goal of PON 2722 is three-fold: to support Zero-Net Energy wastewater treatment plants (WWTPs) - plants where energy demand is balanced with energy generated from on-site renewable sources; to support planning and preparation for the potential impacts of climate change at both WWTPs and water treatment plants; and to convey project results to a broad New York State (NYS) audience. This PON invites proposals for Demonstration Projects associated with innovative technologies; and Feasibility Studies that: i) evaluate WWTP energy efficiency opportunities, ii) evaluate energy efficient process improvement alternatives, and iii) demonstrate use of the US Environmental Protection Agency’s Climate Resilience Evaluation and Awareness Tool (CREAT) or similar tools.

Examples of innovative technologies include, but are not limited to, alternatives to conventional activated sludge secondary processes; technologies to improve/facilitate anaerobic digestion gas production/use; energy-efficient nutrient removal; side stream treatment technologies to address high nutrient and organic loads generated from biosolids processing liquids; innovative low energy sludge processing technologies; and wastewater and/or biosolids energy recovery technologies.

All proposals must provide a minimum of 50% cost-sharing.

**Proposal Submission** - Proposers must submit two (2) paper copies of the proposal and one (1) digital copy of the proposal on CD. A completed and signed Proposal Checklist must be attached to the front of each copy. One (1) of the paper copies must have a Proposal Checklist that contains an original signature. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, PON 2722**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

If you have technical questions concerning this PON, contact Kathleen O’Connor at (518) 862-1090, ext. 3422 or [kmo@nyserda.ny.gov](mailto:kmo@nyserda.ny.gov). If you have contractual questions concerning this PON, contact Nancy Marucci at (518) 862-1090, ext. 3335 [nsm@nyserda.ny.gov](mailto:nsm@nyserda.ny.gov).

No communication intended to influence this procurement is permitted except by contacting Kathleen O’Connor at (518) 862-1090, ext. 3422 or [kmo@nyserda.ny.gov](mailto:kmo@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 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 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 NYSEDA location other than the address above. If changes are made to this PON, notification will be posted on NYSEDA’s web site at [www.nyserda.ny.gov](http://www.nyserda.ny.gov).

## I. PROGRAM OVERVIEW

**Program Goals** – The municipal wastewater treatment sector is recognizing the importance of shifting its objective from “eliminating something undesirable” (i.e., “wastewater”) to “recovering embedded resources” (e.g., water, energy, nutrients) from the waters conveyed to treatment facilities ([www.werf.org/lift/docs/tfadocs/ENER1\\_factsheet.aspx](http://www.werf.org/lift/docs/tfadocs/ENER1_factsheet.aspx); [www.wef.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=12884902042&libID=12884902042](http://www.wef.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=12884902042&libID=12884902042)).

The municipal water and wastewater sectors are also recognizing the significant implications presented by extreme weather events, sea level rise, shifting precipitation patterns, and temperature variability associated with climate change to the sustainability of their infrastructure (<http://www.nyserdera.ny.gov/climaid>).

The goals of PON 2722 are three-fold: to foster the transition to Zero-Net Energy wastewater treatment; to support better planning and preparation to adapt water and wastewater infrastructure to potential impacts of climate change; and to convey project results to a broad NYS audience. NYSERDA anticipates receiving proposals for the following types of projects:

### Demonstration Projects (up to \$250,000 per project)

- Demonstrations of innovative technologies including, but not limited to, alternatives to conventional activated sludge secondary processes; technologies to improve/facilitate anaerobic digestion gas production/use; energy-efficient nutrient removal; side stream treatment technologies to address high nutrient and organic loads generated from biosolids processing liquids; innovative low energy sludge processing technologies; and wastewater and/or biosolids energy recovery technologies.

### Feasibility Studies (up to \$25,000 per project)

- *Energy Efficiency Technical Evaluation Feasibility Studies\** – Studies including, but not limited to, developing baseline energy consumption data, and/or identifying opportunities for energy efficiency, demand reduction, and/or process optimization projects.
- *Feasibility Studies to Evaluate Energy Efficient Process Improvement Alternatives\** – Studies including, but not limited to, evaluations of alternative energy efficient nutrient removal, sludge processing, or disinfection alternatives.
- *Feasibility Studies to Evaluate/Demonstrate Use of US EPA’s Climate Resilience Evaluation and Awareness Tool (CREAT) or Similar Tools* – Studies designed to understand potential climate change impacts, assess related risks, and evaluate adaptive options for municipal drinking water and wastewater systems in New York. Information on the CREAT tool can be found on the Climate Ready Water Utilities website at <http://water.epa.gov/infrastructure/watersecurity/climate/>. Information about projected climate impacts to NYS may be found at: <http://www.nyserdera.ny.gov/climaid>.

\*Only WWTPs that are NOT eligible to participate in NYSERDA’s FlexTech Program are eligible to submit proposals for the Feasibility Studies marked with an asterisk above. (WWTPs that are eligible to participate in NYSERDA’s FlexTech Program can perform similar work through the FlexTech Program.) For more information, please contact Kathleen O’Connor at (518) 862-1090, ext. 3422 or [kmo@nyserdera.ny.gov](mailto:kmo@nyserdera.ny.gov) or see <http://www.nyserdera.ny.gov/Funding-Opportunities/Current-Funding-Opportunities/PON-1746-FlexTech-Program.aspx>.

**Program Funding** - A total of \$1,150,000 is available through PON 2722. Proposers may request funding of up to \$250,000 per Demonstration Project and \$25,000 per Feasibility Study. *Please Note: The level of funding requested from NYSERDA should be appropriate for the level of effort required to complete the project and the anticipated benefits to New York.* All proposals must provide cost-sharing of at least 50%.

*PON 2722 cannot be used to fund projects that are eligible for other existing NYSERDA programs. These include anaerobic digester gas (ADG)-to-electricity projects, solar (PV) installations, wind installations, or energy efficiency projects. Please refer to NYSERDA’s Funding Opportunities link for more information on these programs:* <http://www.nyserdera.ny.gov/Funding-Opportunities.aspx>.

## II. PROPOSAL REQUIREMENTS

### 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.

Proposers must submit two (2) paper copies of the proposal and one (1) digital copy of the proposal to the attention of Roseanne Viscusi at the address on the front of this PON. A completed and signed Proposal Checklist must be attached as the front cover of the proposals; one (1) of these must contain an original signature. **Late proposals will be returned and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed copies will not be accepted.**

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

**In total, there are eight (8) proposal requirements.** Please read through each requirement in its entirety before developing your responses.

- 1) **Host Site Background** – 1 to 3 pages, exclusive of utility bill and schematic drawing. Please provide the following information:
  - a) Host site contact name, phone number and email address;
  - b) Copy of a recent host site electric utility bill;
  - c) Schematic drawing showing the major treatment processes at the host site (11" by 14" is sufficient);
  - d) Host site data, including average daily plant flow, energy demand (kW), energy use (kWh), influent total suspended solids (TSS), effluent TSS, influent biochemical oxygen demand (BOD), effluent BOD, and other chemical characteristics as appropriate; and
  - e) Brief description of ultimate sludge disposal strategy.

Additionally, describe any work performed within the past 10 years at the host site that could be categorized as supportive of transitioning the plant in the direction of Zero-Net Energy, such as:

- Performing an energy evaluation to develop baseline energy consumption data and/or identify opportunities for energy efficiency, demand reduction, and/or process optimization projects;
- Installing energy efficiency, demand reduction, and/or process optimization projects;
- Studying the potential for on-site renewable energy generation; and
- Installing on-site renewable energy generation.

If any of this work was performed under a contract with NYSERDA, please provide the NYSERDA contract number(s) and/or NYSERDA project manager's name(s).

**Note:** If an energy evaluation to develop baseline energy consumption data and/or identify opportunities for energy efficiency, demand reduction, and/or process optimization projects has not been conducted at the host site within the past 10 years, it is strongly recommended that one be completed in the near term.

The host site may qualify to have the energy evaluation cost-shared through NYSERDA's FlexTech Program: <http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities/PON-1746-FlexTech-Program.aspx>.

To be eligible for the FlexTech Program, the host site must pay into the electric or gas "System Benefits Charge" (SBC). (If the host site pays into the SBC, the charge will show up as a line item on its electric utility bill.)

If the host site is NOT eligible to participate in the FlexTech Program, they may submit a proposal to this PON (PON 2722) to have an energy evaluation performed under the *Energy Efficiency Technical Evaluation Feasibility Study* category.

2) **Project Description** – 2 to 4 pages.

a) Identify the goal of the project **as specifically as possible**.

For example: *The goal of this project is demonstrating that innovative Technology A can meet the newly-imposed regulatory requirements of the NYS Department of Environmental Conservation (NYSDEC) (i.e., BOD = x mg/L, TSS = y mg/L, etc.); and uses 20% less energy than conventional Technologies B, C and D in meeting these requirements.*

Describe how the project will help achieve the goals of PON 2722.

For example: *The host site currently meets 50% of its power requirements through generation of on-site renewable energy. Once Technology A achieves the goals of the project and is subsequently installed at full-scale, the plant will be capable of meeting 90% of its energy demand under average flow conditions from on-site renewable resource. Additionally, project results will be presented at the ABC annual conference and exhibition in summer 2014, and a paper conveying project results will be submitted for publication in XYZ journal.*

b) Summarize the overall approach required to support the project goal. This will form the basis for the specific tasks described in the Scope of Work (see #4, below).

For example: *Technology A will be operated at three (3) distinct flow rates for xx days at each flow rate. Influent and effluent BOD, TSS, etc. samples will be collected daily (in triplicate). Samples will be sent to ABC Laboratory for analyses using the quality assurance/quality control (QA/QC) procedures detailed in the scope of work. Technology A will be monitored for power consumption throughout the duration of testing at 15-minute intervals using an XYZ power meter. Power consumption measurements for Technologies B, C and D will be based on a literature review.*

c) If you are submitting a proposal for a *Demonstration Project*:

- Clearly describe why you consider the technology innovative.
- List the most relevant competitor technologies and briefly discuss why you consider the technology an improvement over these technologies.
- Identify the market for the technology in NYS. Be specific (i.e., number of plants having adequate design flow range, required on-site pre-treatment equipment, required operator licensing, etc).
- Discuss the factors that have barred entrance of the technology to this market and describe how the project would alleviate these factors.

- The proposal should also include relevant details/data of previous demonstrations of the technology, if applicable. If any of the demonstrations were performed under a contract with NYSERDA, please provide the NYSERDA contract number(s) and/or NYSERDA project manager's name(s).

If you are submitting a proposal for a *Feasibility Study to Evaluate Energy Efficient Process Improvement Alternatives*:

- Describe why you have considered these alternatives.

3) **Project Benefits** – 2 to 3 pages.

If you are submitting a proposal for a *Demonstration Project*,

- Explicitly quantify the energy benefits that are projected to be derived from the project for the host site.

*For example: Compared to the host site's previously-measured energy baseline, installation of innovative Technology A will reduce energy consumption associated with secondary treatment at ABC WWTP by 20%. This is based on data gathered during demonstrations at the QRS and TUV WWTPs, in which influent BOD to the secondary treatment process was reduced by 50% compared to conventional treatment.*

- Describe other quantifiable benefits that may be derived from the project for the host site including environmental, economic development, and other benefits.
- Describe other quantifiable benefits that may be derived from the project for NYS. Is the technology (or are any of its components) made in NYS? Have other NYS WWTPs indicated an interest in installing the technology contingent on the results of this project? If so, please provide plant name(s) and relevant contact email address(es).

If you are submitting a proposal for *Any Type of Feasibility Study*, describe the benefits of the project to the host site.

4) **Scope of Work and Schedule** – 2 to 5 pages. Describe the tasks that will be required to support the goal of the project, as well as the goals of PON 2722.

If you are submitting a proposal for a *Demonstration Project*, these will likely include tasks such as: Project Management; System Design; Equipment Procurement; System Installation; Energy Monitoring (and monitoring of other relevant parameters); Sampling and Laboratory Analysis (be specific); Technology Transfer Activities. (Make sure each of the objectives identified above are captured within a specific task.) Identify the individual(s), by name and title, which will be responsible for performing the work described in the task. (These individuals should be specifically identified on the Contract Pricing Proposal form, see #7 below.) Include a schedule that shows the estimated duration of the project, as well as the start and end dates for each task, and major milestones within the task.

If you are submitting a proposal for *Any Type of Feasibility Study*, include a brief statement of work that describes each of the tasks in the project and a schedule showing when each task will be initiated and completed.

5) **Proposer Qualifications:** List the project manager and other relevant project participants. Explain their individual roles and responsibilities. Describe the relevant qualifications and experience of each. Identify any special facilities or capabilities possessed by the proposer and other project participants that are relevant to the project.

- 6) **Letters of Commitment or Support:** If you are relying on other persons, organizations or businesses to participate in the proposed project, letters from those entities describing their commitment, signed by persons authorized to contractually obligate the organizations, are required.
- 7) **Contract Pricing Proposal Form:** The proposed budget should be detailed on the Contract Pricing Proposal Form (see Attachment C). You must show the requested NYSERDA funding in the column labeled "Funding & Co-funding via NYSERDA". *The level of funding requested from NYSERDA should be appropriate for the level of effort required to complete the project and the anticipated benefits to NYS.* You must show the non-NYSERDA cash and in-kind contributions in the column labeled "Cost-sharing & Other Co-funding." If your proposal includes indirect costs, you **MUST** attach supporting documentation to the proposal to support the overhead rate(s) as follows:
- a) 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).
  - b) If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
  - c) 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.

The proposal **MUST** show non-NYSERDA funding of at least 50% of the total cost of the project. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. NYSERDA will not pay for efforts which have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. The proposer must display the cost-sharing plan in the following format within the proposal (expand table as needed):

	Cash	In-Kind Contribution	Total
<b>NYSERDA</b>	\$	\$	\$
<b>Proposer</b>	\$	\$	\$
<b>Others (list individually)</b>	\$	\$	\$
<b>Total</b>	\$	\$	\$

- 8) **Acknowledging NYSERDA's Annual Metrics Reporting Requirements:** 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 proposals must include a statement acknowledging this requirement. 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 by January 31st for the previous calendar years activities (i.e. reporting period). Please see Attachment D: Annual Metrics Reporting Form.

NYSERDA may decline to contract with awardees that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

### III. PROPOSAL EVALUATION

- 1) **Technical Evaluation Criteria.** Proposals that meet the eight (8) Proposal Requirements will be reviewed by a Technical Evaluation Panel using the following Technical Evaluation Criteria:

#### Value of Project Results

- Will the project foster the transition toward Zero-Net Energy wastewater treatment; or support better planning for municipal water/wastewater treatment infrastructure to adapt to potential impacts of climate change?
- Does the proposal adequately convey the goal and objectives of the project? Are they meaningful?
- Has work been performed at the host site within the past 10 years that could be characterized as transitioning the plant toward Zero-Net Energy? If an energy evaluation has not been performed at the host site within the past 10 years, has the host site applied (or are they in the process of applying) to the FlexTech Program to initiate an energy evaluation; or have they submitted a proposal to this PON to have an energy evaluation performed under the *Energy Efficiency Technical Evaluation Feasibility Study* category?
- How likely is it that the project will produce quantifiable benefits for the host site? Have the benefits been clearly identified?

#### Statement of Work and Schedule

- Is the statement of work provided in appropriate detail? Will the approach likely achieve the objective(s) of the project?
- Is the schedule provided in appropriate detail? Is it reasonable?

#### For Demonstration Projects Only

- Is the *to-be-demonstrated* technology innovative? Is it an improvement over competitor technologies? Has information been provided on previous demonstrations of the technology?
- Has the market for the technology in NYS been adequately identified? Is it sizable? Has the proposal adequately described how the project should help to overcome the barriers that have barred entrance of the technology to the NYS market?

#### Management Plan and Qualifications

- Based on the evidence provided, do all project participants have the necessary qualifications, experience and resources to perform the proposed work?

#### Communication of Results

- Does the Statement of Work adequately describe how project results will be disseminated to a broad NYS audience?

#### Cost Criteria

- Is the cost of the project reasonable when measured against the projects objectives, statement of

work, and expected benefits? Are the billing rates reasonable and appropriate? Do the level, type and source(s) of cost sharing indicate a sufficient commitment to the project by the proposer? Is the in-kind cost sharing verifiable and necessary for completing the project?

#### Other Proposal Requirements

- If applicable, do letters of support exist and do they reflect the level of involvement (e.g., co-funding, services, etc.) of the person, organization or business?
- Does the proposal include a statement acknowledging the Annual Metrics Reporting Requirements?

2) **Other Considerations.** Proposals will be reviewed to determine whether the proposed projects complement NYSERDA's overall goals and objectives. We will consider:

- Whether similar projects are presently, or have been previously, funded.
- The general distribution of projects topics/technologies.
- The ease of measuring project success in quantifiable ways.

#### **IV. 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://nyserdera.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 NYS to maximize opportunities for the participation of NYS business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of NYS 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

**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 NYS 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](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](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. It may award contracts based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (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 ten (10) 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 NYS Department of Labor.

## **VI. ATTACHMENTS**

Attachment A – Proposal Checklist

Attachment B – Disclosure of Prior Findings of Non- Responsibility

Attachment C – Contract Pricing Proposal Form

Attachment D – Annual Metrics Reporting Form

Attachment E – Sample Agreement