

Proposals Due: June 19, 2013 by 5:00 PM Eastern Time*

Program Summary:

This NYSERDA Program Opportunity Notice seeks proposals to develop a multi-year clean energy education program to educate experienced executives interested in seeking opportunities in clean technology (clean tech) and renewable energy industries. Increasing the knowledge and awareness of clean energy business operations for experienced and successful executives in New York State (NYS) will likely increase the number of successful clean energy businesses and create the opportunity for increased hiring in the clean tech sector within the state. A successful program will have graduates that start, join, advise or invest in NYS clean tech companies to bring growth in jobs and revenue.

Contractor(s) must develop a comprehensive, self-sustaining program to teach successful entrepreneurs about different facets of clean energy industries; connect and coordinate with supporting organizations for lecturers; provide venue hosting for the sessions; create program and session materials; and facilitate a capstone project, participant networking session and participant success tracking.

A program could feature lectures by established NYS places of higher learning (faculty), NYS clean energy companies, Federal clean energy programs, NYS grid operation and markets, investment community, incubator personnel, successful clean tech entrepreneurs and investors, and engineering companies. A potential program with 100-200 hours of class time will likely be spread out over several months.

The Program must be located in NY State and be designed to attract participants from throughout NY State.

Proposal Submission:

Proposers must submit one (1) electronic copy of the proposal on a standard compact disk (CD) and two (2) paper copies of the proposal with a completed and signed Proposal Checklist and the Disclosure of Prior Findings Form completed and signed with original signatures attached to the front of each copy. The electronic copy of the proposal must be the exact scanned image of the paper copy in .pdf format, including all relevant forms and signatures. Additional files on the CD should include: financial information (e.g. Project Economics), and the Project Summary, which must be in MS Excel or MS Word format as appropriate. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, PON 2730
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Jacques Roeth (Designated Contact) at (518) 862-1090, ext. 3301 or JR3@nyszerda.ny.gov. If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518)-862-1090, ext.3335 or nsm@nyszerda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting project manager listed above. 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 offer, 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 NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyszerda.ny.gov at Funding Opportunities for this solicitation.

I. Introduction

Business Case: New renewable energy and energy efficiency companies are forming in NYS each year. Feedback from NYSERDA's Clean Energy incubators and the Entrepreneur-in-Residence (EIR) programs suggest that many of these early stage companies have a high level of technical skill but lack the sufficient small business acumen to realize the full commercial potential of the business. Early stage clean energy companies would benefit from the business expertise that can be provided from experienced entrepreneurs to help them grow their businesses in NYS. Similarly, experienced business leaders in search of new business opportunities may benefit from increasing their knowledge and awareness in the clean energy arena through participation in coordinated knowledge transfer opportunities with industry experts and other professionals viewed as leaders in their respective fields.

Problem Statement: Experienced entrepreneurs outside of the clean energy industry may lack the specific knowledge of clean energy technologies and the opportunities of the clean energy market. There is a lack of localized clean energy education programs targeted at experienced business executives.

Program Objectives: NYSERDA seeks proposals to create an executive transition program to introduce experienced executives and serial entrepreneurs to opportunities in the clean energy industry. Increasing the talent pool in NYS should increase the success rate of clean energy businesses and result in net job growth. NYSERDA seeks to invest in the establishment of one entrepreneurial transition program that has a high likelihood of sustainable operation. By sharing the initial investment of establishing this program, the expectation is that the program will continue to operate sustainably after the NYSERDA contract has ended. This program will be integrated with NYSERDA's other programs to improve and develop the business acumen of cleantech companies in NYS.

II. Program Requirements

Program Eligibility and Proposer Qualifications

For-profit and not-for-profit entities and/or partnerships thereof, including, but not limited to, corporate training centers, university graduate programs, colleges, law firms, clean energy incubators and professional organizations may propose under this solicitation. Proposal teams should demonstrate a minimum of two years experience in delivering executive management programs, and/or a demonstrated link to a training organization with two or more years in delivering technology training. The formation of proposal teams is allowed provided that there is a single lead proposing entity that will be accountable for program delivery. This program will be supported using SBC funds and NYSERDA must show a public benefit for the use of those funds.

Scope of Services

One contractor will be selected through this solicitation. Proposer should design a program that is available to participants throughout NY State.. A proposer may choose to offer the program at different locations at different times or a proposer may offer its program at a single location.

NYSERDA seeks to establish an ongoing capability to attract and produce experienced entrepreneurs knowledgeable in clean energy markets and industry practices to facilitate growth and leadership in New York's clean energy businesses. Selected contractors will be expected to:

- (1) Develop a program to educate experienced business executives about renewable and energy efficient technologies, and energy and environmental markets;¹
- (2) Include a capstone clean energy project as part of each class;
- (3) Develop and implement a program assessment plan to allow for feedback from class participants on the value/usefulness and areas for improvement of the class;

¹ Examples include: Renewable generation (combined heat and power, fuel cells, wind, PV, solar); Energy and environmental markets (e.g. electricity, fuels); Energy efficiency & Buildings; Infrastructure, smart grid, energy storage; Energy policy (e.g. regulation, Renewable Portfolio Standard (RPS), legislation, tax incentives);

- (4) Design and implement a program to actively connect the graduates either directly to opportunities or indirectly to early-stage cleantech in New York State;
- (5) Develop and implement a communication strategy for the purpose of recruiting program participants and communicating the results and benefits of the program to a wide audience. As part of the communication strategy, the proposer should consider www.cleantechNYconnect.com as part of this plan;
- (6) Implement a system to track class alumni for at least three years after class completion;
- (7) Develop a business model whereby the program will be self-sustaining. Within the business model, identify the performance targets important to the success of the program.

Classes can be in multiple formats: e.g. seminars, webinars, group-discussion, distance learning or on-line recorded sessions. A successful program could include, for example, feature lectures by established NYS places of higher learning (faculty), NYS clean energy companies, electric utilities, national laboratories, etc. It is anticipated that a potential program with 100-200 hours of class time will likely be spread out over several months. Selected programs for NYS should be geographically diverse to be able to attract local participants. Please note that the physical location of the programs must be in NY State. NYSERDA shall select one proposal that is able to offer programs to attract participants throughout NYS.

The program in each area (Upstate NY and NYC) should be taught a minimum of once per year for a period of 3 years. Based on program success and market need, NYSERDA may choose to renew or extend the program for additional years.

Course participants are expected to undertake a practical capstone project. Course participants, either singly or in teams, would work on a business plan for a clean tech energy project based on their own idea or ideas presented during the course of the program. These capstone projects would be integrated with the course as a learning tool with a final review near the end of the course.

Available Funds

NYSERDA will make available up to \$400,000 for one award under this solicitation. Of this amount, a portion of the award can be used for capstone project winners. The period of performance shall be a minimum of three years. Note that the economics must be estimated for 5 years to show sustainability.

One of the objectives of this project is to make the proposed NYSERDA Clean Energy Executive program self-sustaining after three years. It is anticipated that future support from non-NYSERDA stakeholders may come from revenues in the form of sponsorships, dues, fees or other charges.

Some cost sharing by proposer is expected and will be a consideration in the competitive evaluation of proposals. (See Proposal Evaluation below)

III. Proposal Requirements

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics – double-sided prints with a staple in the upper left corner is the preferred format. 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, the PON number, and the page number. Printouts of web pages are not recommended.

If selected, project will be implemented by jointly developing a Statement of Work (SOW) that consists of a list of tasks, along with a description, budget, deliverable milestone and schedule for the performance of each.

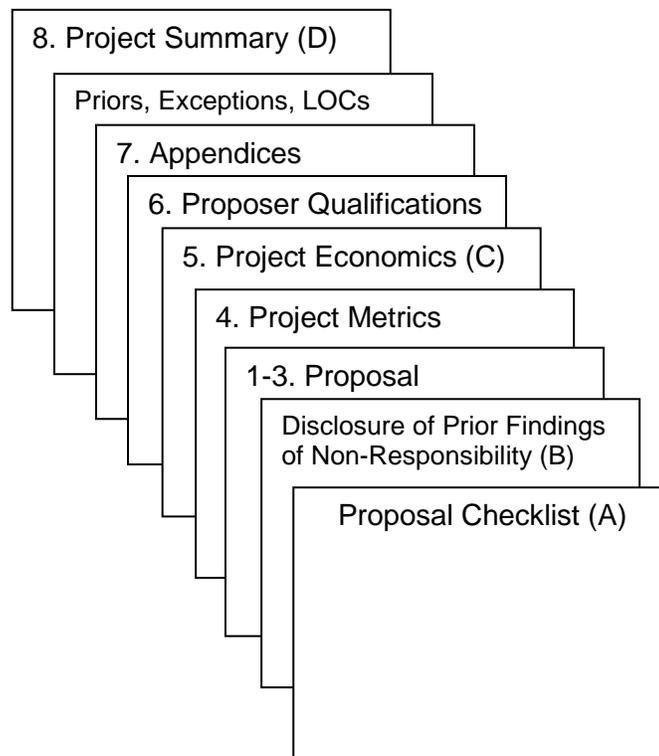
The Statement of Work (SOW) is the primary contractual document that outlines work activities and quantifies deliverables. It specifically delineates each step or procedure required to accomplish the project objectives. Therefore, each action needs to be identified, indicating who will perform it, how it will be performed and its intended result. At the end of each task description, specific task deliverable(s) must be listed. Be clear and specific: concentrate on “how” and not “why.” Use “active voice” sentence structure to make clear who is responsible for specific actions; for example, use the following phrase to start the description of every task and

subtask: "The Contractor shall...." Together, these tasks should address the following items, within the limitations of the program budget.

The proposal should present the items in this sequence:

- Proposal Checklist (**Attachment A**, signed & dated) – *NOTE: Project title is a title chosen by the proposer that is descriptive of the proposal. It is not the title of this PON.*
- Disclosure of Prior Findings of Non-Responsibility Form (**Attachment B**, signed & dated) See *Procurement Lobbying Requirements below*
- Proposal Sections:
 1. Executive Summary
 2. Business Case, Problem Statement, Goals
 3. Description of Proposed Program and Schedule
 - 3.1. Describe target audience, approach to attract them and selection process for course candidates.
 - 3.2. Description of proposed program and sessions
 - 3.3. Program assessment plan
 - 3.4. Plan to link class participants with early-stage companies within their respective regions;
 - 3.5. Program to track class alumni for at least five years after class completion;
 - 3.6. Capstone clean energy project; and
 - 3.7. Business model whereby the program will be self-sustaining.
 4. Project Metrics
 5. Proposal Financials (**Attachment C**)
 6. Proposer Qualifications and Experience
 7. Appendices
 8. Project Summary (**Attachment D**)

Do NOT include copies of Attachment E – Sample Agreement with Exhibits B, C, D



Proposers must submit one (1) electronic copy of the proposal on a standard compact disk (CD) and two (2) paper copies of the proposal to the attention of Roseanne Viscusi at the address on the front of this Program Opportunity Notice. A completed and signed Proposal Checklist and the Disclosure of Prior Findings Form completed and signed with **original signatures** attached to the front of each copy. The electronic copy of the proposal must be the exact scanned image of the paper copy in .pdf format, including all relevant forms and

signatures. Additional files on the CD should include: financial information (e.g. Project Economics, Project Summary) which must be in MS Excel or MS Word format as appropriate. **Late proposals and proposals lacking the appropriate completed and signed Proposal will be returned.** Faxed or emailed copies will not be accepted.

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.state.ny.us/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 solicitation 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 solicitation will disqualify your proposal.

IV. Proposal Sections

1. Executive Summary (1-2 pages)

Briefly summarize the proposal by highlighting the statewide and regional needs and opportunities that are addressed, the major elements of the proposed Clean Tech Executive Transition program, the total project cost, and expectations, targets and goals for New York State impacts. The proposed program should consider varying applicant experiences (i.e. candidate with differing backgrounds). The program should select students that will meet the success statement in the opening [graduates that start, join, advise or invest in NYS clean tech companies to bring growth in jobs and revenue.]

2. Business Case, Problem Statement, Goals (2-5 pages)

Describe the background and rationale for the proposed project to provide a context for the proposed activities.

- What is the business case for the proposed project?
- What is the problem the proposer will address with this project?
- What specific goals does the proposer plan to achieve?
- How will outcomes be measured?

3. Description of Proposed Program and Schedule

Describe your approach to program setup, involving stakeholders, defining the program sessions and conducting the overall training program. :

Project Management

- Include an organization chart for the project that identifies the roles and responsibilities of the individuals and organizations involved in the project.
- Attach commitment letters from partner organizations at the end of the proposal.
- Describe how program progress and results will be communicated to NYSERDA. A minimum of quarterly reports shall be provided to NYSERDA.

Business Plans

- Market for the proposed program.
 - Who is the target market (program participant)?
 - Describe the learning expectations of participants.
 - How will proposer market the program?
 - Describe any focus or locus of activity in clean energy to justify the expected geographic impact of the proposed executive program in that geography.

- What will be the entrance criteria and desirable attributes for the program candidates?
- The proposed program should consider differing applicant types. The program should select students that will meet the success statement in the opening [graduates that start, join, advise or invest in NYS clean tech companies to bring growth in jobs and revenue.]
- Estimated program economics overview.
 - Describe the source of revenues.
 - Describe and substantiate expenses for the program.
 - Describe funding flow among partners, with a particular focus on accountability and coordination if multiple institutions are involved. Describe any anticipated cost-share, if applicable.
 - Describe how the tuition charged is justified by the value of the course presented.
- Develop a business model whereby the program will be self-sustaining.
 - Describe the preliminary self-sustaining business model. (A Final Sustainability plan will be due at end of year 2)
 - Describe the performance measures and targets that are important to the sustainability of the program.
 - How will changing marketplace needs be factored into the program over time?
 - Describe commitment, roles & responsibilities of each proposal partner

Plan Implementation

- Describe an overall schedule of implementation of program planning, marketing, candidate selection and program implementation.
 - What are the expected educational outcomes of participants?
 - Provide an example layout of the program with schedule, session titles, brief class descriptions, and format of instruction.
 - Describe the source of curriculum expected to be used during the program.
 - If an educational institution is submitting a proposal, provide commitment of leadership of institution to this program and how it fits into its educational agenda.
- Develop and implement a program assessment plan.
 - How will the program be evaluated for program successes and future improvements?
 - What criteria will be used to assess program success? (job placement, VC funding raised, etc.?)
 - How will the results of this be used in future sessions of the proposed program?
- Discuss implementation of a capstone clean energy project.
 - How will participants pick learning projects?
 - Describe the evaluation plan for these projects.
 - What ongoing support should participants expect?

Connection

- Implement a program to create ongoing networking of class participants with early-stage clean tech companies, investors, strategic partners, and the latest clean energy topics.
 - How will you identify appropriate early-stage companies? Investors? Strategic partners? Current clean energy trends?
 - How will you connect class participants with clean energy businesses in NYS?
 - How will you utilize existing NYSERDA and related entity resources (e.g. EIR's, Cleantech incubators, etc.) to track these connections? (e.g. www.cleantechNYconnect.org)

- Implement a program to track class alumni for at least three years after class completion.
 - Describe how this effort will monitor class alumni successes.
 - Describe how this effort will be used to improve the program.

4. **Project Metrics and Benefits** (1-2 pages)

Contractors shall be expected to track metrics relative to overall program success, perform a qualitative assessment of each class based on the class feedback tools including pre- and post-survey instruments and communicate the results to NYSERDA. Metrics chosen should provide the basis of decision by the proposal team members to continuing funding this program. Metrics could include the number of entrepreneurs trained, transition of class participants to clean energy companies in New York, transition to companies outside NY, number of companies the entrepreneurs create and the resultant number of jobs, stakeholders engaged, growth of the companies engaged in the capstone projects, and so forth.

5. **Proposal Financials** (2-4 pages)

It is expected that this program become self-sustaining beyond the term of NYSERDA's award. NYSERDA funding should reduce the proposer's risk of course development and setup. Ongoing operational expenses will ultimately be from other sources of revenue. Accordingly, proposers will need to convince attendees that the tuition charged is justified by the value of the course presented to create a self-sustaining business model. Some level of cost-sharing by proposers is expected and will be a proposal evaluation factor. A program and funding for scholarships may be offered.

Course Economics - (See form in **Attachment C**) Proposers shall provide a Cash Flow Statement for a minimum of 5 years in the following Categories. Assumptions, documentation, or information sufficient to justify the statement should be attached.

Revenues

- Tuition Income (*this is expected to be non-zero*)
- Other Revenues/Funding
- Cost Sharing (described below)

Expenses

- Program development
- Set up logistics for course
- Applicant selection
- Course implementation
 - Venue
 - Equipment
 - Seminar Materials
 - Instruction/instructors
 - Instructor travel
 - Capstone project (implementation & awards (if applicable))
- Networking and participant connectivity program (*after year 1*)
- Other Costs (*describe*)

Funding and Cost Sharing– (See form in **Attachment C**) The proposal should show proposer, partner and NYSERDA funding of the project for 3 years of the project plus 2 years after. 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.

Payments by NYSERDA –Payments by NYSERDA will be milestone based on the project meeting goals and deliverables. Proposer should propose key milestones, the deliverables to show milestone was accomplished and the corresponding funding requested in three categories:

- Program management and reporting to NYSERDA
- Operation of program

- Success metrics.

Payments by NYSERDA are expected to be paid over the 3 yrs. No more than 1/2 of funds will be paid in the first year. Examples of milestones for the category include:

- Quarterly report of program progress.
- Marketing, development of applicant selection criteria and applicant selection.
- Development of course materials and educator commitments.
- Program implementation and completion.
- Development and implementation of alumni connection system.
- Development and implementation of alumni tracking system.
- # of completed enrollees, businesses formed/joined by graduates.
- Other measures of program progress and student success.

6. **Proposer Qualifications and Experience** (4-8 pages)

Describe the lead proposer or proposing organization, its role and its history of engagement with early-stage and expansion-stage entrepreneurs. Describe projects, initiatives and ongoing programs of the proposing team that may have engaged the investor community, and the clean tech/renewable energy industry as applicable. Describe any relevant experience with organizing and managing other training programs or classes for adult education.

Describe partner or supporting organizations, if any, and their respective roles each as they relate to this proposed program. Provide letters of commitment from these organizations in the appendix.

Identify key personnel who will be responsible for implementing the program and provide brief biographical information. Provide full resumes in the appendix.

7. **Appendices**

- **Potential Conflicts of Interest** – Identify the nature of any potential conflicts of interest among team members in providing services to NYSERDA under this PON. Fully discuss possible conflicts of interest, actual and perceived, which could arise in connection with performance by team members of the proposed contract. Describe how your firm would resolve conflicts of interest. In the event that NYSERDA determines that a team member may have a conflict of interest or the appearance of such, NYSERDA may: (1) take this into consideration in evaluating the proposal; (2) exclude the proposer from consideration for an award; (3) adjust the scope of work to avoid the conflict of or appearance of conflict; or (4) negotiate other appropriate actions with the team member to avoid the conflict or appearance of conflict.
- **Exceptions to the Terms and Conditions** - If you do not accept the Standard Terms and Conditions as contained in the attached Sample Agreement (**Attachment E**), provide alternate terms with justification based on the risk and benefit to NYSERDA and New York State. NYSERDA reserves the right to consider only exceptions to terms that are specifically included with the proposal. Any negotiation of terms will be at NYSERDA's sole discretion.
- **Letters of Commitment (LOC) or Support** - If you are relying on any other organization or business to do some of the work, provide services or equipment, or share in any non-NYSERDA cost, include a letter from that organization or business describing its commitment. Also include letters of commitment or support from businesses or organizations critical to the future implementation of the project. **Absence of letters of commitment or support will be interpreted as the proposer not having commitment or support from those parties.**
- **Resumes of Key Individuals from all participants in proposal**

8. **Project Summary**

- Complete the one-page summary in Attachment D and attach as last page of proposal

V. Proposal Evaluation

Proposers must meet eligibility requirements. Required forms, tables, certifications and signatures must be provided by the proposal due date. Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP). The proposer must offer programs to attract participants throughout NY State over the 3-year term of contract. Proposer may offer programs in several locations throughout NYS. Selected programs for NYS should be geographically diverse to be able to attract local participants.

In each category, proposals will be ranked against one another according to the following criteria:

Evaluation criteria

Project Understanding

- Is the Application Package complete?
- Does the proposer understand the business case, problem statement and have clear and appropriate goals?

Project Management

- How clearly organized is the team, including partner organizations?
- Is the organization qualified to deliver the initiative? Is the organization accredited by a nationally recognized organization?
- Are adequate program tracking metrics and reporting mechanisms in place to ensure that the program is achieving specified outcomes? Are the results measurable and verifiable?

Reaching and Selecting Candidates

- Does the proposal clearly describe the learning expectations of participants?
- Does the proposal outline a marketing strategy to reach and attract the right candidates?
- Is Program available and easily accessible to participants throughout the proposer's chosen NY State area?
- Does the proposer describe how the program would be marketed and include differing candidate types?
- Has the proposer assembled a solid and appropriately qualified selection committee for potential student applications?

Project Financials

- Do the proposed project economics show a good value for the proposed cost?
- Is the proposed project offered at a fair market cost? Is the cost per student reasonable?
- Has the proposer submitted complete budget details over 5 yrs? Are costs justified?
- Does the proposer describe partner participation in program setup in terms of funds, man-hours, faculty and facilities for each?
- How well does proposer justify the value of the course presented to the tuition charged?

Self-Sustaining Business Model

- Are the economics of the program reasonable over the 5yr periods?
- Does the proposer describe measures and targets for program success clearly?
- How will project economics change once NYSERDA funding ends?
- What is the likelihood that the program will continue once NYSERDA funding ends?
- How will the proposer incorporate change in the program over time?
- How does this program fit within the proposer and partner's institutional goals?

Quality and Nature of Sessions and Session Materials

- Does the proposed schedule for the project have reasonable timeline and steps?
- Are the topics, course description, learning objectives, number of hours, and number of sessions appropriate for the course?
- Does the proposal demonstrate the ability to engage participants in a combination of teaching styles and methods?
- Will classes be held at convenient locations and times for the population being targeted?

- Are the instructors qualified? Certified? Do they have hands-on experience implementing or administering the sessions they would be teaching?
- Are the proposed sessions/training accredited or approved by a third party entity?
- If the proposal includes continuing education courses, has the proposer shown evidence that it can grant approved CEUs? Is the continuing education training provider registered with the appropriate state professional board or entity?

Connection

- How well might the proposer's program be expected to link class participants with early-stage companies within their respective regions?
- What are the proposer's plans to implement a program to track class alumni for at least five years after class completion?
- Is the proposer's plan to track activities of course participants after the program sound?
- How will the proposer use this data to improve the program over time?

Proposer Qualifications

- How available, qualified, and experienced are the key team members including collaborating partners? Do they have relevant training experience in adult education?
- How experienced and accomplished are the key team members in working with or within the venture capital, early-stage and expansion-stage technology business community?
- How good is the track record of the proposing team members in performing on NYSERDA contracts, if applicable?
- Include Letters of intent or support from proposer's collaborative partners

VI. 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.pdf>. 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 procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k 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 prospective contractor prior to contacting and filed with NYSEDA. 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 - NYSEDA anticipates making none or one award under this solicitation. It may award a contract 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. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA 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. NYSEDA expects to notify proposers in approximately (6-10) weeks from the proposal due date whether your proposal has been selected to receive an award. NYSEDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEDA 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. NYSEDA 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 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.

VII. Attachments:

- Attachment A – Proposal Checklist
- Attachment B – Disclosure of Prior Findings of Non- Responsibility
- Attachment C – Project Economics and Cost Sharing
- Attachment D – One-Page Proposal Summary
- Attachment E – Sample Agreement with Exhibits B, C, D, E