

**NY-Sun PV Balance of System Training and Education Program
Request for Proposals (RFP) 2697
\$ 3.5 million Available**

Proposals Due: June 6, 2013, by 5:00 PM Eastern Time*

Program Summary

The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals to support education and training on photovoltaic (PV) or solar electric systems. Comprehensive and continuous statewide education and training on PV is needed for decision-makers and authorities having jurisdiction in New York State municipalities. Targeted audiences include code enforcement officers, building and electrical third party inspectors, fire inspectors, commissioners of public safety, building department plan examiners, village engineers and other public officials **who might have a role in the permitting, inspection or approval process for a PV system or who might encounter a PV system in their work environment** (e.g., firefighters and other first responders). This solicitation is part of a comprehensive strategy to streamline the permitting and approval process and ultimately reduce the costs of purchasing and installing PV systems.

Governor Cuomo launched the NY-Sun initiative to significantly increase the use of solar electric power in New York State. The NY-Sun PV Balance of System (PVBOS) program focuses on reducing the overall cost of PV systems by reducing the costs of the “balance of system,” which includes all non-module elements of a PV system, and includes both “soft” costs as well as hardware costs. These soft costs, such as the permitting and approval process, add to the total system cost and can complicate the installation process for PV customers if the authorities having jurisdiction are not adequately familiar with PV systems. **Efforts under this solicitation will focus on educating and training pertinent local officials on PV systems over a two- to three-year period within the System Benefits Charge service territory, as described below in Section I, Introduction.**

Proposers are asked to present their proposed approaches, strategies and tools for achieving the goals of this RFP, as well as their qualifications and experience in PV technical training and education, skills, and ability to work with and coordinate among a wide variety of organizations with diverse purposes.

The RFP will provide up to \$3.5 million through this RFP to advance NY-Sun PVBOS education and training goals for two project categories as follows:

Category A: Hands-on training and workshops for stakeholders and practitioners involved in the review of PV permits, review of system design, inspection of systems, technical assistance services, and train-the-trainer sessions – approximately 70 to 75 percent of total budget

Category B: Educational campaign targeting local officials; a PVBOS internet-based toolkit for local officials, other services and tools – approximately 25 to 30 percent of total budget

Additional funding may be added if it becomes available. Applicants may propose in one or more categories. It is anticipated that 1-2 contracts will be issued as a result of this RFP. Teaming arrangements are strongly encouraged; however, each team member must demonstrate experience and expertise in PV education and outreach capabilities. Expected start date for work under this solicitation is mid-2013.

Proposal Submission: Proposers must submit ten (10) paper copies, double-sided, and one (1) CD of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 2697
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Vicki Colello at (518) 862-1090, ext. 3273 or vac@nyserda.ny.gov.
If you have contractual questions concerning this solicitation, contact Elyda Ahmed at (518) 862-1090, ext. 3232 or ela@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Vicki Colello (Designated Contact, contact information 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 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 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.nyserderda.ny.gov.

I. Introduction

Governor Cuomo launched the NY-Sun initiative to significantly increase the use of solar electric power in New York State (<http://ny-sun.ny.gov/>) As part of the NY-Sun initiative, the New York State Energy Research and Development Authority (NYSERDA) is seeking proposals to support the education and training elements of the NY-Sun Program's PV Balance of System (PVBOS) cost reduction strategy. The PVBOS program focuses on reducing the overall cost of PV systems by reducing the costs of "balance of system," which includes all non-module elements of a PV system, and includes both "soft" costs as well as hardware costs. These soft costs, such as the permitting and approval process in a locality, add to the total system cost and can complicate the installation process for PV customers if the authorities having jurisdiction are not adequately familiar with PV systems.

Studies and stakeholder information sessions have identified inspector, firefighter, and local decision-maker training as the most important tactic to achieve PVBOS cost reductions associated with the permitting process for PV systems.

Comprehensive and continuous statewide education and training on PV is needed for decision-makers and authorities having jurisdiction in New York State municipalities. Targeted audiences include code enforcement officers, building and electrical third party inspectors, fire inspectors, commissioners of public safety, building department plan examiners, village engineers and other public officials **who might have a role in the application, permitting, approval, inspection, etc., process for a PV system or who might encounter a PV system in their work environment** (e.g., firefighters and other first responders). Efforts under this RFP are expected to start in 2013 to help contribute to achieving the NY-Sun goal, but will focus on educating and training pertinent local officials on solar electric systems over a two- to three-year period.

Since 2000, NYSERDA has funded PV code training periodically around the state. The trainings have been delivered on the sections of the National Electrical Code that relate to PV systems (for installers and inspectors), etc. The training effort under this solicitation would build on previous efforts (see current training providers at <http://www.nyserderda.ny.gov/Events/Training-Map.aspx>) and roll out on a greatly expanded schedule and broad geographical reach, and provide PV trainings tailored for each specific audience.

This program is supported with System Benefits Charge (SBC) funding; therefore, work under this RFP will be implemented only in the SBC service territory. SBC service territory consists of areas with electric service provided by Central Hudson Gas and Electric Corp., Consolidated Edison Company of NY, Inc., NYS Electric and Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric.

II. Program Requirements

NYSERDA invites proposals to develop a statewide program in SBC service territories that includes, but is not limited to the following tasks:

- Working with current NYSERDA PV training providers to develop, coordinate and implement hands-on trainings with good coverage across SBC service territories that include site visits, where possible, for local government and code officials, third party inspectors, commissioners of public safety, first responders, including firefighters (professional and volunteer), fire inspectors, and other associated emergency workers. It is expected that approximately 200 trainings (differing in length and content as appropriate for various audiences) will be achieved over a two- to three-year period. Proposers will be expected to utilize existing training and training facilities available in the state, on-line training, and also to work with existing training providers as much as possible to leverage funds and applicable work that has already been done. (Category A)
- Developing training capacity within each local jurisdiction (train trainers) to build continuity in knowledge about PV and pertinent codes within regions. Again, proposers will be expected to utilize existing training and training facilities as much as possible, and provide a strategy to fill gaps that are identified during the course of this project. (Category A)
- Designing and implementing (in coordination with NYSERDA's communication, marketing and events teams) an educational "campaign" about PV targeted for an audience of local officials, decision-makers, authorities having jurisdiction and others. This would be more general PV information than the technical trainings envisioned for Category A. (Category B)
- Developing an informational toolkit for NYSERDA's website that uses, to the extent possible, existing resources and includes: standardized permitting forms, model codes (as many localities have no permitting procedure established for PV), and other resources, such as those being developed under the U.S. Department of Energy's SunShot initiative and other NYSERDA PVBOS programs. (Category B)

- Working with groups implementing PVBOS efforts in progress in NYS, including determining targeted localities for training. (Categories A&B)
- Providing technical assistance to communities. (Category A)

Successful proposers for either or both categories, under guidance by NYSERDA, also will be required to coordinate their efforts with the Cleaner, Greener Communities and Climate Smart Communities Programs. For information on these programs, visit: http://www.nyserda.ny.gov/Statewide-Initiatives/Cleaner-Greener-Communities.aspx?sc_database=web, <http://www.dec.ny.gov/energy/50845.html>.

III. Eligibility Requirements

Entities eligible for proposing under this RFP (for either or both categories) include, but are not limited to: educational/training organizations and institutions, local government member organizations, nonprofit organizations, consulting firms, outreach and education specialists, trade organizations, and any other groups with the skills, knowledge and experience to successfully implement this effort.

Teaming arrangements are strongly encouraged. Each team member must demonstrate their value to the team, such as experience and expertise in PV education or outreach capabilities.

Proposers for Category A, including subcontractors, must provide documentation of at least three years of training expertise in PV and/or other relevant experience and a comprehensive listing of relevant projects completed or in progress, classes taught, etc. Proposers to Category A must have the capacity to provide on-site training and technical assistance throughout the state (in SBC service territories) for the duration of the contract. For Category B, proposers should demonstrate experience, expertise and projects completed in the area of PV outreach and education of decision-makers, including tools developed and implemented.

IV. Budget

The RFP will provide a total of up to \$3.5 million to advance NY-Sun PVBOS education and training goals as follows:

Category A: Hands-on training and workshops for various audiences, train the trainer sessions, technical assistance services. Approximately 70 to 75 percent of total budget available.

Category B: Educational campaign for local officials on PV; a PVBOS internet-based toolkit for local officials, other services and tools. Approximately 25 to 30 percent of total budget available.

Additional funding may be added if it becomes available. Applicants may propose in one or both categories. It is anticipated that 1-2 awards will be made through this RFP. Expected start date for work under this solicitation is mid-2013. Contract duration is expected to be two to three years, depending on the schedule developed to deliver trainings.

V. Proposal Requirements

General Requirements

Proposers must submit ten (10) paper copies, double-sided, and one (1) CD of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 2697
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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.nyserderda.ny.gov.

Proposers must present their proposed approaches, strategies and tools for achieving the goals of this RFP, as well as their qualifications and experience in PV technical training and education, skills, and the ability to work with and coordinate among a wide variety of organizations with diverse purposes.

Proposal Format

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Proposers must submit double-sided copies. 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 RFP number, and the page number. The proposal must be in the format outlined below.

1.0 Cover Letter and Abstract

Proposers should submit a cover letter on company letterhead that references this RFP, indicates the category or categories to which they are proposing, and provides a brief summary of qualifications and a brief description of the proposed approach to fulfilling the work requested under this RFP. Proposers should describe teaming and partnering arrangements and their ability to deliver services that meet the overall goals and objectives of this RFP. The cover letter must also include firm name, address, telephone/fax, email address, contact person, year that firm/organization was established, and type of firm (partnership, corporation, not for profit, etc.). **The cover letter must be signed by a person with the authority to enter into a contract with NYSERDA.**

2.0 Work Plan and Implementation Strategy

The proposer shall prepare a Work Plan and Implementation Strategy that specifies how the proposer would approach the stated objectives in this RFP, namely educating and training pertinent local officials on solar electric systems over a two- to three-year period within the System Benefits Charge service territory, providing technical assistance to local officials, performing outreach and education of public officials, and fulfilling other program requirements outlined above. Proposers can present a Work Plan and Implementation Strategy for either or both categories, and should clearly specify the category for which they are proposing. **Please provide a separate work plan, budget, etc., for each category, if you are applying for both, and indicate whether you are willing to accept a contract for only one category.**

As this project has clearly defined outcomes – delivery of approximately 200 trainings of various types (classroom, hands-on, on-line, etc.) to a variety of local officials in targeted areas in SBC service territories across New York State over a two- to three-year period (Category A), and more general outreach/education on PV across the state (Category B), the applicants should describe how they propose to accomplish these program requirements – what deliverables (for example, types of training planned for various audiences, including training trainers, training curricula and materials, outreach materials, delivery of training, coordination with pertinent organizations, etc.) could be developed and implemented, and a proposed schedule with tentative locations for training. Existing materials and resources should be identified and used to enable a near-term start to delivery of trainings. As mentioned previously, these trainings will be delivered only in SBC service territories and may be adjusted as a result of coordination with other NYSERDA programs. Proposers for Category B should provide detail on tools to be developed, outreach activities, etc.

The Work Plan and Implementation Strategy must identify key personnel and list the responsibilities of the specific personnel by task where possible. The roles of all team members should be clearly identified.

Proposers should provide information on the various groups within NYS with whom they plan to partner to reach deep within local communities. Proposers should identify local personnel who will need to be trained (Category A) and the target audiences for outreach (Category B). Proposals should contain specific plans for utilizing existing training facilities and equipment for hands-on experience for trainees.

Proposals also must include a plan for tracking and evaluating the effectiveness of the services provided under this program. Successful proposers will be expected to work closely and coordinate with NYSERDA's evaluation team, and examine the actual impact of training and education initiatives on reducing the PVBOS costs for system installation. For example, activities to assess this impact include, but are not limited to evaluation forms developed and used for each training session, system inspection results evaluated for those trained versus those not trained, and the effectiveness of other outreach information and education materials quantified or tied to program goals and objectives to the greatest extent possible. A follow-up strategy to assess the impact of the training on balance of system costs, permitting (looking at things such as time to review and approve, issues raised during the review process, etc.), inspection/approval processes and the findings at the time of inspection and to assess the need for any additional or modified training must be included. A data collection and impact evaluation plan that can be used to support the development of case studies or other marketing material also must be included. Implementation of this plan will be made in coordination with NYSERDA and its evaluation team.

3.0 Experience and Capabilities, Personnel and Qualifications

Proposers should describe in detail their expertise, experience, and ability to deliver services under this RFP, including thorough descriptions of projects completed that would illustrate competency in the range of services requested. Teaming arrangements are strongly encouraged. Each team member must demonstrate their value to the team, such as experience and expertise in PV education or outreach capabilities.

Proposers for both categories, especially all team members who will be developing and delivering training, must provide documentation of at least three years of training expertise in PV plus other relevant outreach and education experience and a comprehensive listing of relevant projects completed or in progress. Please include a reference or references for each project cited.

Proposers must identify and describe the company/firm/organization that will be the **prime contractor** under this RFP, and describe team members, including past relationships with team members. Include an organizational chart, if necessary.

Identify the individual who will be the **Project Manager (PM)** for the project. Provide examples of how the PM has managed similar projects in the past. Key personnel including those of subcontractors/team members must be identified, numbers of hours for this project from each team member, etc.

Resumes of all key personnel that will be working under this RFP must be included.

If the proposer does not have offices within NYS, the proposal must include a description of the proposer’s ability to economically perform work throughout the State, and the proposer should indicate how the work being accomplished under this RFP will provide jobs in New York State.

4.0 Fee Schedule

Proposers must include a fee schedule for the services requested under this RFP, and details on amount of funds spent per task. Fee schedules for proposers and all team members shall include: direct labor costs for all personnel involved with the project presented by name, title and hourly rate; travel and per diem costs; overhead rates (basis rate and items included in the overhead rate); general and administrative costs and basis for application; and other costs. For Category A trainings, to encourage maximum attendance, it is expected that local jurisdictions and first responders would pay no more than nominal fees for training sessions, and proposers are expected to factor that into their budget.

For proposals for both categories, lower overhead and administrative costs (versus number of students trained or number of outreach materials and tools developed) will be scored more favorably than those with higher costs. The primary contractor should describe its contracting method for all team members. All subcontract arrangements shall be in accordance with the terms set forth in Article V of the Sample Agreement (Attachment E).

Cost sharing is not required, but desirable. If proposers wish to include cost sharing, please provide documentation in the following manner: 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 that have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. Show the cost-sharing plan in the following format (expand table as needed):

	Cash	In-Kind Contribution	Total
NYSERDA	\$	\$	\$
Proposer	\$	\$	\$
Others (list individually)	\$	\$	\$
Total	\$	\$	\$

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

1. Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).

2. If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If the rate(s) is based on estimated costs or prior period actual results, include calculations to the support proposed rate(s). The 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.

5.0 Letters of Commitment

Commitment letters from all project partners must be attached to the proposal.

Letters from associated interest groups, if any, with whom proposers will be coordinating to implement work under this RFP also should be included.

VI. Proposal Evaluation

NYSERDA reserves the right to eliminate from further consideration any proposal deemed to be substantially or materially non-responsive to the requests for information or program requirements contained herein. It is strongly recommended that proposers review the evaluation criteria, since it is the basis upon which proposals will be reviewed and scored.

Proposals will be ranked within each Category. Proposals for Category A and for Category B that meet basic requirements of this solicitation will be reviewed and ranked, (based on the criteria below), by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers. All references to the "proposer" below apply to the proposer and any additional team members.

NYSERDA reserves the right to require an interview before final contract award decision. After final consideration and evaluation of the proposals, NYSERDA will notify each proposer of the outcome within approximately 10-12 weeks from the proposal due date. NYSERDA reserves the right to select a contractor for one or both categories.

Proposals will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below (the categories will be reviewed and ranked separately).

Evaluation Criteria

A. Responsiveness to the RFP

- Is the proposal responsive to the RFP requirements?
- Does the proposer understand the target audience and has it tailored the scope appropriately?
- Has the proposer set forth a logical approach to the RFP tasks?
- Does the proposer identify existing resources to be leveraged for the project, as opposed to developing all new materials?
- Is the project schedule reasonable?
- Is the proposed approach sound and likely to be successful?
- Is the proposed training providing good coverage across SBC service territories?
- Is the proposal well written, organized and coherent?
- Does the proposal include all components requested in the proposal format outline?

B. Qualifications and Expertise of the Team in Relevant Areas

- Does the team have relevant and extensive experience in the work sought under this RFP?
- Does the proposer show an understanding of current PVBOS efforts underway in the U.S. and within NYS?
- Do team members complement each other?
- Do all team members lend value and have expertise appropriate to their role?
- Has the proposer presented the team's qualifications and experience for all areas for which they are proposing work?
- Have the proposers demonstrated their expertise through detailed examples?
- What is the quality and relevance of previous work as evidenced by examples?
- Are reference letters provided and are references positive?
- Did the proposer demonstrate an ability to be responsive to funding entities and Project Managers?
- Does proposer demonstrate an ability to complete projects on schedule?
- Are letters of commitment from all team members provided?

C. Identification of Staff Assigned to Project

Are all key personnel identified and the responsibilities clearly outlined?
Are the roles of all team members clear?
Is a project manager with appropriate skills and expertise identified?
Are resumes provided for key personnel, and do those individuals have the appropriate expertise for their roles?

D. Assessment of Reasonableness of Labor Rates, Associated Fees and Overhead

Is the project budget desirable in terms of low total cost per training? Are more funds being directed to trainings than to administration, marketing, overhead, etc.?
Are the labor rates and overhead reasonable?
Are the rates consistent with expertise, qualifications and experience?
If a proposer/team is from outside NYS, have they addressed in a satisfactory manner how travel and other administrative costs will be managed, and how jobs will be created in NYS?
Has the proposer included cost sharing?

VII. GENERAL CONDITIONS

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 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.

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers Law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2) (d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://nyserda.ny.gov/~media/Files/About/Contact/NYSERDARegulations.ashx>

However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division for Small Business
30 South Pearl Street
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

State Finance Law sections 139-j and 139-k - 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 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 one or more awards under this solicitation. It may award a contract based on initial proposals 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 (Attachment E) 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 10-12 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 solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. 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 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.

VIII. Attachments

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