

Proposals Due: (06/17/2013) by 5:00 PM Eastern Time\*

The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals from organizations or individuals interested in analyzing energy use and energy saving potential in the data center market in New York. The primary goal of this study is to understand this segment of the data center market in New York and identify opportunities for maximizing energy efficient technologies and practices. The demands of this project are threefold: to assess energy use and savings potential, assess major market trends driving demand for IT computing in NY, and assess opportunities to implement energy efficient data center technology and best practices. Unlike previous work, this study will conduct primary research in the data center market across New York looking from the server level, e.g. data closet level, up to free standing dedicated data center buildings.

The information obtained from this study will be used to support NYSEDA's program development efforts in the data center space.

**Proposal Submission:** Proposers must submit five (5) paper copies and five (5) CDs 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 2711**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Allison Rose at (518) 862-1090, ext. 3551 or [apr@nyserda.ny.gov](mailto:apr@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Elsyda Ahmed at (518) 862-1090, ext. 3232 or [ela@nyserda.ny.gov](mailto:ela@nyserda.ny.gov).

No communication intended to influence this procurement is permitted except by contacting Allison Rose (Designated Contact) at (518) 862-1090, ext. 3551 or [apr@nyserda.ny.gov](mailto:apr@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 solicitation, notification will be posted on NYSEDA's web site at: [www.nyserda.ny.gov](http://www.nyserda.ny.gov)

## I. Introduction.

The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals from organizations or individuals interested in analyzing energy use and energy saving potential in the data center market in New York.

Recent studies have shown that data center energy consumption is on the rise. Data centers exist within virtually every sector and are especially prominent in the Commercial and Industrial (C&I) subsector. Data Centers can vary in size from a few servers to dedicated facilities nearing a million square feet. Data processing/computing needs may be on-site or remotely located. The timing and extent to which increased demand from IT computing will place pressure on the electricity market at large is not well known. Nevertheless, due to the high concentration of commercial buildings and a vibrant financial sector, New York may see significant growth in electricity demand from the IT computing industry in the near term. Thus, understanding the nature of the data center market has become critical to ensure energy efficiency opportunities in this market can most effectively be targeted in New York.

For purposes of this RFP, data centers are defined as facilities designed to accommodate dense arrangements of computer equipment and associated networking, telecommunications, storage and auxiliary equipment required to store, process, manage, and disseminate data and information; data centers for purposes of this RFP may range in size from small data closets, to server rooms, or free standing dedicated buildings.<sup>1</sup> The survey of the data center market should include consideration of only those small data closets and server rooms associated with the C&I sectors, as well as all free standing data centers in NY serving all customer classes. Residential data closets for purposes of home computing should not be considered as part of the data center market under this RFP.

The goals of this project are threefold: to assess energy use and savings potential in the data center market, to assess major market trends driving demand for IT computing in NY, and to assess opportunities to implement energy efficient data center technology and best practices.

- 1) Market Assessment: may include collecting, compiling and quantifying the data center market including the various types of market actors and end-users involved, their roles in the market decision making, types and number of facilities, size of facilities, energy use, energy intensity and demand profiles, key energy-using technologies and energy-related services, etc. Unlike previous work, this study should conduct primary research in the data center market looking from the server level up to free standing dedicated data center buildings. The market assessment should describe the characteristics typically exhibited by data centers, data closets, and free standing servers. Some of these characteristics may include variability of demand, implementation of efficiency measures, auditing of energy use and phantom load, age of data center technologies and turnover rate.
- 2) Market Trends: Trends considered in this study may include, but are not limited to, the extent to which telecom, cloud computing, and geographic location affect the potential for NY data center load growth. For example, increased reliance on **voice over Internet Protocol (VOIP)** may increase data center energy demand; cloud computing may shift energy demand from desktop computing to larger on- or off-site data centers; the availability of “free” seasonal cooling may entice increased siting of data centers in New York over warmer climatic regions; and the extent to which geographic issues related to “latency” may drive demand for data center location near load centers.
- 3) Assessment of Technology and Best Practices: Assessment of energy efficient data center technology and best practices will consider the commercial viability and potential impacts to energy and peak demand that could be realized by accelerating their adoption. This should include historical use of energy efficiency measures, limits to implementation, and survey of interest in energy efficient technology and program development. Consideration of best practices may include -- but should not be limited to -- optimal geographic location, design and configuration of technology, management of cooling loads, increased

---

<sup>1</sup> These tiers of data centers should also include, but are not limited to, Telecommunications Industry Association (TIA) – 942 defined “tiers” of data centers. See: <http://www.tiaonline.org/>

utilization of total processing capacity, and optimization of cloud computing. This assessment should inform the adoption of new models for IT services that yield energy, productivity, and reliability benefits such that adoption enables improvement of computing power efficiency for power and space constrained businesses operating across New York State.

The purpose of this RFP is to solicit technical and analytic consulting services to support the successful completion of this study.

## **II. Program Requirements.**

This section reviews the specific services requested, contractor/proposer eligibility, and the responsibility of each party to the agreement.

### **A. Services Requested**

The successful proposer will be required to provide, but shall not be limited to, the following services:

#### **Objective 1 – Primary Market Research/Market Characterization**

- A. The contractor shall identify all existing studies or reports that characterize the data center market in the United States. The contractor shall provide an annotated bibliography to NYSERDA.
- B. The contractor shall develop a methodology for collecting additional market data through primary research such as field surveys, online surveys, interviews, analysis of case studies, and benchmarking. This will be used to identify and quantify the full range of data centers ranging from large free standing or centralized data centers to small scale data closets. The contractor shall also identify the types of business served by these data centers, and note any unique requirements from such business. A strong methodological approach must be developed for collecting data as most of this information has not been previously reported in any forum, and could be deemed confidential or as an unknown overhead cost by the sector, making data collection difficult. Moreover, data closets have typically been difficult to track; the methodological approach should account for how this challenge will be addressed.
- C. The contractor shall use a statistically significant method to quantify the energy use, peak demand contribution, and associated utility costs accrued by data centers located within New York State. To the extent possible, the contribution of particular energy end-uses within data centers shall be presented. At a minimum, energy use and demand data shall be characterized as IT (servers, storage, etc.) or facility (cooling, lighting, etc.) loads.
- D. The contractor shall report energy use as a share of overall statewide energy use in total MWh and percentage of energy demand.

#### **Objective 2 – Assessment of Major Market Trends**

- A. The contractor shall list all major market trends that affect the potential for NY data center load growth. These trends shall be characterized as either IT or Facilities-related, and the dependencies between them should be presented.
- B. The contractor shall evaluate major market trends including but not limited to:
  - a. the growth of and reliance on IT assets by specific sectors such as telecom or healthcare,
  - b. the emergence of cloud computing,
  - c. the impact of variations in locational pricing,
  - d. the differences between networking and storage verses computational energy consumption,
  - e. geographic characteristics (that may be driven by goals such as thermal management or proximity to major commercial load) that may affect the potential for NY data center load growth,
  - f. technological factors that may limit the growth and/or capacity of data centers, e.g. availability of advanced cooling, electrical distribution, etc. for high-performance computing.

#### **Objective 3 – Assessment of Energy Efficient Data Center Technologies and Best Practices**

- A. The contractor shall identify energy efficient technologies (for both IT and facilities) that are in use, or could be used in the data center market.
- B. The contractor shall estimate the portfolios of energy efficient technologies, which could achieve energy use reductions in the data center market in New York. The portfolios should be differentiated by space constraints or regional demand increases, as deemed necessary by the contractor.
- C. The contractor shall describe the decision making process used by data center managers for implementing energy efficiency measures, identify the information needed by data center managers to support implementation of energy efficient measures, and describe how data center managers are measuring equipment performance before and after installation of energy efficient measures.
- D. The contractor shall determine the major barriers to implementing energy efficient measures such as cost and limitation of expertise.
- E. The contractor shall present methods, resources, results and other information that are directly relevant to data center managers.

**Objective 4 – Model Energy Consumption and Predict Data Center Market Load Growth Over a Five (5) Year Period**

- A. The contractor shall provide an estimate of current energy use in the data center market in New York. Where possible, the contractor may provide historical context, such as energy use trends over the past five years, to support this estimate.
- B. The contractor shall develop a modeled reference case scenario predicting energy demand growth over a period of 5 years under static conditions. . The input data will be provided to NYSERDA staff along with the analytic tools.
- C. The contractor shall develop scenarios to evaluate the energy savings potential of implementing various energy efficiency technologies or practices and compare these scenarios against the reference case. Scenarios should estimate the potential of various portfolios of energy efficiency measures that could achieve reductions in energy use, and provide an estimate of the environmental and economic benefits associated with a reduction in energy consumption. Technology capital and operating costs, avoided energy and demand costs, avoided greenhouse gas emissions using NYSERDA’s standard emissions factors, and cost effectiveness of the technologies should be estimated. The contractor shall estimate technical, economic, and achievable potentials for energy efficiency measures for a 5-year planning horizon, expressed as increments from the baseline forecast. Scenario analyses shall consider technologies and measures that are commercially available, proven but not fully implemented, and technologies and measures that are in near- to mid-term development stages. The input data will be provided to NYSERDA staff along with the analytic tools.
- D. The contractor shall identify levels of risk and barriers to implementation of efficiency measures modeled.

**B. Program Eligibility.**

This section reviews contractor eligibility and responsibilities of the contractor and NYSERDA.

Who May Propose:

Consultants, academics, researchers, or interdisciplinary teams. Proposers are encouraged to form interdisciplinary teams when appropriate to meet project goals.

- Teams may consist of a variety of **entities**: scientists; analysts; technologists; experts in specific fields; economists; commercial firms; government organizations; universities; research organizations; industry associations; or other stakeholders.
- **Result-oriented** teams with multi-disciplinary expertise, and experience in completing complex technical reports or publications are encouraged.

- Teams should consider providing the following **technical** expertise: economists; engineers; technologists; experts in: information technology, data centers, telecom, survey methods, primary data gathering, quantitative research methods, statistics; or experts in related fields, as appropriate.
- The lead proposer could be any organization responsible for successful completion of the project. If the proposal is selected for funding, the lead proposer will be selected to enter into an agreement with NYSERDA as NYSERDA's contractor.
- Include **letters of commitment** from each team member in an appendix to the proposal.

Proposers must:

- Address, at a minimum, **each of the four (4) specific Objectives listed in Section II.**
- Define specific **deliverables** to be met at the completion of each objective. Interim deliverables that provide feedback to NYSERDA for use in evaluation of progress are required. It is anticipated that certain tasks will need to be completed earlier than others. **In particular, the First Draft Report should** identify data uncertainties as well as additional outreach needs.
- Provide a **Research Methodology Addendum**, summarize it briefly in the Executive Summary, and include research methodology in the proposed tasks as appropriate.
- Identify and emphasize, as appropriate, other innovative and effective approaches, strategies, and tools that support the Goals and Objectives of this RFP.
- Describe the **management plan**, including how the management plan has been organized, and how the team will partner with other research groups.
- Describe how the **technical breadth** of the project team addresses the necessary balance of interdisciplinary experience for successfully completing the project.
- Provide evidence of a **demonstrated track record** of successfully completing complex subject-relevant technical reports or publications in a timely fashion.
- Identify the **Project Manager** who will be responsible for managing the team. Previous experience managing diverse teams is highly desirable. Provide actual examples of relevant past work.
- Include tasks in the proposal to develop and implement strategies to **measure success** of the project. Specify performance goals.
- Submit a **per-task cost table**. It is anticipated that projects will be paid on a performance basis as per-task deliverables are met.
- Address the required **timeline** for the proposed work. At a minimum, deliverables are expected as follows: Outline of the Report due one months from the work start date, First Draft Report due seven months from the work start date and Final Report due nine months from the work start date.
- **Cost sharing is not required, but encouraged.**
- The amount of funding requested will be considered for overall reasonableness with respect to meeting RFP Objectives.

*Other Proposer Considerations:*

- A proposal may be considered **non-responsive** if it fails to comply with the requirements above, the Proposal Format of Section III, or the General Conditions of Section V.
- Before an award is made, potential contractors may be required to demonstrate: access to financial resources sufficient to perform the proposed work, appropriate technical experience and adequate facilities (or the ability to access them), a good performance record, and the ability to qualify for an award under applicable laws and regulations.

**C. Contractor's Responsibility**

The selected contractor shall be responsible for timely completion of the requirements described in this RFP.

The selected contractor must assume the overall responsibility for: coordinating and developing data collection, analysis and reporting required by this RFP (whether or not done by the contractor or one or more subcontractors); acting as liaison with participating NYSERDA programs and external organizations; and adhering to proposed project budgets and completing the deliverables listed in this RFP.

The selected contractor shall keep NYSERDA informed weekly either by telephone, in-person meetings or e-mail on the progress of the market characterization and analysis efforts. The selected contractor shall participate in approximately two meetings with NYSERDA staff at the start of the project, and upon delivery of the draft final report.

The selected contractor shall coordinate closely with NYSERDA to present a complete picture of desired target market.

**D. NYSERDA's Responsibility**

The NYSERDA Project Manager will be responsible for overseeing and managing all tasks undertaken by the selected contractor, including but not limited to reviewing, commenting and approving tasks and subsequent deliverables; coordinating with program staff and interested external stakeholders; promoting coordination between the selected contractor and NYSERDA's other evaluation contractors; and approving invoices promptly.

**E. Available Funds**

The total funding available to support the services requested under this RFP is undefined. The total funding will support approximately 9 months of research and analysis. NYSERDA's scope and timeline should inform the amount of funding requested by the proposer. Additionally, proposers should include a cost estimate for two scenarios of primary data gathering. One scenario should include a cost for "heavy" fieldwork data gathering effort. The second scenario should include a "light" fieldwork data gathering effort. An additional 5% should be budgeted for follow-on work after publication of the final report. Proposers should put forth their best proposal and most competitive budget for the scope of services requested in the time allowed.

**III. Proposal Requirements.**

This section provides background for the proposal, an overview of expected meetings and briefings, and identifies what should be included in a proposal, and the format in which it should be presented.

### **A. Background**

This study will achieve the Technology & Market Development Market Research objectives of providing deep and focused research on a specific sub-sector of New York's energy economy; identifying load profiles and potential energy benefits which could be used to realize significant cost or energy savings; and identifying optimal transition of early stage and underused technologies into the data center market. The analytical results of the tasks laid out above will be used to support NYSERDA's program development efforts in the data center space.

### **B. Meetings and Briefings**

The successful proposer shall be required to work closely with NYSERDA Energy Analysis staff, including at least two meetings in Albany with staff; one at the beginning of the project to review final study plans, approaches, schedule, staffing, etc., and at least one meeting near the end of the project to discuss comments on the draft final report.

### **C. Technical Proposal Presentation**

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

***The technical proposal must be organized in the following format:***

Proposal Checklist

Section 1: Introduction and General Information

Section 2: Executive Summary

Section 3: Statement of Work/Approach

Section 4: Management Structure

Section 5: Qualifications

Section 6: Project Schedule and Staffing Plan

Section 7: Potential Conflict of Interest

Section 8: Cost proposal

Appendices: Letters of Commitment from all subcontractors  
Research Methodology Addendum  
Resumes of Key Personnel, who will work on the project  
Summaries of Prior Work, by organization and key personnel  
Other Supporting Material (optional)

### **D. Technical Proposal Explanation**

**Proposal Checklist.** Complete and sign the Proposal Checklist attached to this RFP, and include it as the front cover of each copy of the proposal. Note the following:

- Indicate whether you accept the Standard Terms and Conditions as contained in the attached Sample Agreement. If you do not accept the Standard Terms and Conditions, be prepared to provide alternative terms with justification based on the risk and benefit to NYSERDA and New York State.

- Be sure the individual signing the Checklist is authorized to commit the proposer's organization to the proposal as submitted.

**Section 1: Introduction and General Information.** Proposers should summarize their understanding of the objectives and requirements of this RFP. Proposers should demonstrate knowledge of relevant literature. Proposers should *briefly* identify key information about their organization and any other organizations that are part of the proposer's team.

**Section 2: Executive Summary.** Briefly summarize your proposal emphasizing the following:

- The problem or opportunity addressed and its significance to New York State.
- The **research methodology**, including how data will be gathered and analyzed, what models will be used, why those models were chosen, and what topics will be emphasized (the proposer should also fully describe research methodology in specific tasks/objectives in the Statement of Work, and attached addendum as appropriate).
- Alternative approaches/methodology, and why your proposed approach/methodology was selected. Include assumptions.
- Benefits if the project is successful. Describe the benefits of this study and how the findings of this report useful.
  - **The executive summary should be no more than two (2) or three (3) pages in length.** Please put the bulk of your effort into fully describing each task in the Statement of Work.

**Section 3: Statement of Work/Approach.** The Statement of Work is the primary document that outlines work activities and required performance for payment by NYSERDA. The Statement of Work must be in compliance with the scope of services requested, deliverables, and schedule outlined in this RFP. It is an action document that specifically delineates each step or procedure required to accomplish the four (4) RFP Objectives as listed in the Section II of this RFP. Therefore, each action shall be identified, indicating who will perform it, how it will be performed and its intended result. Be clear and specific; concentrate on "how" and not "why". Include quantifiable milestones as deliverables where possible. The Statement of Work must be structured as an ordered set of tasks.

You may use the example Statement of Work outline included in Attachment D, Exhibit A as the basis for your Statement of Work and expand or modify it as necessary to fit your project and provide additional information.

**Section 4: Management Structure.** Proposers should identify all team members, including the Project Manager and any subcontractors, who will be responsible for ensuring that the project is timely and of good quality. Provide a clear description of the roles and responsibilities of each person in completing the work plan. Provide the names and addresses of subcontractors and describe how they were chosen. Provide an organization chart. Describe how you plan to coordinate this study with NYSERDA Energy Analysis staff. Resumes of all team members should be provided in an appendix.

**Section 5: Qualifications.** Describe specific experiences relevant to the performance of this type of project. Discuss proposed teaming arrangements, if applicable. A letter of commitment must be included for each team member in the proposal and should be included as part of the appendices. State the team's individual and combined expertise that would enable successful completion of the project. List and briefly describe relevant

projects that have been completed by the proposer/proposing team, including projects completed in New York State. Indicate which team members were responsible for each project described. Indicate the name and telephone number of at least three references for whom your organization has completed similar projects. Summaries of prior work and other supporting materials that demonstrate your ability to complete the work requested in this RFP should be submitted as attachments to your proposal.

**Section 6: Schedule and Staff Plan.** The proposer should include a timeline for completing each task and major sub-task identified in the Statement of Work. Prepare a master schedule in bar chart form showing anticipated starting and completion times for each task, in terms of weeks or months after the contract is signed. The staffing plan should identify key personnel, including any subcontractors or other resources, responsible for completing each task. **PROVIDE A TABLE SHOWING THE NUMBER OF HOURS EACH KEY PERSON OR SUBCONTRACTOR WILL SPEND ON EACH TASK AND THE TOTAL HOURS PER TASK.**

**Section 7: Potential Conflict of Interest.** Identify the nature of any potential conflict of interest your firm might have in providing services to NYSERDA under this RFP. Discuss fully any conflicts of interest, actual or perceived, which might arise in connection with your firm's performance of the proposed agreement. If conflicts do or might exist, describe how your firm would resolve them.

**Section 8: Cost Proposal.** Using the Attachment C Contract Pricing Proposal Form (CPPF) as a template, submit the name, title, and hourly rate or salary range for the duration of the agreement for each individual proposed to perform the work outlined in Section II Program Requirements, Subsection A, Services Requested (including all subcontractor personnel). Use the CPPF to provide overhead multipliers for the duration of the approximately 9 month agreement.

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

1. Describe the basis for the rates proposed (*i.e.*, based on prior period actual results; based on projections; based on federal government or other independently approved rates).
2. If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit any indirect rate presented in the proposal and to make adjustment for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.

Make sure your proposal has included two cost scenarios for primary data collection. One scenario should include a cost for "heavy" fieldwork data gathering effort. The second scenario should include a "light" fieldwork data gathering effort.

Travel expenses should be capped at \$3,500, and cost share on travel expenses is strongly suggested.

**Per-Task Cost Table (required)**

It is anticipated that projects will be paid on a performance basis as per-task deliverables and overall performance targets are met. Therefore, proposers **must** submit one (1) table indicating both:

- 1) the total expenditures for each task in the Statement of Work, and
- 2) the percent of total effort for each task.

Please note that if selected, cost per objective will be funded based upon available resources. Please note: Meetings based in Albany, NY are required. NYSERDA and the project team will review the First Draft Report and NYSERDA may request additional analysis or clarification on certain tasks. **Allow funds for further analysis** of identified issues in between submission of the First Draft Report and the Final Report.

**Cost Sharing Table (include only if cost-sharing is provided)** Cost sharing is not required, however leveraging of other funding is encouraged. **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. Show the cost-sharing plan in the following format (expand table as needed):

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

**Appendices.**

Materials to be submitted include:

- Letters of Commitment from any subcontractors.
- Research Methodology Addendum (required) – Describe the research methodology in detail in a Research Methodology Addendum. Summarize it in the Executive Summary, and be sure to include research methodology in the proposed tasks as appropriate.

Address the soundness of your project methods and research design:

- How are your proposed project methods and overall research design suitable for meeting the RFP Objectives and yielding accepted results?
- Where will you obtain the needed data?
- What **models** will you use and why are they appropriate?
- What **stakeholders** will you contact and how will you gather information from them?
- How will you analyze the data?
- Which Objectives do you feel are most critical to emphasize, and why?
- Be clear about how extensively topics will be treated (e.g. literature review, new in-depth modeling, stakeholder interviews, or only as budget allows).
- What will not be addressed in the study?
- Resumes of key personnel that will complete the tasks described in “Section II Project Requirements – Services Requested.”

- Summaries of related work products that demonstrate your ability to conduct process evaluations and characterize and assess markets for NYSERDA, and that demonstrate your capability to perform the tasks that would be identified in such a strategy.
- Additional documentation as deemed necessary by the proposer.

## E. Proposal Submission

Proposers must submit the appropriate number of copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Proposal. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which 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.**

### 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

## IV. Proposal Evaluation

All proposals received by the due date and meeting the requirements established in this RFP will be reviewed and ranked by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers. Final rankings and the contract award will be based on the following Evaluation Criteria:

**Responsiveness to the Work Scope of the RFP.** Does the proposer present a sound approach for accomplishing the objectives of this proposal? Is there a sound rationale or justification for the proposed approach(es)? Has the proposer demonstrated a clear understanding of the project goals and objectives? Does the proposer appear to have the flexibility to accommodate potentially short notification times and tight deadlines? Has the proposer demonstrated a thorough understanding of NYSERDA's data center programs? Is there clear evidence that the proposer possesses the capability to complete this study? Is the Statement of Work thorough, specific, and consistent with the stated objectives? Does the response to the RFP demonstrate a complete and thorough understanding of the project requirements? Has the proposer included a research methodology addendum? Is the research methodology proposed clearly articulated and achievable in the time available to complete the study? Are the proposed project methods and overall research design suitable for meeting the RFP Objectives and yielding accepted results? Has the proposer indicated where they will obtain the needed data? Has the proposer indicated what models will be used and why are they appropriate? Has the proposer indicated what stakeholders they will contact and how they will gather information from them? Has the proposer indicated how they will analyze the data? Has the proposer indicated which Objectives they feel are most critical to emphasize, and why? Has the proposer clearly indicated how extensively topics will be treated (e.g. literature review, new in-depth modeling, stakeholder interviews, or only as budget allows). Has the proposer indicated what will not be addressed in the study?

**Relevant Experience and Qualifications.** Is there clear evidence that the proposer possesses the capability to conduct this market research, including characterization and assessment of the data center market and specific

technologies, and present this information in clear and concise reports? Are key personnel's education and experience relevant to project needs? Is the project staff's overall capability appropriate? Does the proposing team have experience in conducting similar market research work? Have any staff been part of published manuscripts on data center markets and energy efficiency applications? Does the proposing team have the technical expertise in primary market research and energy modeling to complete a comprehensive, methodologically sound market assessment? What is the quality of the project staff's performance on past projects or their achievements related to the proposed work? Does the proposer have the technical and management expertise to understand and synthesize findings generated from the data center market research findings?

**Comprehensiveness of Approach and Management Plan.** Does the proposer demonstrate the ability to complete all aspects of the project? Has the proposer demonstrated the ability to institute appropriate data collection and analysis procedures (including modeling analysis software programs)? Are appropriate management and coordination strategies articulated, including mechanisms for meeting coordination of staff that are off site and/or meetings with NYSERDA staff if not a local office? Are sufficient resources being devoted to the project? Does the proposer demonstrate dedication to this project by key personnel? Is the project organization, including the staffing plan, clear and well-defined? Does the proposer describe a data collection quality control strategy? Is the staffing plan sufficient to provide timely deliverables? Is there one team member designated as the day-to-day NYSERDA contact? Is there a backup lead person designated should the need for this arise? Does the response to the scenario demonstrate effective assignment of staffing resources to meet project needs? Does the proposer's approach to the scenario allow for completion of the necessary work in a timely manner? Can the proposer effectively triage tasks if project criteria change?

**Cost.** How cost-effective is the proposal? Are hourly rates, overhead rates, indirect cost, other cost multipliers, and total hours reasonable and appropriate for the proposer's and subcontractor's personnel completing the tasks? Are the proposer's and subcontractor's rates cost effective when compared to the cost allocation of comparable proposals? Are the proposal's cost elements reasonably priced? Has the proposer offered two cost scenarios (high/low estimates) for primary data gathering efforts? Are the cost allocations sufficient to cover all of the study goals? Is the cost structure comprehensive enough for reviewers to understand how each study requirement will be fulfilled? Does the proposer offer cost share?

## V. GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501: <http://nyserda.ny.gov/~media/Files/About/Contact/NYSERDARegulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

**State Finance Law sections 139-j and 139-k** - 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](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 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. 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 **five** (5) 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.

\*\*\*\*\*

**VI. Attachments:**

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non- Responsibility, etc.

Attachment C - CPPF Form

Attachment D - Sample Agreement