



**Innovation and Business Development Technical Assistance  
Request for Qualifications (RFQ) 2417  
\$250,000 Available**

**Proposals Due: April 18, 2013 by 5:00 PM Eastern Time\***

**Program Summary:** The New York State Energy Research & Development Authority (NYSERDA) recently selected three organizations for funding under the Proof-of-Concept Centers (POCC) program in New York State. The POCC Initiative is built on the understanding that scalable startup companies are engines of both technology commercialization and economic growth; research institutions in New York are conducting a significant amount of energy-related R&D; the transition of the R&D to scalable business startups happens infrequently; changes in research-business startup ecosystem engagement can increase the rate of startup formation and the likelihood of startup success; and, there is a key gap at the “Proof-of-Concept” stage of product development. The goal of the POCC program is to provide early-stage investments and services to enable the development and validation of promising clean energy technologies that are, or will become, the platform for start-up companies located in New York State.

Through this solicitation, NYSERDA expects to select a single contractor to provide as-needed consulting services to support the Proof-of-Concept Center Program.

NYSERDA anticipates entering into task order agreements, from time-to-time, (as defined in Section VI) with the successful proposer to provide services to support the POCC program. The expected start date for work under this program is May 2013.

**Proposal Submission:** Proposers must submit one (1) printed copy and one (1) electronic copy on Compact disc (CD) of the Complete Proposal, with a completed and signed (original signature) Proposal Checklist attached to the front. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFQ 2417  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Jeff Peterson at (518) 862-1090, ext. 3288 or jmp@nyserda.ny.gov. Contractual questions should be directed to: Nancy Marucci at (518) 862-1090, ext. 3335, or nsm@nyserda.ny.gov. No communication intended to influence this procurement is permitted except by contacting Jeff Peterson (Designated Contact) at (518) 862-1090, ext. 3288 or jmp@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 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.nyserda.ny.gov](http://www.nyserda.ny.gov).

## I. Introduction

The New York State Energy Research and Development Authority (NYSERDA) is a public benefit corporation established by the New York State Legislature in 1975. Its mandate is to use innovation and technology to solve some of New York's most difficult energy and environmental problems in ways that improve the State's economy. NYSERDA does so through research and development programs and consumer-oriented efforts. Information on NYSERDA programs can be found at [www.nysesda.ny.gov](http://www.nysesda.ny.gov).

NYSERDA awarded a total of \$15 million to Columbia University, the Polytechnic Institute of New York University and High Tech Rochester to create three Proof-of-Concept Centers dedicated to helping inventors and scientists turn their high-tech, clean-energy ideas into successful businesses. NYSERDA will invest approximately \$5 million in each center over a five-year period. The centers are expected to operate on their own after NYSERDA funding ends. Centers will link business experts and early-stage investors with scientists making new discoveries. They are designed to fill a gap between the maturing of an idea in a research environment and the creation of a business.

The three Proof-of-Concept Centers will be established by:

- Columbia University partnering with Brookhaven National Laboratory, Stony Brook University and Cornell University's NYC Tech.
- High Tech Rochester Inc., a non-profit venture development organization based in the Rochester area, will work with a number of academic partners including: University of Rochester, Rochester Institute of Technology, SUNY Research Foundation, Alfred University, Cornell University, Clarkson University and the University at Buffalo, as well as multiple industry and investor partners.
- Polytechnic Institute of New York University partnering with the City University of New York.

The objectives of the NYSERDA POCC initiative are to:

- Accelerate the commercialization of innovations out of research institutions and into the marketplace, particularly through startups.
- Match emerging clean energy technologies that have scalable commercialization potential, based on real market need, with the investment community.
- Establish sustainable regional innovation ecosystems of potential investors and entrepreneurs in clean energy technologies and solidify research institution linkages to them.

Each POCC will develop and sustain relationships with regional entities that support technology-based startup companies (which may include incubators, angel and venture investors, service providers, venture development organizations, regional technology development organizations, and individual entrepreneurs and executives).

NYSERDA views the POCC program as an investment of public resources to catalyze the implementation of multiple long-lasting POCC programs.

## II. Program Requirements

### A. Proof-of-Concept Center Program Support

Proposers are invited to submit, in the format described in Section III, a proposal describing their skills, expertise, experience, qualifications, and personnel rates in the area outlined below. Proposers are permitted, but not required, to team with partners (subcontractors) they consider would offer complementary expertise in the support areas identified in Section II.

The objective of this solicitation is to identify *one contractor* to implement activities that support the success of the POCC initiative, including the following:

POCC Initiative Advisory Board: Work with NYSERDA staff on the formation of an Advisory Board that will consist of approximately 5-7 members with experience in the transition of intellectual property and innovations into business enterprises. The Advisory Board will assist NYSERDA in the identification and evaluation of metrics and activities that indicate the ability of the POCC program to meet its programmatic objectives.

Annual Meetings: Organize at least five annual meetings over a 5 year period to bring together representatives from each POCC, Advisory Board members plus other interested parties, to discuss the performance and experience of the POCC program. Following each annual meeting, the contractor will prepare a brief report that summarizes the experiences and lessons learned from each POCC program.

Communication Strategy: In concert with NYSERDA staff, develop a communication strategy to capture the experiences of the POCC program. The objective of the Communication Strategy is to accelerate the development and commercialization of clean energy technology in New York State. One component of the strategy should include the development and distribution of professional quality articles that communicate the experiences and lessons learned from the POCC program to the broad technology-based economic development community and other interested parties. The strategy may involve the preparation of materials for distribution via the internet, brochures or media outlets.

Other Activities: Under the direction of NYSERDA, plan and conduct additional services that further the objectives of the NYSERDA POCC program.

## **B. Funding and Schedule**

Up to \$250,000 may be available for the program. The initial term of the contracts signed will be for three years, with option to renew for up to a total of 5 years, based on availability of funds and subject to extension at NYSERDA discretion. Task Order Agreements will be negotiated soon after the notification of selection is delivered to successful proposers.

## **C. Task Order Agreements**

One contractor will be selected through this RFQ. NYSERDA will enter into a general Task Order Agreement with the selected contractor with the flexibility to request services for a variety of activities. A Task Order Agreement is used because no estimate can be made in advance as to the type, amount, and complexity of the work.

The Task Order Agreements will not guarantee any specific amount of work, but may contain a maximum dollar amount. Following a request from NYSERDA, the contractor will prepare a written Task Order Plan, which will become a binding agreement for all parties. The Task Order Plan will be prepared by the contractor in cooperation with NYSERDA.

Task Order Plans shall include:

- The goals and objectives of the project
- The detailed, task-based, approach that will be taken to meet the objectives
- Any relevant background information
- Defined deliverables
- The project time frame
- The names and titles of individuals to work on the project
- The total not-to-exceed cost of the project, including a breakout by task and by title, hourly rate, hours, and non-labor costs
- The identification of performance measures to track project success

The details of any Task Order Plan will be consistent with the level of complexity of the proposed project or activity. Hourly rates shall be those in the general Task Order Agreement. The Task Order Plan for projects is expected to be 1-5 pages depending on the complexity of each project. NYSERDA must review and approve all Task Order Plans before projects are implemented.

#### **D. Compensation**

Compensation will be based on the contractor's direct and indirect personal services costs (included in the proposal) plus allowable expenses. Fees will be based on the contractor's hourly rates for the appropriate level of staff. NYSERDA will negotiate each task order on the basis of demonstrated competence and qualifications, at fair and reasonable fees. Fee schedules shall be included in each proposal that identify rates for each member of the team by title. Proposers are asked to consider the length of the Agreement (three years) in proposing their fee schedules, which will be fixed for the duration of the three-year contract period. Should the Agreement be extended after the three-year contract period, rates may not escalate by more than 3% in each additional year.

Budgets for all work conducted will be included in the Task Work Order Plan and approved by NYSERDA. The Task Work Order Plan will also place a ceiling or not-to-exceed amount for each project. Contractors who accrue billable hours beyond the ceiling in the Task Work Order Plan, without approval in writing by NYSERDA, will do so at their own risk. **Contractors will not be compensated for time spent in the preparation of any Task Work Order Plan.** Preparation of the Task Work Order Plan is considered to be covered by the contractor's overhead expense.

### **III. Proposal Requirements**

Proposers are invited to submit a proposal for Proof-of-Concept Center Program Support.

#### **A. Submittal**

To be eligible for selection under this RFQ, Proposers must submit a complete bid package and agree to the terms and requirements of this RFQ. Proposers must submit one (1) copy of the proposal, with a completed and signed Proposal Checklist attached, one of which must contain an original signature, and one CD which contains a PDF format digital copy of the proposal. Completed packages should be sent to the attention of Roseanne Viscusi at the address on the front of this RFQ. Proposals must be received by NYSERDA on or before 5:00 pm on April 18, 2013. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed copies will not be accepted.**

#### **B. Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k**

##### **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.

**C.** 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, RFQ 2417, and the page number.

- D. All responses submitted as part of this RFQ solicitation process become the property of NYSERDA. Proposers will not be reimbursed by NYSERDA for any costs associated with the preparation of their proposals. Proposals may be either single- or double-sided, but a page is considered one side of an 8-1/2" x 11" piece of paper. The font size shall not be smaller than 11 point.

**E. Proposal Format**

Each proposal shall contain, at a minimum, the following:

**Cover Letter** (1 page suggested)

Proposers shall submit a cover letter on company letterhead that:

- (a) references RFQ 2417
- (b) summarizes the proposer's ability to perform such services
- (c) is signed by a person with authority to enter into a contract with NYSERDA

Letters from subcontractors included in the proposal must be attached to the proposal and include the same information included in the proposer's cover letter.

**Proposals must include the items listed below**

**Overall Experience and Capabilities (2-3 pages)**

Proposers must describe their expertise and experience in technology-based economic development and the commercialization to research. Proposers must also describe the ability as a team/firm to deliver services outlined in Section II A above. This should include the aggregate number of years working in this area and a brief summary of at least one and no more than three similar projects. The project descriptions should specify the level of involvement of the proposing firm and subcontractors and the results/deliverables of the project.

**Recommended Approach and Sample Materials (include the number of pages necessary)**

Proposers must provide a more detailed discussion of the recommended approach and experience of the project team in delivering the proposed service outlined Section II A above. Provide at least one reference from sample material that can be contacted by NYSERDA.

Proposers must provide examples of similar activities of the proposing team in sufficient detail to allow for the evaluation of the capabilities of the proposing team to deliver superior service to NYSERDA in meeting the objectives of the support area.

**Personnel and Qualifications (1-2 pages, plus one-page résumés)**

Proposers must identify and describe the company or organization that will be the prime contractor under this RFQ and describe any personnel, teams, and subcontractors. Describe past relationships with team members and subcontractors. Include an organizational chart, if necessary. Describe the accomplishments, experiences, and expertise of the individuals comprising the proposing team relevant to this RFQ.

Proposers must identify the project manager who will serve as the single point of contact as well as all personnel that may be involved with providing services under this RFQ.

In this section include one-page résumés that highlight recent experiences of all individuals who will be directly involved in providing services.

**Fee Schedule**

Proposers must include a fee schedule (Exhibit F in Sample Agreement) for the services proposed under this RFQ. Fee schedules for proposers and all subcontractors shall include: direct labor costs presented by job title, and a range for each job title's hourly rate; travel and per diem costs;

overhead rates (basis rate and items included in overhead rate); general and administrative costs and basis for application; and other costs. If a proposer is not located in New York State, describe how travel costs will be minimized.

#### **F. Indirect Cost**

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 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.

#### **IV. Proposal Evaluation**

Proposers will be awarded contracts based on: experience, ability, qualifications to perform services in the proposed areas targeted in this RFQ, the ability to complete tasks on schedule, and cost.

Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers. Responses to this RFQ will be reviewed and assigned scores based on the criteria highlighted below.

The following factors will also be considered during the evaluation:

- Response to NYSERDA's request as specified in this RFQ.
- Adequacy/depth of corporate resources to provide requested services in a timely manner.
- Qualifications and expertise of the personnel/team in relevant areas (listed in the Section II).
- Clear identification of staff that are available to be assigned to various project types.
- Previous experience in the conduct and delivery of similar or related services.
- Reasonableness of labor rates, associated fees, and overhead.
- Demonstrated ability to complete projects on schedule.
- Quality and relevance of previous work as evidenced by sample materials.
- Information provided by references.
- Other programmatic and management factors deemed appropriate by NYSERDA.

Further, as part of the evaluation process, proposers may be required to have appropriate representatives attend an interview in Albany, NY prior to final selection.

**Conflicts:** The firm, its principals, subcontractors, and any personnel of the firm must be free from any financial or similar interest in any product or service that may conflict with or appear to conflict with the objectivity of the services provided to NYSERDA. Please describe all of your product, manufacturer or service-related affiliations. If any affiliations exist, you must provide a statement verifying these affiliations do not conflict with or appear to

conflict with the objectivity of providing services to NYSERDA and its customers. Non-disclosure of any affiliation can result in the termination of a contract, if awarded.

**V. GENERAL CONDITIONS**

- A. **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://nysesda.ny.gov/~media/Files/About/Contact/NYSERDAREgulations.ashx>
- B. . However, NYSERDA cannot guarantee the confidentiality of any information submitted.
- C. **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

- D. **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.
- E. **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> .

- F. **Contract Award** - NYSERDA anticipates making one or more awards under this solicitation. 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. NYSERDA expects to notify proposers in approximately eight weeks from the proposal due date whether your proposal has been selected to receive an award.
- G. **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.
- H. **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

**Attachment C:** Project Personnel and Rates (Exhibit F in Sample Agreement)

**Attachment D:** Sample Task Order Agreement