

Proposals Due: April 3, 2014 by 5:00 PM Eastern Time*

[The New York State Energy Research and Development Authority](#) (NYSERDA) seeks to engage a professional Consultant to assist NYSEDA in an objective, market-oriented Corporate Strategy Assessment (CSA) that will result in preferred strategies and programs for NYSEDA to (i) accelerate the cost-effective deployment of clean energy (energy efficiency, renewable energy, and related technologies, e.g. "smart grid"), and (ii) stimulate technology/business innovation in clean energy. This comprehensive strategic effort will seek to outline program priorities, offerings, and a path to execution.

NYSERDA has a longstanding commitment to clean energy and a desire for continued and improved impact and innovation in its programs. This CSA will guide NYSEDA in taking an objective look at the dynamic clean energy sector to identify where it can be most effective and influential. The result of this assessment will allow NYSEDA to become even more innovative, transformational, and responsive to customers.

The Assessment will be guided by the high-level State policy goals identified in the (draft) [2014 State Energy Plan](#), including: reducing greenhouse gas emission intensity from the energy sector by 50% by 2030, increasing private capital investment in the clean energy sector, improving energy affordability, system resiliency, innovation aligned with market needs, and a customer-focused approach to clean energy strategies.

Proposal Submission: Electronic submission is preferable. NYSEDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposers must submit the proposal in either PDF or MS Word format with a completed and signed Proposal Checklist, in PDF format. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility, rather than scanning. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. Proposals may be submitted electronically by following the link for electronic submissions found on this RFP's webpage, which is located in the "Current Opportunities" section of NYSEDA's website (<http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are located in that section as Attachment D to this RFP.

All proposals must be received by NYSEDA by 5 pm on April 3, 2014. If mailing or hand-delivering, proposers must submit (1) paper copy of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing both a PDF or MS Word digital copy of the proposal, following the above guidelines. Mailed or hand-delivered proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 2946
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Christine Gifford (Primary Contact) at (518) 862-1090, ext.3576 or cq2@nyserda.ny.gov or Kevin Hale (Secondary contact) at 518-862-1090 x 3266 or kch@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.

No communication intended to influence this procurement is permitted except by contacting the Primary or Secondary Contact. Contacting anyone other than these contacts (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.

I. INTRODUCTION

[The New York State Energy Research and Development Authority](#) (NYSERDA) seeks to engage a professional Consultant to assist NYSEDA in an objective, market-oriented Corporate Strategy Assessment (CSA) that will result in preferred strategies and programs for NYSEDA to (i) accelerate the cost-effective deployment of clean energy (energy efficiency, renewable energy, and related technologies, eg “smart grid”), and (ii) stimulate technology/business innovation in clean energy. This comprehensive strategic effort will seek to outline program priorities, offerings, and a path to execution including the identification of any necessary organizational changes. The Assessment will be guided by the high-level State policy goals identified in the (draft) [2014 State Energy Plan](#), including: reducing greenhouse gas emission intensity from the energy sector by 50% by 2030, increasing private capital investment in the clean energy sector, improving energy affordability, system resiliency, innovation aligned with market needs, and a customer-focused approach to clean energy strategies.

II. SCOPE

As envisioned, the Corporate Strategy Assessment will occur in multiple phases (some in parallel, some sequential), as follows:

- Phase 1*– Identify statewide **potential for clean energy** in specific energy sectors and subsectors, and broadly identify contributions from such sectors to advance statewide energy policy goals. This Phase is being conducted by NYSEDA staff and is expected to be complete by the time an award is made under this RFP. This work will identify the opportunity by building types (restaurant, data center, etc.) and technologies within those (lighting, cooling, etc.) and will inform subsequent phases.¹
- Phase 2*– Identify effective statewide strategies to **increase deployment of behind-the-meter clean energy applications** (electric, gas and heating fuel efficiency; onsite clean energy from solar, wind, biomass, combined heat and power, fuel cells; load management and customer-sited energy storage), the roles of major market players, and intervention opportunities to be designed into NYSEDA programs to achieve market scale-up of behind-the-meter clean energy. This phase generally corresponds to Tasks 1, 2, and 3 described below.
- Phase 3*– Optimize other NYSEDA **clean energy infrastructure and innovation** programs (including smart grid power systems, grid-tied renewable power systems, advanced transportation systems, and energy Research and Development (R&D) initiatives) to further accomplish State energy goals. Consider optimum roles for NYSEDA and other market participants in the potential rebalancing of the R&D portfolio to focus on highest priority needs/opportunities, and new program delivery mechanisms to continue to increase the commercial success of investments. This phase generally corresponds to Tasks 4, 5, 6, and 7 described below.
- Phase 4*– Identify the **organizational changes and new business processes** that need to be introduced to deliver the new and/or optimized NYSEDA programs and strategies, including development of a transition plan(s) and identification of capabilities that need to be developed, where appropriate. This phase generally corresponds to Task 8 described below.

The Corporate Strategy Assessment will be conducted by a Project Team consisting of key NYSEDA staff working alongside the Consultant selected through this request for services. The NYSEDA team is comprised of approximately 9 people, with 3 being dedicated to this effort full time. The Consultant will work shoulder-to-shoulder with NYSEDA and will be responsible for content development, synthesizing and integrating findings, and joint project management with the client-side lead. The Consultant will also be able to access other relevant NYSEDA technical and programmatic resources. The work will build on existing analysis that NYSEDA has completed to date, NYSEDA’s existing program experience, and will include substantial input from relevant advisors and market participants.

¹ Proposers can get a better sense of the potential for clean energy study from previous versions ([http://www.optenergy.com/process.php?file=assets/files/Volume 1 Final 082803 Summary Rpt.pdf](http://www.optenergy.com/process.php?file=assets/files/Volume%201%20Final%20082803%20Summary%20Rpt.pdf) and http://www.optenergy.com/process.php?file=assets/files/134_200.pdf) and the preliminary findings from the study underway (<http://www.nyserda.ny.gov/BusinessAreas/Energy-and-the-Environment/Environmental-Research/EMEP/Conferences/2013-EMEP-Conference/-/media/Files/Events/Events-and-Conferences/EMEP-2013/presentations/2013-bower.pdf>).

Proposers should expect to conduct a meaningful amount of primary research in certain segments – those where NYSERDA does not have a strong understanding of customer/partner decision-making. Where this is needed, proposers might anticipate a mix of broad survey, deep interactive interview, and short-cut workshops with industry experts and relevant industry market actors. However, Tasks 4, 6, and 7 involve synthesizing NYSERDA research and should not require significant primary research, if any.

III. OUTCOMES

The outcome of this multifaceted Corporate Strategy Assessment should be an integrated view of:

1. *Statewide Market Potential* – Market potential by each sector, technology type and other relevant categories at various levels of potential including technical, economic, and achievable by 2020 and 2030.
2. *Statewide Strategies* – Identification of strategies to achieve the carbon reduction and innovation goals of the State Energy Plan in the high potential sectors and subsectors while contributing to related key policy objectives.
3. *Approach to market* – Identification of the necessary partners and channels along with a clear identification of NYSERDA's role – direct, indirect, uninvolved.
4. *NYSERDA Programs* – Clear view of priorities and intervention strategies in each of the identified programs and how those corresponding programs should be designed, and how they need to operate, including any necessary program administration flexibility elements.
5. *Regulatory/Funding Changes* – Identification of regulatory and policy issues and changes necessary to design and administer the suite of programs identified above
6. *NYSERDA Gap Analysis and Organizational Changes* – Assessment of corporate capabilities and identification of the capabilities and processes needed to execute on the new and/or refined portfolio of program offerings.

IV. TASKS

The tasks below outline the consultant services required to assist in the Corporate Strategy Assessment. These tasks are grouped into four primary task areas: (1) behind-the-meter; (2) technology and business innovation; (3) renewable energy and transportation; and (4) corporate recommendations to effectuate the recommended strategies. The Renewable Energy and Transportation Task Areas likely to require less development of new market understanding and instead will mainly look at capability and organizational issues.²

The Consultant proposing in response to this request should consider the following to be a non-exhaustive outline of required tasks, and should propose the work considered necessary to achieve the objectives.

Behind-the-Meter Task Area

Task 1. Behind-the-Meter Clean Energy Analysis: The Consultant shall evaluate and assess relevant studies and analyses including but not limited to: NYSERDA reports and analyses, including the Clean Energy Market Potential and associated carbon reductions (as developed in Phase 1), and NYSERDA's program evaluation reports identifying customer barriers, behaviors and motivations for participating in the clean energy space, as well as external resources, such as general market assessments to achieve new product or services market scale-up (in either the energy sector or other sector in the economy), best practices employed in other regions, and analyses by other states. Working with the Project Team, the Consultant will:

- A. Identify likely end user customer segments and building sectors or sub-sectors that have the greatest achievable potential to achieve large-scale energy savings, clean energy penetration and

² While not anticipated, if relevant and meaningful gaps are identified during the course of work, the scope of work may be adjusted, upon mutual agreement, to accommodate any required activities to address those gaps.

emissions reductions.

- B. Identify needs and opportunities in New York for appropriate governmental interventions that can address market failures, provide policy drivers, and generally develop a path to a dynamic and self-sustaining clean energy economy. For illustration, these may include initiatives such as moving to performance-based energy codes, use of voluntary stretch energy codes, public disclosure of benchmarking results, aggregation strategies, new channel partner incentive structures, new rate structures, and new dynamic pricing tariffs.

Task 2. Behind-the-Meter Clean Energy Market Understanding: Building on Task 1, but not limited by the outcomes of Task 1, the Consultant shall identify the key decision makers in realizing the potential in each sector and subsector, and understand how to influence and overcome barriers to their decisions. Working with the Project Team, the Consultant will identify, from existing primary work, useful secondary sources, and NYSERDA expertise:

- A. Potential barriers to adoption of clean energy.
- B. Decision-makers, decision factors and processes, and key decision points.
- C. Mechanisms that influence customer action/theories that influence behavior change.
- D. Effectiveness to achieve scale and strategies with high potential for advancing State policy goals (i.e., “bang-for-buck”).

In conducting this research, the Consultant will generate hypotheses and advance the identified hypotheses through workshops, market interviews, surveys, and other means of collecting primary data and confirmatory analytical work, as needed.

Task 3. Behind-the-Meter Clean Energy Program Strategies: This task will build from information obtained in the first two tasks. Working with the Project Team, the Consultant will:

- A. Design program strategies to increase deployment of clean energy improvements by targeting key decision makers at key decision points within the sectors and subsectors identified.
- B. Identify New York State energy policy options to facilitate customer demand generation and completion of clean-energy projects in their homes/facilities.
- C. Determine when the key decisions are made by customers where planned facility upgrades can be supplemented with highly-efficient, clean-energy measures.
- D. Determine in what types of facilities stand-alone clean-energy projects can be initiated without planned upgrades.
- E. Identify what business models should be developed that will result in significantly increased customer participation in clean energy projects.
- F. Identify what role NYSERDA as a statewide authority should play in meeting the needs identified above, and what roles other market actors should play.
- G. Advance identified program strategies through workshops with market participants and/or market interviews or conduct related confirmatory work, as needed.
- H. Refine/adjust program strategies based on market feedback.
- I. Estimate approximate funding needs for the relevant NYSERDA initiatives considering the minimal funding level required for program operation, the level of investment required over multiple years to attain sustainable market effects, and overall program portfolio funding limitations.
- J. Identify the capabilities and skills required of NYSERDA to execute the recommended program strategies.
- K. Identify a process that can be used going forward to ensure continuous optimization of the Behind the Meter clean energy program portfolio.

Technology and Business Innovation Task Area

Task 4. Technology and Business Innovation Needs and Opportunities: Working with the Project Team, the Consultant will:

- A. Identify the high-potential technology/market areas, building on the Clean Energy Potential Study and NYSERDA's recent R&D assessment, which could become economically viable clean energy alternatives in New York through increased investment in technology/business innovation. Identify the areas that could have a meaningful impact on NY's Greenhouse Gas emissions and move the State toward its aggressive greenhouse gas reduction goal. Identify global market opportunities for New York clean energy businesses and related supporting work.
- B. Identify the scale of resources needed to make a significant impact and the leveraging opportunities considering the minimal funding level required for program operation, the level of investment required over multiple years to attain sustainable market effects, and overall program portfolio funding limitations.
- C. Identify the areas of the clean energy economy (including technology) where a critical mass of innovation resources exists in New York (research institutions, businesses, investment capital, innovation companies) that could be mobilized to address New York needs and develop new markets. This may require some secondary research and market insights analysis.
- D. Identify roles and responsibilities for NYSERDA and/or other market players.

Task 5. Technology and Business Innovation Program Strategies and Focus: Working with the Project Team and building on Task 4, the Consultant will:

- A. Identify market/technology areas that should be the focus of the State's investment in order to help the State achieve its clean energy potential, and simultaneously promote economic development in New York.
- B. Articulate the most promising program strategies to stimulate technology and business innovation in high potential sectors, including strategies that could increase overall commercial success of NYSERDA investments and further stimulate private investment.
- C. Test hypotheses, utilizing workshops, market interviews, and other confirmatory analytical work.
- D. Assess NYSERDA's current R&D portfolio and identify an optimized funding/allocation strategy, relative to the information learned in this assessment.
- E. Identify the capabilities and skills required of NYSERDA to execute the recommended program strategies.
- F. Identify a process that can be used going forward to ensure continuous optimization of the technology and business innovation portfolio

Renewable Energy and Transportation Task Area

Task 6. Grid-Tied Renewable Resource Needs and Opportunities: Working with the Project Team, the Consultant will:

- A. Draw from the Clean Energy Potential Study and related contracted work already underway (including, Options for Main-Tier Resource Development, Off-shore Wind Cost Reduction Roadmap, and Off-shore Wind Cost-Benefit Study and Policy Options Study), synthesize grid-tied renewable resource needs, opportunities, and optimum program strategies for the purposes of the Corporate Strategy Assessment.
- B. Identify roles and responsibilities for NYSERDA and/or other market participants.
- C. Identify the capabilities and skills required of NYSERDA, and staffing and resource synergies, needed to execute the recommended program strategies.

Task 7. Advanced Transportation Systems Needs and Opportunities: Working with the Project Team, the Consultant will:

- A. Draw from NYSERDA's recently completed Advanced Transportation Plan and other relevant resources to synthesize the advanced transportation and alternative fuel vehicle deployment resource needs, opportunities, and optimum program strategies.
- B. Identify roles and responsibilities for NYSERDA and/or other market participants and partners.
- C. Identify the capabilities and skills required of NYSERDA to execute the recommended program strategies.

Corporate Recommendations Task Area

Task 8. Corporate Recommendations: Building on Tasks 3(J), 5(E), 6(C) and 7(C), the Consultant will identify the organizational needs to effectuate the identified opportunities, strategies and programs, as well as the preferred corporate structure and associated business processes to support the strategies and programs ultimately adopted. It will be essential to draw the organizational implications and competencies/capabilities required from the go-to-market conclusions. For example, the work could identify how to organize around serving the selected channel/market sectors or to develop "solutions" business capabilities. Ideally, this would include an assessment of NYSERDA capabilities, a gap analysis (between that future state and the current state), a transition plan, and implementation support (in descending order of value and likelihood).

Task 9. General Project Management: The Consultant will:

- A. Develop a work plan identifying project milestones, timeline, and key deliverables.
- B. Organize periodic project meetings including the development of meeting agendas and materials.
- C. Document work tasks, responsible parties for such tasks and follow-up items necessary to advance the Corporate Strategy Assessment.
- D. Other tasks as determined by NYSERDA to effectuate the scope of services requested and the overall objectives of the Corporate Strategy Assessment.

V. DELIVERABLES

The Consultant will be responsible for the development, presentment and refinement of each task and the key deliverables identified in the work plan, as well as provision of supporting documentation related to the findings and recommendations of tasks as needed for NYSERDA's regulatory filings. As requested by NYSERDA, these deliverables will come in the form of memos, Power Point presentations, and research reports. The Consultant will also be responsible for summarizing all tasks deliverables in a final report.

VI. PROJECT SCHEDULE

There is a firm deadline for completing the Behind-the-Meter Task Area (Tasks 1 through 5) of July 2014. Tasks 6 and 7 should be completed by the end of August 2014. Task 8 is expected to be an ongoing effort that will involve iterative work with NYSERDA and could extend beyond August 2014. NYSERDA anticipates an initial term of one year which may be extended upon mutual agreement.

VII. PROPOSAL STRUCTURE

Proposals should be divided into clearly defined sections, in the order and as outlined in the list below. Proposals must be clearly and concisely written in a manner that addresses, at a minimum, the following:

1. Specific approach to accomplishing the work requested, broken out by Task Area and including, but not limited to: the submission of a high level work plan, approach to market segmentation, as well as the approach to conducting market research including interviews, workshops, and related intelligence gathering activities.
2. Detailed schedule identifying the initiation and completion of each task and sub task.
3. Fixed cost proposal to accomplish the work requested, broken out by Task Area along with the hourly rates for all personnel.
4. Qualifications and experience in conducting the work requested, including an explanation of any sample or related projects. References are preferred. Clear identification of staff being proposed for the project including their respective role(s), qualifications, and credentials; attach resumes, curriculum vitae as appropriate.
5. Any other relevant information the proposer feels should be included in its proposal to demonstrate its capabilities, experience and preferred approach to accomplishing the work requested.

Teaming arrangements to ensure an appropriate level of breadth and depth with respect to both NYSERDA's core activities/programs and corporate strategy assessments more generally are permissible; the selected Proposer will be responsible for the seamless integration of all work and contributions of their team and/or subcontractors.

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. Proposals should be paginated; each page of the proposal should state the name of the proposer, the RFP number, and should be marked "Confidential."

VIII. POTENTIAL CONFLICTS OF INTEREST

Identify the nature of any potential conflicts of interest among team members in providing services to NYSERDA under this RFP. Fully discuss possible conflicts of interest, actual and perceived, which could arise in connection with performance by team members of the proposed contract which may include existing or pending work with other areas of NYSERDA. Describe how you would resolve conflicts of interest.

In the event that NYSERDA determines that a team member may have a conflict of interest or the appearance of a conflict of interest, NYSERDA may: (1) take this into consideration in evaluating the proposal; (2) exclude the proposer from consideration for an award; (3) adjust the scope of work or contractor team assignments to avoid the conflict or appearance of conflict; or (4) negotiate other appropriate actions with the team member to avoid the conflict or appearance of conflict.

The selected proposer shall not be precluded from bidding on future NYSERDA consulting solicitations.

IX. PROPOSAL EVALUATION

Evaluation will be primarily based on the extent to which the proposer is viewed as being able to help drive the most valid and useful outputs, as informed by the various tasks; while selection will be value based, cost will be a factor. Proposals will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below.

- Responsiveness of the proposal to the objectives and needs described in this RFP
- Overall proposer experience and capabilities in relevant areas including:
 - Energy programs
 - Energy program design

- Identifying organizational needs and corporate planning
- Interactions with clean energy market actors
- Experience in conducting market research and producing market analyses
- Demonstrated experience in the conduct and delivery of similar or related services
- Personnel and qualifications of proposer and subcontractors, if applicable
- Reasonableness of the overall proposal cost, including the consistency of the rates with expertise and qualifications of the identified personnel
- Other considerations including, but not limited to past experiences with contractor, notable position in the industry, known accomplishments on similar engagements, etc.

X. CONTRACT AWARD

NYSERDA anticipates making one award under this RFP, but may make additional awards depending on the nature and strength of the proposals received. NYSERDA may make awards based on the proposals without discussion, or following limited discussion or negotiations pertaining to the proposals and this RFP. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement attached to this RFP to contract successful proposals. NYSERDA expects to make award(s) in approximately 1 week from the proposal due date and work will begin immediately. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

XI. 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 except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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.

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
625 Broadway
Albany, NY 12207

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

Empire State Development
Minority and Women's Business Development Division
625 Broadway
Albany, NY 12207

State Finance Law sections 139-j and 139-k - NYSEDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.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 - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf).

Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSEDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf> .

Limitation - This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSEDA's best interest. NYSEDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

Disclosure Requirement - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSEDA after the award of a contract, NYSEDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

XII. ATTACHMENTS:

- Attachment A – Proposal Checklist (Mandatory)
- Attachment B – Disclosure of Prior Findings of Non- Responsibility (Mandatory)
- Attachment C – Sample Agreement
- Attachment D – Electronic Proposal Submission Instructions