



**Zero Emission Vehicle Support Contractor
Request for Proposal (RFP) 3239
Up to \$700,000 Available**

Proposals Due: May 3, 2016 by 5:00 PM Eastern Time*

The 2016-17 New York State budget includes a provision establishing a zero emission vehicle (ZEV) rebate program to be administered by NYSERDA. This Zero Emission Vehicle Support Contractor solicitation seeks to select a ZEV Support Contractor to assist New York State in evaluating potential options for developing a ZEV rebate for New York State and, if New York State chooses to pursue a rebate program, to administer such a program. Proposed activities under this program would be structured in two phases. In Phase I, the Exploratory Phase, the contractor would provide guidance on program design and methods to engage key stakeholders, including auto manufacturers, car dealers, and car buyers. Phase II the contractor would implement a rebate application and verification system, raise awareness of the rebate program among key stakeholders, and conduct and analyze program participant surveys.

Proposal Submission: Electronic submission is preferable. NYSERDA 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 and Disclosure of Prior Findings of Non-Responsibility, 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 NYSERDA's website (<http://www.nyserderda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are located as Attachment E to this RFP.

If mailing or hand-delivering, proposers must submit two (2) paper copies 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 3239
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Patrick Bolton, (518) 862-1090, ext. 3322 or patrick.bolton@nyserderda.ny.gov, or Adam Ruder, (518) 862-1090, ext. 3411 or adam.ruder@nyserderda.ny.gov. If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 or nancy.marucci@nyserderda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Patrick Bolton (Designated Contact) at (518) 862-1090, ext. 3322 or patrick.bolton@nyserderda.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 proposer's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserderda.ny.gov.

I. Introduction

Zero emission vehicles (ZEVs) include both plug-in electric vehicles (PEVs) and hydrogen fuel cell vehicles (FCVs). PEVs in turn include both all-electric vehicles and plug-in hybrid electric vehicles, which run on electricity before transitioning to gasoline. New York is one of ten states that have adopted California's ZEV Program regulations, which apply to vehicle manufacturers and require an increasing percentage of all light duty vehicles sold in the State to be ZEVs. In 2013 Governor Cuomo and governors of seven other ZEV Program states signed an MOU committing to collaborate on activities to build the ZEV market and meet ZEV Program targets.

New York State's ZEV adoption has been growing steadily, from about 2,500 in January 2013 to over 15,000 today. Currently, there are over 15 PEV models available for purchase in New York State, but no FCVs. Governor Cuomo's ChargeNY Initiative has been working to create the conditions for ZEV adoption through a wide range of programs, including subsidies and a tax credit to reduce charging station costs; policy and technology research and demonstration projects; incentives for EV drivers such as HOV lane access and reduced tolls on bridges, tunnels and the Thruway; and consumer and stakeholder education. ChargeNY established a goal of deploying 3,000 electric vehicle supply equipment (EVSE) charging stations throughout the State to support the 40,000 ZEVs required by the ZEV regulations by 2018.

While New York State has worked to break down market barriers to ZEV adoption by increasing infrastructure availability, developing appropriate supportive policies and regulations, and broadening customer awareness, the State has not offered rebates or other financial incentives for purchasing ZEVs. About ten other states offer cash incentives on top of the federal income tax credits available for ZEV purchases, ranging from about \$500 to \$6,000. A number of recent studies have pointed to financial incentives as an effective policy tool for increasing ZEV sales.

Depending on the mix of plug-in hybrids and all-electric vehicles, the ZEV regulations call for the sale of approximately 10,000 ZEVs in New York State in the next 12 months, and approximately 15,000 ZEVs in the following 12 months. This is a steep increase from the 3,000 to 4,000 ZEV sales per year in New York State from 2013 to 2015. To achieve these results, the State sees a potential need for additional policy measures as well as collective action from key stakeholders, in particular auto manufacturers and car dealers. To this end, on April 1, 2016 the New York State Legislature directed NYSERDA to develop and implement a ZEV rebate program.

II. Program Requirements

Services Requested

NYSERDA seeks one organization (including teaming arrangements and subcontractors) to assist New York State with developing a concept for what a financial incentive program in the State could look like and how it could be administered.

NYSERDA anticipates that the incentives would likely be provided as a point-of-sale rebate where NYSERDA would provide a multi-tiered rebate directly to car dealers, who would reduce the purchase price of the car by the rebate amount, passing the rebate on to the car buyers. In similar programs it runs, NYSERDA relies on contractors to accept and review program applications and then make payments to the recipients directly.

In the examination of ZEV rebate program structure, proposers should provide NYSERDA with ideas for each of the following five support areas including detailed proposed budgets for each phase and for each support area within each phase: (NYSERDA is very interested in innovative ideas on controlling costs in the implementation and operation of the potential ZEV incentive program.)

Phase I: Exploratory Phase

1. Providing guidance on the design of program mechanics. How would the proposer structure a point-of-sale rebate program for light-duty ZEVs? How would the proposer recommend structuring incentive levels and disbursement policies if there is a fixed amount of money available for rebates? What guidance documents and contractual documents might be necessary to develop?
2. Supporting stakeholder engagement. How would the proposer go about engaging auto manufacturers, car dealers, and car buyers to build interest in and support for a ZEV rebate program? What materials would

the proposer recommend developing to educate the necessary parties about such a program? Would information technology materials such as websites need to be designed?

Phase II: Implementation Phase

3. Assisting with the design of a system for accepting and verifying rebate applications. What documentation would the proposer recommend collecting to approve and verify rebate applications? How would the proposer recommend going about this collection? How would the proposer collect and store this information securely, and how would it transmit the necessary data to NYSERDA to trigger rebate payments? How would the proposer control costs for required documentation review?
4. Spreading awareness of a ZEV rebate program. What kind of materials would the proposer recommend producing to educate car buyers, car dealers, auto manufacturers, and other key stakeholders about a rebate program? How would the proposer get these materials in front of the right audiences?
5. Learning about program participation through user surveys. How would the proposer recommend gaining information from program participants about their ZEV purchasing decisions? What kind of questions would the proposer recommend asking to both collect information to inform future program design and ensure a meaningful level of participation through simplicity? How would the proposer analyze and distribute the results of such surveys?
6. Describe any additional activities, if any, the proposer recommends being undertaken as part of this effort to enhance the program or reduce costs that are not described in the previous five support areas.

Program Eligibility

Any entity is eligible to apply for funding under RFP 3239. Teaming arrangements or subcontracting of portions of the work scope is encouraged if a proposer believes that the project would benefit from the qualifications and participation of another party. NYSERDA intends to make only one award under RFP 3239.

Program Funding

Up to \$700,000 in NYSERDA funding is available through RFP 3239 to perform ZEV support work for NYSERDA, as described above. Funds will be allocated on a competitive basis. It is anticipated that a single contract will be awarded from RFP 3239 but NYSERDA reserves the right to award zero, one or more contracts from this solicitation. An individual award may include all or selected portions of a proposer's work scope. The initial contract will be for a duration of 15 months with an option to extend the contract. NYSERDA may choose to add additional funding to the contract if the scope of work is expanded. Cost share from the proposer or proposer team is encouraged but not required.

Program Schedule

Proposers should be available to start work within six weeks of the proposal submission date. Phase I of projects should be completed within two months of the project start date. Phase II should be able to be started upon completion of Phase I and should anticipate approximately 12 months of administering a potential ZEV rebate program.

Letters of Commitment

If proposers are relying on any other organization to do some of the work or provide services or equipment, they should include a letter from that organization describing its planned participation. Absence of letters of commitment may be interpreted as meaning that the proposer does not have support from the subject parties.

III. Proposal Requirements

Proposers must either submit their proposal through the electronic submission process described on the front of this RFP and in Attachment E or submit two (2) hard copies and one (1) electronic media copy (CD or DVD) of the proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Proposals. Electronic files should be submitted in readily accessible formats (Word, Excel, PDF). A completed Proposal Checklist, signed by someone authorized to commit the organization, must be attached as the front cover of your proposal. Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed copies will not be accepted.

Proposals should not be excessively long or submitted in an elaborate format. Total proposal length should be 20

pages or less, plus appendices. Suggested page limits for each section are provided below in parentheses. Proposals that grossly exceed the page limits or fail to follow the format guidelines may be rejected as non-responsive. Proposals should concisely present the information needed to fully address the evaluation criteria (see Section IV). Each page of the proposal should state the name of the proposer, the PON number, and the page number. If you believe proprietary information must be submitted to present an adequate proposal, please contact the Designated Contact listed at the beginning of this RFP, indicate as such on the Proposal Checklist, and comply with the Section V instructions for submitting proprietary material.

The electronic version of the proposal should contain the following files:

1. The entire proposal in electronic format, preferably in a single Word or PDF file although multiple files are acceptable if necessary
2. Attachment C as a stand-alone Excel file
3. The proposed statement of work as a stand-alone Word file

The proposal must be in the following format and should present the items in the sequence indicated below.

1. Proposal Checklist. Complete the specific Proposal Checklist attached as part of this RFP (Attachment A), and include it as the front cover of the original and each copy of the proposal. Note the following:

- NYSERDA will enter into a contract with successful proposers using the attached Sample Agreement (Attachment D). 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 (Attachment D), provide alternate terms with justification based on the risk and benefit to New York State. NYSERDA reserves the right to consider only exceptions to terms that are specifically included with the proposal. Any negotiation of terms will be at NYSERDA's sole discretion. Attachment D does not need to be completed; it is provided only for review per the discussion above.
- Do not leave any blanks. If a specific question is not applicable, indicate N/A.
- Be sure the individual signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted.

2. Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k.

In compliance with §139-j and §139-k of the State Finance Law (see Section V, General Conditions below for additional information), 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 may disqualify your proposal.

3. Contract Pricing Proposal Form. A Contract Pricing Proposal Form (CPPF), with associated instructions, is provided as Attachment C. Each proposal must include a completed CPPF. The net cost to NYSERDA is one of the evaluation criteria and will be closely considered. Include the CPPF directly following the Disclosure of Prior Findings of Non-Responsibility Form. If other entities such as subcontractors or other teaming entities will receive NYSERDA funding or are providing cost share as part of the project they must also complete a CPPF form.

4. Proposal Narrative. The Proposal Narrative includes the core details of the proposal. The Proposal Narrative should include the following sections:

- A. Program Design and Mechanics.** Describe how the proposer would go about designing and structuring a point-of-sale rebate program for light-duty ZEVs. How would the proposer recommend structuring incentive levels and disbursement policies if there is a fixed amount of money available for rebates? What guidance documents and contractual documents might be necessary to develop? Describe the proposer's experience with designing and implementing similar rebate programs. (Estimated length: 2 to 3 pages)
- B. Stakeholder Engagement.** Describe how the proposer would go about engaging key stakeholders, including auto manufacturers, car dealers, and car buyers, to build interest in and support for a ZEV rebate program. Describe the proposer's relevant outreach experience, particularly in advance of program launches. What materials would the proposer recommend developing to educate the necessary parties about such a program? (Estimated length: 2 to 3 pages)

- C. **Application Processing and Verification.** Describe how the proposer would establish a system for receiving, evaluating, processing, and verifying applications to the rebate program. What documentation would the proposer recommend collecting to approve and verify rebate applications? How would the proposer recommend going about this collection? How would the proposer collect and store this information securely, and how would it transmit the necessary data to NYSERDA to trigger rebate payments? How much would it cost per transaction to administer such a program if there were 5,000 transactions? If there were 10,000 transactions? (Estimated length: 2 to 3 pages)
- D. **Program Awareness Building.** Describe how the proposer would raise awareness of a ZEV rebate program among key audiences. What kind of materials would the proposer recommend producing to educate car buyers, car dealers, auto manufacturers, and other key stakeholders about a rebate program? What traditional and social media channels would the proposer use to raise program awareness among appropriate audiences? (Estimated length: 2 to 3 pages)
- E. **Program Participation Surveys.** Describe how the proposer would collect, process, and report information about program performance and efficacy to both inform ZEV market participants and NYSERDA program revisions. How would the proposer recommend gathering information from program participants about their ZEV purchasing decisions? What kind of questions would the proposer recommend asking to both collect information to inform future program design and ensure a meaningful level of participation through simplicity? How would the proposer analyze and distribute the results of such surveys? (Estimated length: 2 to 3 pages)
- F. **Additional Activities not Discussed.** Discuss any additional activities that the proposer recommends be undertaken to enhance program performance, reducing costs, and achieving the ZEV goals stated in section I. Introduction. (Estimated length: 0 to 3 pages)
- G. **Project Management and Qualifications.** Identify the Project Manager (main point of contact for NYSERDA) and key participants in the project. Describe their individual expertise and explain how each will contribute to the successful completion of the project. Describe the team's management and technical expertise and relevant experience with ZEVs, program management, application processing, stakeholder outreach, awareness-building, surveys, and data analysis. List the tasks to be performed by the Project Manager and other key participants. Include resumes in an appendix. (Estimated length: 2 to 4 pages)
- H. **Statement of Work. (Attachment – F Sample Statement of Work.** In the electronic version, please include the Statement of Work (SOW) as a stand-alone file in Word format. The SOW is the primary contractual document that outlines work activities and specifies deliverables. It delineates each step required to accomplish the project objectives. Therefore, each action needs to be identified, indicating who will perform it, how it will be performed and its intended result. At the end of each task description, specific task deliverable(s) must be listed. Be sure to identify the task deliverable, as this will be a measure of your performance. Be clear and specific: concentrate on “how” and not “why.” Use “active voice” sentence structure to make clear who is responsible for specific actions. Use the following phrase to start the description of every task and subtask: “The Contractor shall....” The SOW structure should include:

Proposals should present a Statement of Work with clearly delineated tasks divided into two phases: an EXPLORATORY phase and an IMPLEMENTATION phase. NYSERDA may or may not choose to undertake the implementation phase of the proposed work. Proposers will be selected based on their proposed ideas for both phases and should be prepared to complete both phases at NYSERDA's direction.

The EXPLORATORY phase of the statement of work should consist of a task for providing guidance on program design and engaging stakeholders. The IMPLEMENTATION phase should consist of continued outreach to stakeholders, implementing rebate application and verification systems, raising awareness of the rebate program, conducting user surveys, and completing any other activities identified. The SOW can include additional innovative approaches and tasks not described as part of the RFP if the proposer believes these activities will benefit the goals of the RFP, enhance ZEV sales in New York, or assist in controlling costs.

If a proposal is selected, NYSERDA may choose to move forward with some tasks but not others, based on in-house capabilities, timing, and available budget. Because of this, proposals should be constructed as a menu of tasks, with clearly assigned budget estimates for each task.

(Estimated length: 3 to 4 pages)

- I. **Budget.** All cost information must be provided on the attached Contract Pricing Proposal Form (Attachment C). Each subcontractor to the proposer should complete a separate Attachment C form.

In addition to the CPPF, the proposal should include a brief description of the budget, including a table identifying the allocation of funding by task (see example below). Indicate the number of hours each individual will spend on each task and an hourly rate of pay. Provide justification or verification for the rate of pay proposed.

Award recipients will receive funds on a reimbursement basis based on costs incurred, as evidenced by submitted invoices, and proof of payment to vendors and sub-contractors, in accordance with a mutually agreed-upon Statement of Work. No reimbursement will be provided for costs incurred prior to the contract execution date.

The proposal may show non-NYSERDA funding, which is not required but will be a factor in evaluation (see Section IV). Cost-sharing can be from the proposer, other team members, and other government or private sources. All cost sharing must be confirmed by a letter from the cost share entity committing to providing the cost share. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor may be considered "in-kind" contributions. NYSERDA will not consider as cost share efforts that have already been undertaken prior to the proposal award date.

	Cash	In-Kind Contribution	Total
NYSERDA	\$	\$0	\$
Proposer	\$	\$	\$
Others (list individually)	\$	\$	\$
Total	\$	\$	\$

[Expand Table as needed]

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.

- J. **Schedule.** Describe a schedule for conducting the work proposed in sections A through E in a Gantt chart or similar format. The timeline for the first phase of the project (A and B) should be approximately two months. The timeline for the second phase of the project (C, D, and E) should be approximately one year.

4. Letters of Commitment. If proposers are relying on any other organization to do some of the work or provide services or equipment, they should include a letter from that organization describing its planned participation. Absence of letters of commitment may be interpreted as meaning that the proposer does not have support from the subject parties.

5. Appendices. Include any resumes, company qualifications, or ancillary information which is deemed necessary to support your proposal.

6. Attachment G – Proposal Overview Form. Complete Attachment G – Proposal Overview Form and submit it as a MS Word document.

IV. Proposal Evaluation

Proposals that meet Proposal Requirements will be reviewed by a Technical Evaluation Panel (TEP) made up of NYSERDA personnel and outside experts and will be scored and ranked according to the following criteria:

- 1 Proposal Quality
 - Ability to address stated NYSERDA program needs
 - Knowledge of current state of ZEV market and regulations
 - Creative ideas for market engagement around a ZEV rebate program
 - Detailed description of tasks required and associated task-by-task budget
 - Ability to reach target audiences and accomplish public outreach goals in New York State
- 2 Proposer Qualifications
 - Experience running similar programs, engaging car dealers, conducting surveys, and building awareness for government programs
 - References and Past Performance
 - Demonstrated relationships with relevant ZEV stakeholders
 - Demonstration of past timeliness in project completion
- 3 Project Value
 - Proportion of project cost dedicated to program completion (versus travel, equipment, and administration)
 - Proposed cost per transaction administered
 - Reasonableness of labor costs (appropriately experienced staff performing appropriate tasks)
 - Innovative processes, structure, or methods to reduce program implementation and operation costs.
 - Level of cost share provided
 - Ability to meet the schedule for completion of project. Ability to quickly conduct initial analysis and, if requested, execute program roll-out

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 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.

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 - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

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

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

Contract Award - NYSERDA anticipates making one 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 four 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 (Mandatory)

Attachment B – Disclosure of Prior Findings of Non-Responsibility Form (Mandatory)

Attachment C – Contract Pricing Proposal Form (Mandatory)

Attachment D – Sample Agreement

Attachment E – Instructions for Electronic Proposal Submission

Attachment F – Statement of Work Outline

Attachment G – Proposal Overview Form