

Private Cloud Hosting
Request for Proposal (RFP 3365)

Proposals Due: **11/8/2016** by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) is soliciting proposals from qualified contractors to provide private cloud hosting services. From among the Proposals received, NYSERDA intends to select a qualified vendor to provide hosting services related to NYSERDA's Information Systems infrastructure (hardware and software systems). The term of the agreement will be 3 years with an option to renew for up to 2 additional years at NYSERDA's discretion. NYSERDA reserves the right to add or reduce time and/or funding to awarded contracts.

Proposal Submission: Electronic submission is preferred, but NYSERDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposals must be submitted in either PDF or MS Word format with a completed and signed Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility (PDF format only). 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. Proposals may be submitted electronically by following the link for electronic submissions found on this RFP's webpage, located in the "Current Opportunities" section of NYSERDA's website (<http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are available on the website and as Attachment F to this RFP.

If mailing or hand-delivering, Proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing 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:

Jill Baxter, RFP 3365
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

All proposals must be received by NYSERDA by 5 pm on (11/8/2016).

Technical questions concerning this RFP may be submitted to glen.kaatz@nyserda.ny.gov with the subject line "RFP 3365 Question." For contractual questions concerning this RFP, contact Elsyda Sheldon at (518) 862-1090, ext. 3232 or Elsyda.sheldon@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Glen Kaatz (Designated Contact) at (518) 862-1090, ext. 3203 or glen.kaatz@nyserda.ny.gov. Contacting anyone other than this Designated Contact (either directly by a Proposer or indirectly through a lobbyist or other person acting on a Proposer's behalf) in an attempt to influence the procurement: (1) may result in the 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.nyserda.ny.gov.

1. BACKGROUND

1.1 Corporate Background

NYSERDA is a public benefit organization committed to identifying opportunities for reducing commercial and residential energy consumption, promoting the use of renewable energy sources, and protecting the environment. NYSERDA provides financial and technical assistance to help consumers, businesses and institutions assess and implement cost-saving energy efficiency measures.

Energy efficiency programs offered at NYSERDA also strive to provide affordable energy and a cleaner environment for all New Yorkers. This is accomplished by increasing public awareness of the multiple benefits of energy efficiency, by providing residential building performance services, and by making energy-efficient products more widely available to consumers.

1.2 Systems Background

There are several types of front line systems currently supporting NYSERDA's project management, workflow and program reporting functions in production, development and quality assurance (QA) environments:

- The NYSERDA web site and custom web applications (usually Microsoft .NET) built and maintained by internal staff;
- NYSERDA's financial accounting and contract administration system (NEIS) is on a PeopleSoft/Oracle platform on top of a Microsoft SQL database;
- The data warehouse consisting of a clustered Microsoft SQL Server 2012 Enterprise, Microsoft SharePoint 2013, Informatica, Tableau and ESRI ArcGIS servers; and
- Microsoft Active Directory domain controllers, Kemp virtual load balancers and virtual firewall appliances.

These systems contain information about project details, contacts, location, energy production and savings, project and payment statuses, and incentive amounts and payments.

NYSERDA recently installed Salesforce to consolidate disparate CRM data for the organization and is currently undergoing a project to leverage Salesforce for program management efforts in an effort to reduce the number of external disparate systems. Salesforce is external to the private cloud but will be a source or target for integration with the private cloud systems.

1.3 Disaster Recovery Strategy

NYSERDA's strategy with regard to disaster recovery (D/R) revolves around hosting critical systems at a private cloud facility with minimally tier 3 data centers (tier 4 preferred) that have the ability to do New York State qualified data replication.

2. PROJECT SCOPE AND REQUIREMENTS

2.1 Objectives

The goal of this project is to select a vendor at whose facilities NYSERDA can quickly and easily stand up all their existing systems to support NYSERDA initiatives across the entire spectrum of its technology stack.

NYSERDA expects this project to achieve the following objectives:

- Provide a cost effective hosting facility to support its technology infrastructure needs.

- Provide D/R meeting required recovery point objective (RPO) and recovery time objective (RTO) requirements.
- Provide a scalable environment to handle expected growth.
- Provide a flexible configuration to meet new and changing business requirements and programs.
- Provide 24-hour network operations center (NOC) support and monitoring for selected systems.
- Reduce the load on internal information technology (IT) staff by providing basic support and maintenance services for the hosted systems.

2.2 Scope of Work

The contract with NYSERDA is to provide hosting services, including, but not limited to, the following items:

1. Primary data center hosting of Windows Server 2008 R2, Windows Server 2012 R2 and Linux-based guests. All hosting (VM hosts and storage) must be at data centers in the continental United States. VMware platform is preferred but not required.
2. Provisions for migration from existing vendor/hardware to new vendor/hardware.
3. Alternate D/R datacenter hosting for the designated systems. All hosting (VM hosts and storage) must be at data centers in the continental United States. Support for an annual D/R test. VMware platform is preferred but not required.
4. Infrastructure and administrative support for current and future Linux and Windows server operating systems.
5. Ability to provide Microsoft licensing on a monthly basis or allow the use of NYS Enterprise Agreement licensing.
6. Networking – 10G to storage and between servers. Support for 4 public IP addresses. Support for multiple VLANs.
7. Security – Support for at least 2 different firewalls. NYSERDA takes a layered approach to security utilizing products from multiple vendors between the web, application and data tiers. Support for intrusion detection and prevention. Ability to block denial of service (DoS) attacks on public servers. The vendor should be able to support a 100Mb VPN over the internet to NYSERDA. The vendor should be able to provide operating system patching and anti-virus maintenance on a regular schedule as well as when needed.
8. Backups of all monitored servers up to twice daily with a retention period of 30 days. Snapshotting of virtual machine servers on request. A Veeam platform is preferred but not required.
9. 24-hour monitoring of servers, storage and network health. Vendor should be able to remediate any issues that arise. A dashboard should be available for NYSERDA staff to monitor services. Vendor must include service level agreements for availability, performance and remediation time. Monitoring should minimally consist of ping, WMI, http, network/disk/CPU utilization and application level performance/availability monitoring.
10. Support for a separate physical storage server to be used as a backup target for NYSERDA's Albany-based datacenter. This is for NYSERDA supplied server and disks.

11. Support for leaving the platform at the end of the contract if the contract isn't renewed. Where applicable, non-disclosure agreements (NDAs) will be signed between the service provider and the new provider.
12. Phone and email based support for account issues such as technical or billing problems. A dedicated account manager should be assigned to be a single point of contact for all issues.
13. Current server workloads presented below. Vendors should plan on a 100% increase in load over the course of the contract. This should be accounted for in the primary and D/R sites as well as in backups. Environment should be sized such that any 1 host or storage array can be taken offline for maintenance without requiring an outage.

Table 1. High-Level Summary of Current Server Workloads

<i>Application</i>	<i>Software</i>	<i>Server OS</i>	<i>D/R</i>	<i>RPO</i>	<i>RTO</i>	<i>CPU</i>	<i>RAM</i>	<i>Storage</i>
Web site	IIS	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	4	4	284G
E-commerce	IIS, .NET	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	4	4	165G
E-commerce	IIS, .NET	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	4	4	165G
Load balancers (4)	Kemp appliance	Other 2.6.x Linux (64-bit)	Yes	8hr	1hr	2	1	18G
Firewalls (3)	Confidential	Red Hat Enterprise Linux 6 (64-bit)	Yes	4hr	1hr	4	4	205G
PeopleSoft Chg		Microsoft Windows Server 2012 (64-bit)	Yes	8hr	1hr	2	16	205G
PeopleSoft Dev App		Microsoft Windows Server 2012 (64-bit)	Yes	8hr	1hr	2	12	515G
PeopleSoft Dev DB	MS SQL 2012 Ent	Microsoft Windows Server 2008 R2 (64-bit)	Yes	8hr	1hr	4	72	8TB
PeopleSoft Dev SES		Microsoft Windows Server 2008 R2 (64-bit)	Yes	8hr	1hr	2	16	415G
PeopleSoft Dev UPK		Microsoft Windows Server 2012 (64-bit)	Yes	8hr	1hr	4	4	105G
PeopleSoft Dev Web		Microsoft Windows Server 2012 (64-bit)	Yes	8hr	1hr	1	6	310G

Application	Software	Server OS	D/R	RPO	RTO	CPU	RAM	Storage
PeopleSoft Prod App (2)	Oracle Tuxedo	Microsoft Windows Server 2012 (64-bit)	Yes	15min	1hr	2	12	550G
PeopleSoft Prod DB	MS SQL 2012 Ent	Microsoft Windows Server 2012 (64-bit)	Yes	15min	1hr	4	72	2.4TB
PeopleSoft Prod SES		Microsoft Windows Server 2008 R2 (64-bit)	Yes	15min	1hr	2	16	456G
PeopleSoft Prod PUM		Other Linux (64-bit)	Yes	15min	1hr	2	6	215G
PeopleSoft Prod UPK		Microsoft Windows Server 2012 (64-bit)	Yes	15min	1hr	4	4	105G
PeopleSoft Prod Web (2)	Weblogic	Microsoft Windows Server 2012 (64-bit)	Yes	15min	1hr	1	6	350G
PeopleSoft XWEB (2)	Weblogic	Microsoft Windows Server 2012 (64-bit)	Yes	4hr	1hr	1	6	350G
PeopleSoft Prod Upg		Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	1	4	685G
PeopleSoft Prod Upg Wk		Microsoft Windows Server 2012 (64-bit)	Yes	4hr	1hr	1	6	305G
Prod Web App		Microsoft Windows Server 2012 (64-bit)	Yes	4hr	1hr	2	8	155G
T1PPR001	Print Server	Microsoft Windows Server 2008 R2 (64-bit)	No	-	-	1	4	65G
Prod Web Domain (ADFS)	Active Directory	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	2	2	82G
Prod GIS	ArcGIS	Microsoft Windows Server 2012 (64-bit)	Yes	4hr	1hr	2	8	88G
Prod DB Cluster (2 servers)	MS SQL 2012 Ent	Microsoft Windows Server 2008 R2 (64-bit)	Yes	15min	1hr	4	32	4.5TB
Dev DB	MS SQL 2012	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	4	32	1TB
Domain Controller	Active Directory	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	2	2	85G

<i>Application</i>	<i>Software</i>	<i>Server OS</i>	<i>D/R</i>	<i>RPO</i>	<i>RTO</i>	<i>CPU</i>	<i>RAM</i>	<i>Storage</i>
Data warehouse	Informatica	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	2	16	120G
Data warehouse	T3PNA001	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	1	2	82G
Data warehouse	SharePoint 2013	Microsoft Windows Server 2012 (64-bit)	Yes	4hr	1hr	4	16	220G
Data warehouse	Tableau (Prod)	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	8	32	155G
Data warehouse	Tableau (Dev)	Microsoft Windows Server 2008 R2 (64-bit)	Yes	4hr	1hr	8	32	155G

Table 2. High-Level Summary of Data Center Working Storage

<i>Description</i>	<i>Detail</i>	<i>Qty</i>
Fast Disk	10K SAS	19TB
Slow Disk	7200 SAS	7.1TB

Table 3. Current Hosts

<i>Description</i>	<i>Detail</i>	<i>Qty</i>	<i>RAM</i>	<i>CPU</i>
Primary Hosts	Dell R720	3	256G	2 x Intel Xeon E5-2690 @ 2.9GHz
D/R Hosts	Dell R720xd	2	128G	2 x Intel Xeon E5-2670 @ 2.6GHz

Table 4. Current Software

<i>Description</i>	<i>Detail</i>	<i>Quantity</i>
Antivirus	All Windows Servers	
Microsoft SQL 2012 Standard	2-core pack w/minimum 4 cores	2
Microsoft SQL 2012 Enterprise	2-core pack w/minimum 4 cores	6
Unlimited Microsoft Windows Server OS		

<i>Description</i>	<i>Detail</i>	<i>Quantity</i>
Microsoft SharePoint 2013	50 standard + 50 enterprise CALs	
Kemp load balancers		3

If a firm is selected, they may be requested to provide additional services to NYSERDA related to the scope that may not be listed above.

2.3 Engagement Requirements

1. Proposers must demonstrate a proven track record of providing private cloud hosting services for government entities.
2. Proposers must be able to providing hosting and support services within the continental United States.
3. Proposers must be able to provide an environment that complies with NYS Cyber Security Policy P03-002.
4. Proposers must be able to meet a 30% minority or woman owned business entity (MWBE) and a 3% service disabled veteran owned business (SDVOB) subcontracting requirement for this contract. Any MWBE or SDVOB firms responding to this RFP that are seeking MWBE or SDVOB status must submit proof that the firm is certified as an MWBE by the Empire State Development Division of Minority and Women's Business Development or certified as an SDVOB by the Office of General Services Division of Service-Disabled Veterans' Business Development.
5. Upon issuance of a contract from NYSERDA, the selected firm will be required to show evidence of General Liability, Disability and Workers Compensation Insurances. In some instances, Professional Liability insurance may also be required.
6. The willingness to work with NYSERDA to minimize costs.
7. Per Article XII of the attached Sample Agreement, an Agreement may be terminated by NYSERDA at any time during the term of the Agreement with or without cause, upon ten (10) days prior written notice to the Contractor.
8. NYSERDA may require periodic external auditing and compliance with Statement on Standards for Attestation Engagements #16, Reporting on Controls at a Service Organization (SSAE16) or similar guidelines.
9. All hardware and software must be under support for the duration of the contract.
10. All services for a given month will be invoiced in accordance with Exhibit D of the attached Sample Agreement, "Prompt Payment Policy Statement".

3. PROPOSAL CONTENT AND FORMAT

A completed and signed Proposal Checklist (Attachment A) must be attached as the front cover of the proposal, and must contain an original signature. Proposals lacking a signed Proposal Checklist will be returned and will not be considered for award.

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

- Section I: Executive Summary
- Section II: Technical Proposal
- Section III: Cost Proposal

Cost information must not be included in the Technical Proposal section.

3.1 Section I: Executive Summary

Provide a brief description of the firm's overall qualifications and approach. Please limit to this section to 2 pages maximum.

3.2 Section II: Technical Proposal

Following is a listing of the information required to be provided by the proposer. A technical proposal that does not provide all the information requested below may be subject to rejection. Provide the information in the same order in which it is requested. Your technical proposal must contain sufficient information to assure NYSERDA of its accuracy. Please limit to this section to 30 pages maximum.

1. Provide a separate numbered section corresponding with each item listed in Section 2.2 Scope of Work documenting the firm's qualifications in the respective area. If you are not seeking consideration for a particular item, include a numbered section and indicate that no response is being provided.
2. Provide a description of the firm's organization and the resumes of partners, principals, associates and other staff proposed to provide services to NYSERDA. Note any sub-consultants that your firm may be using to fulfill the scope of services.
3. Provide a description of the firm's experience providing similar services including recent relevant project experience to the public and private sector. Include the names, titles and phone numbers of at least three (3) references excluding NYSERDA employees for whom similar services have been provided and a summary of the services provided.
4. Provide a description of the firm's approach to providing the scope of services including the monitoring and management of the environment. Indicate any areas in which you believe the firm has special expertise.
5. Provide a description of the firm's approach to migrating from the existing hosting facilities, if applicable.
6. The proposer must agree to provide NYSERDA with pre- and post-audit access to documents, personnel and other information necessary to conduct audits on request during the term of the Contract and for six years thereafter.
7. The proposal submitted must contain a representation that the proposer is willing and ready to provide any services requested or required in a timely manner.
8. Disclose any potential conflicts of interest.
9. Note any special certifications relevant to this RFP that your firm may possess, and outline opportunities that consulting staff have to keep skills current.

3.3 Section III - Cost Proposal

Following is a listing of the information required to be provided by the proposer. A cost proposal that does not provide all the information requested below may be subject to rejection. Provide the information in the same order in which it is requested. Your cost proposal must contain sufficient information to assure NYSERDA of its accuracy.

1. Provide billing rates for ad-hoc/hourly services provided such as Windows server patching, antivirus/malware remediation, network support, etc.
2. List all fixed price services offered and the corresponding pricing.
3. Indicate any reductions from normal billing rates charged other issuers or public entities in New York State.
4. Indicate any startup/one-time costs.
5. Indicate any monthly recurring charges.
6. Indicate incremental charges incurred with the addition of each new server or appliance.
7. Indicate any charges associated with providing external SSAE 16 audits.
8. Indicate any reductions due to missed service level agreements (SLAs). See Attachment G for proposed SLAs.
9. Indicate charges associated with migration to the platform.
10. Indicate charges associated with leaving the platform at the end of the contract.
11. A plan for meeting the MWBE/SDVOB requirement MUST be submitted with the proposal.

4. EVALUATION OF PROPOSALS

4.1 General Selection Process

Proposals that meet solicitation requirements will be reviewed by a Scoring Committee using the Evaluation Criteria below. At NYSERDA's discretion, proposers may be requested to interview with all or part of the Scoring Committee to address any potential questions or clarifications outlined in the proposals. Proposers will be notified if they are requested to attend an interview.

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of this evaluation process is twofold: (1) to examine the responses for compliance with this RFP; (2) to identify the complying firms that have the highest probability of satisfactorily performing the scope of services at a reasonable cost to NYSERDA. All written proposals will be reviewed and evaluated by a Scoring Committee selected by NYSERDA using the evaluation criteria below.

4.2 Interviews

NYSERDA reserves the right to determine whether interviews will be necessary and for which firms. The purpose of the interview is to further document the proposer's ability to provide the required services, and to impart to the Scoring Committee an understanding of how specific services will be furnished. The proposed lead principal, as well as all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the proposer in its written response to this RFP and any other information requested by the Scoring Committee prior to the interview.

4.3 Evaluation Criteria

Criteria	Title	Scoring
1	Demonstrated capacity to achieve the objectives described in Objectives (section 2.1)	25
2	Demonstrated capacity to perform the types of activities that have been described in the Scope of Work (section 2.2)	30
3	Adherence to requirements described in Engagement requirements (section 2.3)	Pass/Fail
4	Quality of work product. For those firms who have worked for NYSERDA previously, quality of work on those transactions will be considered.	20
5	Cost Proposal rates evaluated on reasonableness in comparison to other respondents.	25

5. 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://nyserda.ny.gov/~/mediaFiles/About/ContactNYSERDARegulations.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

New York Executive Law Article 15-A - NYSERDA is required under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of NYSERDA contracts. The MWBE participation goals and obligations of the selected Contractor are set forth in Attachment C.

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 more than 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 (4) 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.

6. ATTACHMENTS

Attachment A: Proposal Checklist

Attachment B: Disclosure of Prior Findings of Non- Responsibility

Attachment C: Cost Proposal Worksheet

Attachment D: Sample Agreement

Attachment E: Electronic Proposal Submission Instructions

Attachment F: Article 15-A (MWBE) Provisions for Solicitation Documents

Attachment G: Service Level Agreements