

Proposals Due: **November 9, 2016 by 5:00 PM Eastern Time\***

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from providers interested in providing centralized services and support, specifically for application and payment processing, for several of NYSERDA's market development initiatives. The selected shared services provider(s) will execute assigned administrative and operational tasks in a manner that will reduce friction for the market place, increase flexibility in program design, minimize risk, and lower ongoing operating costs to NYSERDA. Initiatives areas will be phased into the shared service model over the course of 2017 and beyond, with the intent to launch new initiatives in a uniform, streamlined manner. The successful shared service provider(s) will accelerate NYSERDA's goals of continuous improvement and end-user satisfaction.

Proposers will be awarded contracts based on their experience, qualifications, cost, and demonstrated ability to provide the services identified in this RFP.

The contract(s) is expected to start on January 1, 2017 for an initial two-year term, with the potential for a single or multiple contract extensions for up to a total of four additional years. NYSERDA reserves the right to extend the contract and/or add funding should other resources become available. NYSERDA expects to award one or more contracts for this solicitation.

**Informational Meeting:** A webinar will be held on Thursday, October 13, 2016. Please visit <http://on.ny.gov/2c9jH2x> to register for the webinar. In advance of the webinar, please submit questions to [CEFSharedServices@nyserda.ny.gov](mailto:CEFSharedServices@nyserda.ny.gov). Registration and questions are due by Tuesday, October 11, 2016.

**Proposal Submission:** NYSERDA strongly encourages submitting proposals electronically by following this link: [www.nyserda.ny.gov/RFP3401](http://www.nyserda.ny.gov/RFP3401). Instructions for submitting electronically are located as Attachment H to this RFP. When submitting electronically, the proposal must be in either PDF or MS Word format with a completed and signed Proposal Checklist (Attachment A) and Disclosure of Prior Findings of Non-Responsibility (Attachment B), 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 include the proposer's name in the title of the document.

NYSERDA will also accept proposals by mail or hand-delivery. 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 either 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:

Jillina Baxter, RFP 3401  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

No communication intended to influence this procurement is permitted except by contacting Joanna Moore (Designated Contact) at (518) 862-1090, ext. 3220 or [Joanna.Moore@nyserda.ny.gov](mailto:Joanna.Moore@nyserda.ny.gov) or Cheryl Glanton at (518) 862-1090, ext. 3483 or [Cheryl.Glanton@nyserda.ny.gov](mailto:Cheryl.Glanton@nyserda.ny.gov) (Designated Contact) or Greg Frank at (518) 862-1090, ext. 3510 or [Gregory.Frank@nyserda.ny.gov](mailto:Gregory.Frank@nyserda.ny.gov) (Designated Contact). If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 or [Nancy.Marucci@nyserda.ny.gov](mailto:Nancy.Marucci@nyserda.ny.gov). Contacting anyone other than the Designated 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. The electronic submission system closes at exactly 5pm. 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](http://www.nyserda.ny.gov).

## I. Introduction

The New York State Energy Research and Development Authority (NYSERDA) is a public benefit corporation established pursuant to Title 9 of Article 8 of the Public Authorities Law of the State of New York (State). NYSERDA's principal mission is to develop innovative solutions to some of the State's most difficult energy and environmental problems.

NYSERDA works with customers and market actors including home owners, property managers, architects, engineers, building contractors and developers. NYSERDA programs typically offer a benefit to one or more of these customers such as a service or financial incentive. Financial incentives are provided for action taken, commonly referred to as “measures” to reduce energy consumption or generate clean energy.

Under this RFP, NYSERDA is seeking shared services provider(s) with experience and expertise in providing centralized services and support, specifically involving application and payment processing, for several of NYSERDA's initiatives. These initiatives support single family, multifamily, low-to-moderate income, commercial and industrial entities. The selected shared services provider(s) will be assisting with application intake and triage as well as payment processing for multiple initiatives. Proposers will be evaluated based on their ability to respond succinctly and appropriately to the services requested, proposed execution, and demonstrated objectivity, responsiveness, experience, and cost-effectiveness in their proposals.

Subsequent Phases of this RFP may be released to secure shared services provider(s) with experience and expertise in providing initiative support for additional tasks such as contractor management and initiative reporting.

<b>Phase</b>	<b>Anticipated Date</b>
Phase II: Contractor Management	Q4 2017
Phase III: Initiative Reporting	Q2 2018
Phase IV and beyond: Outreach, Savings Validation, and Other	TBD

The contract(s) is expected to start on January 1, 2017 for an initial two-year term, with the potential for a single or multiple contract extensions for up to a total of four additional years. NYSERDA reserves the right to extend the contract and/or add funding should other resources become available. The selected shared services provider(s) will be responsible for completing all or some the tasks outlined in Attachment C – Statement of Work dependent on the level and type of services requested by NYSERDA and the initiative to which they are providing support. The Statement of Work shall be supplemented by individual Task Work Orders that are specific to each initiative assigned. Initiative details and specific standard operating procedures will be provided upon initiative assignment.

## II. Program Requirements

### A. Services Requested

NYSERDA is seeking providers with the expertise and experience to execute the tasks below. While the goal is to bring consistency to the application and payment practices of NYSERDA's programs, some tasks may vary depending on the specific needs identified for each initiative. Please see Attachment C for the full scope of services to be provided. It is expected that the selected shared services provider(s) will have staff with excellent verbal and written communication skills using standard U.S. English spelling and vocabulary who are available Monday through Friday, 8am – 5pm Eastern Time (ET), to complete the following:

#### **Task 1: Participant Support**

Each individual on the provider's team will need to fully understand and be able to explain NYSERDA initiatives for which they are providing support for so they can effectively correspond with participants via email and telephone, while maintaining participant satisfaction and project flow.

#### **Task 2: Application Intake and Processing**

The selected shared services provider(s) will review applications for compliance with initiative rules and procedures, including eligibility of participants, service providers, projects, and measures; completeness of

applications; and the compliance with the overall project and funding requested with written program rules. The provider(s) will also be responsible for processing accepted applications.

**Task 3: Data Entry and Management**

In addition to data entry activities, the selected shared services provider(s) will regularly maintain and assure data quality, as well as report metrics associated with delivery of service to NYSERDA.

NYSERDA maintains various data and project management systems for each of its programs. Initially, the selected provider(s) will receive training and be required to utilize each system. It is expected that over time many of NYSERDA’s programs will be centralized into a single data management system.

**Task 4: Payment Processing**

The selected shared services provider(s) shall prepare, review, track, and report out on payment requests.

**Task 5: Initiative Support**

By the 10<sup>th</sup> of the each following month, the selected shared services provider(s) shall provide NYSERDA with a period and cumulative report that includes at a minimum:

- summary/matrix of the initiatives assigned;
- number of participant communications;
- number of applications received, accepted, rejected and processed for each initiative served;
- number of payment requests received, accepted, rejected, processed, and paid for each initiative served;
- totals and budget balances for each assigned initiative;
- cycle times associated with processing assigned initiatives
- data management activities; and
- further reporting needs as defined by NYSERDA

It is expected that the selected shared services provider(s) will attend meetings and conference calls, as invited, as well as complete other ad-hoc support of activities deemed necessary to manage the shared services scope.

In addition, it is expected that as the selected shared services provider(s) will have consistent interaction with NYERDA participants. The shared services provider(s) will share the insights gained with NYSERDA on a regular and frequent basis to improve processes for current and future offerings. The selected shared services provider(s) will be responsible for sharing common correspondence and frequently asked questions, and improvement opportunities with NYSERDA.

The selected shared services provider(s) will be expected to continually provide recommendations to NYSERDA on potential refinements that will streamline and bring consistency in data and project management systems, initiative processes and procedures, improve efficiency and participant satisfaction, reduce operational costs, and increase the productivity of provider’s staff while effectively achieving initiative goals.

NYSERDA expects to stage the assignment of individual initiatives to the selected shared services provider(s) based on current needs and the expected launch date of each initiative. Workload will vary depending on the active number of initiatives and tasks assigned to each provider. Approximate monthly workload estimates, assuming assignment of five (5) initiatives by the end of the initial two-year contract term, are as follows:

	<b>Application Intake &amp; Processing</b>	<b>Payment Processing</b>
<b>Low Complexity/High Volume</b>	<b>800 applications</b>	<b>1200 payments</b>
<b>High Complexity/Low Volume</b>	<b>125 applications</b>	<b>125 payments</b>

**B. Overarching Minimum Provider Qualifications**

Providers must possess the following minimum, basic qualifications:

- Experienced business support experts who can provide outstanding customer service;
- Ability to support diverse market focus areas (single family, multifamily, low-to-moderate income, commercial and industrial entities) in delivering services;
- Ability to quickly develop and implement tactical and cost-effective approaches to the tasks requested with no adverse impact to existing initiative delivery;

- Ability to collaborate with NYSERDA to drive continuous process improvement and cost reductions over time;
- Ability to provide a seamless process to our participants and partners;
- Ability to deliver consistent quality input of data at the source to ensure accurate project management, decision making, reporting and budget adherence;
- Ability to leverage, and effectively use and navigate customized legacy systems (training provided) while transitioning to common technology platforms like Salesforce; and
- Computer software proficiency in MS Excel, MS Access, MS PowerPoint, MS Word, Oracle PeopleSoft (or equivalent Enterprise Resource Planning (ERP) system), Salesforce, and other web-based project management and tracking systems.

### **C. Assignment of Initiatives and Tasks**

For each assigned initiative, a Task Work Order (please see Attachment D - Task Work Order Template) will be developed by the shared services provider and NYSERDA. A NYSERDA point person will be designated to manage the initiative specific training and work performed under the Task Work Order. Initiative details and specific standard operating procedures will be provided to the provider during Task Work Order development.

For each Task Work Order, the provider is expected to:

- Develop an approach and budget for review and approval by NYSERDA according to the task(s) assigned.
- Negotiate the scope and cost of the support service.
- Upon agreement by both NYSERDA and the provider, provide the required assistance within the agreed upon time frames.
- Submit required deliverables to NYSERDA for review and approval.
- Provide required documentation of expenditures by task based on the approved Task Work Order when seeking payment from NYSERDA.

The Task Work Order must assure that appropriate staff and resources will be available for the services requested including day to day support of the initiative assigned.

### **D. NYSERDA's Role & Responsibilities**

NYSERDA will maintain overall management and control for all services including the selection, supervision, and coordination of the selected shared services provider(s). The major responsibilities of NYSERDA are to:

- Assign initiatives/tasks to provider(s) based on expertise, location, and workload to best support NYSERDA and the participants.
- Assist provider(s) in developing Task Work Orders.
- Provide provider(s) with administrative processes and standard operating procedures for each assigned initiative, subject to improvement with input from shared services provider(s).
- Monitor the progress of each provider through ongoing telephone contact, review of status reports and data monitoring activities, etc., identify problems and initiate corrective action.
- Review market trends and insights submitted by the provider(s) for potential inclusion in current and future offerings.
- Provide review of deliverables to ensure that the deliverables conform to the Task Work Order and specific initiative requirements.
- Ensure adherence to NYSERDA's established policies and procedures.
- Provide a NYSERDA point person for initiative specific assistance.
- Provide initial and continual training on program/initiative rules & guidelines.
- Provide initial and continual training on program/initiative data management systems.

NYSERDA reserves the right to:

- Incorporate programmatic changes as needed, thus modifying or adding to the services outlined,
- Tailor proposed services within the bounds of the contract based on cost-effectiveness, performance, participation, or other considerations,
- Reallocate funding among the selected providers,
- Negotiate among finalists to assure statewide services and access to specific expertise, and
- Add other initiative areas and associated funding to the contract should other initiatives require support.

## E. Compensation

Proposers should describe compensation for services provided. NYSERDA will consider a monthly fee based upon anticipated volume, a unit cost approach, labor time or a combination. The proposal should be well defined and easily understood. Contract payments will be tied to satisfactory completion and acceptance of the specified deliverables included in the Task Work Orders. Completion means that NYSERDA approves the work effort as complete and/or satisfactory. Each Task Work Order will include the upset maximum dollar amount for that work defined in that Task Work Order. Providers may only invoice for costs incurred.

## III. Proposal Requirements

Proposers must outline their ability to provide specialized expertise as per Attachment C, as well as demonstrate experience and a thorough understanding of working with and providing application and payment support services to a diverse range of customers or partners, such as home owners, property managers, architects, engineers, building contractors and developers within New York State. Support of all sectors is desired, but proposers who have exceptional capability in one or more sectors should highlight this experience in the proposal.

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.

To facilitate comparison of proposals, applicants **must** submit proposals in a format that corresponds to the following outline:

- **Proposal Checklist (Attachment A)**
- **Disclosure of Prior Findings of Non-Responsibility Form (Attachment B)**
- **A: Introduction and General Information**
- **B: Statement of Work**
- **C: Project Personnel**
- **D: Rates (Attachment E & Attachment F)**
- **E: Examples of Similar Work**

### **A: Introduction and General Information** (not to exceed 3 pages)

Proposers must include the following information in their response:

- Firm or organization name, address, telephone and fax number, e-mail address, website URL (if applicable), and primary contact person
- Year firm or organization was established
- Name and address of parent company (if applicable)
- Location of the local office that will support NYSERDA's initiatives (as applicable)

Proposers should summarize their understanding of the objectives, scope of services, and requirements of the RFP. Proposers should include key information about their organization and how they are uniquely qualified to perform and complete the services requested under this RFP.

If the proposer is not based in New York State, discuss the mechanism that will guarantee its ability to deliver services efficiently and effectively within New York State, specifically Monday-Friday, 8am-5pm ET.

Proposers to this RFP must demonstrate their ability to provide objective, third-party assistance to NYSERDA and its participants. The selected shared service provider(s) and their personnel must not have any financial interest in products or services that may conflict or appear to conflict with the services provided to NYSERDA and its participants. Proposers must include a listing of current or past (within the last three (3) years) subcontractors, affiliations, partnerships or company divisions, as well as a listing of current contracts with NYSERDA and describe their ability to remain objective and avoid conflict.

**B: Statement of Work** (not to exceed 10 pages)

Attachment C is an actionable document that specifically delineates each step or action required to complete the requested tasks.

Proposers should clearly articulate their execution strategy consistent with the requested tasks and activities outlined in Attachment C. Details around the approach, methodology, and rationale for the proposed execution strategy should be included. The strategy should also articulate an approach to address non-English speaking participants. For each action item, an indication of the “who” and “how” should be provided in the proposal.

Confidential and proprietary participant information shared with the selected shared service provider(s) while providing services is to be kept confidential by the selected provider(s). Such information is not to be shared with other parties or used by the provider(s) for any purpose outside of the specific assignment or agreement. Measures to ensure the confidentiality of the shared information should be detailed in the proposal.

**C: Project Personnel** (not to exceed 5 pages)

The proposer should describe the experience, qualifications (skills and abilities), and proposed responsibilities of each of the key persons to be utilized in the execution of the statement of work. Descriptions should highlight critical abilities such as quick-learning, setting priorities independently, handling multiple projects simultaneously in a fast-paced environment, and having a high degree of accuracy. An organization chart showing the relationships among all personnel should also be included. State the individual and combined expertise that would enable successful execution of the Statement of Work.

The proposer should highlight the abilities of the primary contact, who will be responsible for communications with NYSERDA, development of Task Work Orders, oversight of work performed, and initiative support tasks. This description of the primary contact’s expertise should provide assurance of successful execution of the Statement of Work.

Additionally, the proposer should include a staffing plan identifying the key personnel and other resources for completing each task identified in the Statement of Work. The staffing plan should also account for staff back-up, cross-training of tasks, and general quality control/quality assurance responsibilities.

**D: Rates** (not to exceed Attachment E and Attachment F)

Proposers must complete the Attachment E - Project Personnel and Billing Rates form to clearly indicate hourly salary rate range for each title classification proposed under the agreement with NYSERDA. Any anticipated year over year price changes for the duration of the agreement with NYSERDA should be identified. The provider(s) selected under this solicitation will be awarded a contract for an initial two-year term, with the potential for a single or multiple contract extensions for up to a total of four additional years based on performance and NYSERDA’s needs.

Please provide rates for services to be provided from January 2017 through December 2022. These rates shall be fully burdened independent annual rates.

In addition, proposers must complete Attachment F - Proposal Budget to demonstrate an example monthly budget based on the hypothetical monthly workload provided in Attachment F and the rates presented in Attachment E. The Proposal Budget should be itemized by staff allocation and also by average cost per task. If applicable, please provide quantity price breaks for a unit based or monthly cost structure.

Proposers are also offered the opportunity to convey an alternative staffing / pricing model based upon their understanding of this RFP.

Preference will be given to proposers that can demonstrate the lowest “all in” cost to NYSERDA while providing the highest quality service.

**E: Examples of Similar Work** (not to exceed 5 pages)

Proposers must demonstrate their experience successfully managing complex programs on time and within budget, along with the ability to work effectively with a diverse group of stakeholders and as an effective member of a team.

Proposers should be flexible and responsive to changing program needs. Proposers must demonstrate their ability to provide cost-effective, high quality services across New York State.

Proposers should describe their experience providing services similar to the tasks in this RFP. Examples provided must be consistent with the objectives of this RFP. For each example, an abbreviated scope of work and budget must be included to demonstrate the similarity, execution strategy, and cost-effectiveness of previous work. Proposers should indicate personnel involved and their level of responsibility for each example provided.

At least three (3) testimonials that address the proposer's experience and performance in providing services comparable to those being requested in this RFP should also be included. Please include client contact information for each testimonial.

Respondents must at a minimum answer all the questions in this proposal, which will serve as a basis for evaluation.

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

Proposers must submit the completed proposal via the online submission system or submit a paper proposal to the attention of Jillina Baxter as outlined on the first page of this Request for Proposals. A completed and signed Proposal Checklist must be attached as the front cover of your proposal. Proposals must be received by NYSERDA by **5:00 PM Eastern Time on November 9, 2016. Late proposals and proposals lacking the completed and signed Proposal Checklist may be returned.** Faxed or e-mailed copies will not be accepted. All proposals submitted as part of the solicitation process become the property of NYSERDA.

Proposals must not exceed 25 pages. 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. 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.

Proposals that meet RFP requirements will be evaluated based **only** on the information submitted. NYSERDA reserves the right to request clarification on the information submitted within the proposals. A Scoring Committee will review and assign scores based on the criteria highlighted in Attachment G - Scoring Guide. Final rankings and contract award(s) will generally be based on the following:

**Responsiveness:** Has the Proposer demonstrated a clear understanding of the objectives, scope of services, and requirements of the RFP? Does the proposal exhibit objectivity, responsiveness, experience, and ability to provide services cost-effectively? Does the Proposer demonstrate operational excellence, industry expertise, transformation capabilities, and adaptability?

**Execution:** Is the proposed execution of the Statement of Work thorough and consistent with the RFP's stated objectives? Does the proposal include a strategy for coordination and interaction with all relevant parties, including NYSERDA and participants? Is there clear evidence that the Proposer possesses the capacity to implement, coordinate and monitor the tasks assigned? Is it evident that the Proposer demonstrates appropriate understanding and expertise to fulfill the requested tasks?

**Staffing:** Is the staffing plan and schedule clear and well-defined? Does the staffing plan demonstrate the ability to serve a multitude of participants across New York State? Do key personnel have sufficient qualifications as it relates to computer skills, data management, and customer service?

**Cost:** How cost effective is the proposal? Is the Proposal Budget example responsive, comprehensive, and clear? Are billing rates reasonable and appropriate? Does the budget reflect or demonstrate the ability to deliver cost effective services across New York State? Are a sufficient number of staff with appropriate the skills assigned to the tasks?

**Relevant Experience:** Did the Proposer adequately demonstrate recent experience conducting similar services? How comparable were the examples to the services requested in this RFP? Do the testimonials provided align with the proposer's stated skills and experience?

NYSERDA may consider the following program policy factors in making award selection decisions; the degree to which the:

- Proposed approach optimizes the use of available funding.
- Proposal promotes job creation and/or preservation in New York State when making award selection decisions.
- Proposer has demonstrated the ability to implement continuous process improvements and continue to drive down costs over time.
- The degree to which pricing and hourly rates are in line with the rest of the market.

The award selection process contains multiple steps including an initial eligibility review, ranking by a Scoring Committee of subject matter experts, and considerations such as program policy factors to make the selection decisions.

The number of proposers selected for contracts will be determined by the number of providers required to provide all sought services efficiently and effectively relative to the expected volume and workload, while ensuring statewide and sector-wide coverage.

NYSERDA will negotiate contracts for services in fulfillment of the needs of this RFP on the basis of demonstrated competence, qualifications, and rates. Contract negotiations may include the proposer's fee schedules to ensure work is accomplished at fair and reasonable rates. NYSERDA reserves the right to negotiate among finalists to assure services, and to assure access to specific expertise.

This contract will not guarantee any specific amount of work, but may contain a maximum dollar amount. The amount of work assigned to the shared service provider(s) will depend on, but not be limited to: particular expertise, current NYSERDA workload, and the ability of the shared service provider to provide high quality, cost-effective, and timely services. NYSERDA may consider the following program policy factors in assigning initiatives and tasks:

- The degree to which the shared service provider has the expertise needed for a given task.
- The degree to which the shared service provider can support the location needed for a given task.
- The degree to which the shared service provider has performed previously assigned tasks.
- The degree to which the shared service provider has the capacity to perform the workload for a given task.
- The degree to which the shared service provider has is cost competitive for a given task.

## 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](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)).

Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Contract Award** - NYSERDA anticipates making one or multiple awards 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 8 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.

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## **VI. Attachments**

- Attachment A – Proposal Checklist
- Attachment B – Disclosure of Prior Findings of Non-Responsibility
- Attachment C – Statement of Work
- Attachment D – Task Work Order Template
- Attachment E – Project Personnel and Billing Rates
- Attachment F – Proposal Budget
- Attachment G – Scoring Guide
- Attachment H – Instructions for Submitting Electronic Proposals
- Attachment I – Sample Agreement