



Applications accepted continuously through December 29, 2017 by 5:00 PM Eastern Time*

New Construction and Codes Partners

NYSERDA seeks firms interested in assisting NYSERDA with delivering design and technical assistance, high quality energy modeling and analysis, and quality assurance services to significantly increase the performance of buildings and their energy systems to reduce overall greenhouse gas emissions. Partners will deliver these services to building owners, developers and leaseholders. Partners will receive agreements with NYSERDA with initial expiration dates of June 30, 2018 that will allow them to perform technical services for customers. Agreements will contain two two-year options to renew at NYSERDA's discretion.

Summary of Programs Served by Partners

Partners approved via this solicitation will be eligible to provide services under several NYSERDA programs including the Commercial, Multifamily and Low-rise Residential New Construction Programs. In addition, approved Partners will be considered eligible modeling entities under PON3308: Commercial Tenant Program. Partners will be expected to assist customers wishing to participate in these programs by providing design and technical assistance, high quality energy modeling and analysis, and quality assurance services for energy efficiency improvements in building designs and substantial renovations to tenant spaces. Firms will be required to demonstrate their modeling expertise as well as their ability to influence building owners, developers and leaseholders to achieve significant energy savings.

In alignment with NYSERDA's Clean Energy Fund proposal, future program initiatives that require similar technical support services for deep-energy-savings and zero-net-energy projects and code development may be added to the programs for which Partners will be eligible to participate.

Application Submission

Applications will be accepted continuously through December 29, 2017 or until funds are fully committed, whichever happens first. Applicants may apply by mail, electronically, or online when available.

Submittal by Mail: Send two (2) clearly labeled, completed and signed application forms, one of which must contain an original signature, to:

**Jillina Baxter, RFP3036
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

Submittal Electronically (preferred): Instructions for submitting electronically are located as Attachment F to this RFP. When submitting electronically, application documents must be in either PDF or MS Word format with a completed and signed Application Checklist, Partner Application package with all required documentation, and Disclosure of Prior Findings of Non-Responsibility form. Application PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility, rather than scanning. All electronic files must be named using the applicant's entity name in the title of the document. Applications may be submitted electronically by following the link for electronic submissions found on this RFP's [webpage](http://www.nyserdera.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx), located in the "Current Opportunities" section of NYSERDA's website (<http://www.nyserdera.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>)

No communication intended to influence this procurement is permitted except by contacting Designated Contacts as follows:

- Commercial New Construction Program Partners: Marilyn Dare, (518) 862-1090, ext. 3348, marilyn.dare@nyserdera.ny.gov and Kristin Maki, ext. 3069, kristin.maki@nyserdera.ny.gov
- Low-rise Residential and Multifamily New Construction Program Partners: Lori Borowiak, ext.3004, lori.borowiak@nyserdera.ny.gov and Patrick Fitzgerald, ext. 3385, patrick.fitzgerald@nyserdera.ny.gov
- Commercial Tenant Program Partners: Sophie Cardona, ext. 3590, Sophie.cardona@nyserdera.ny.gov.

Contacting anyone other than these 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 offeror, and (2) may result in the proposer not being awarded a contract.

Technical questions should be directed the Designated Contacts listed above. All Contractual questions should be directed to: Venice Forbes, ext. 3507 or venice.forbes@nyserdera.ny.gov.

Application Review

Applications will be reviewed at least bi-weekly (i.e., every two weeks), and applicants will be notified of acceptance or rejection within 4 weeks after a complete application is received (see Section III - Application requirements for details).

*Late, incomplete, or unsigned applications will be returned. If changes are made to this solicitation, notification will be posted on NYSERDA's website at www.nyserdera.ny.gov.

I. Introduction

A. Goals

The goal of this offering is to expand the market of firms that provide design and technical assistance, high quality energy modeling and analysis services, and quality assurance. An emphasis is being placed on expanding standard design and modeling practices to achieve Deep Energy Savings and Zero-Net-Energy or Zero-Net-Capable projects that are replicable and will lead to a transformation in the design and delivery of new construction projects in New York State.

B. Objectives

NYSERDA's objectives in offering this opportunity are:

- 1) to provide a single point-of-entry for firms interested in working with NYSERDA on multiple sector new construction and tenant retrofit programs;
- 2) to help the market identify qualified energy modeling firms capable of providing technical and design assistance and reliable and credible energy models to influence design decisions and maximize energy savings; and
- 3) expand the capacity of these firms to engage building owners and developers to achieve deep energy savings and zero-net-energy or zero-net-capable new construction projects.

C. Technical Support Services:

Firms accepted as Partners will engage building owners and design teams to achieve energy-efficient tenant retrofits, and support beyond Code and Deep Energy Savings, Zero-Net-Energy or Zero-Net-Capable new construction projects. These activities may vary depending on the sector and program, but may include:

- Scoping meetings, integrated design services, and charrettes;
- Scope development and budgetary estimates for technical support services;
- Evaluation of building systems;
- Modeling services;
- Coordination with design teams, NYSERDA, and firms as designated by NYSERDA;
- Consideration of green building services and environmental impacts to reduce energy and greenhouse gas emissions;
- Performance validations;
- Quality assurance;
- Other related areas or services as directed by NYSERDA.

II. Program Requirements - Applicable NYSERDA Programs

Firms are invited to apply to provide technical support services to any or all of the following NYSERDA programs, however the potential for the Applicant to serve any program will be evaluated individually:

- A. **Commercial New Construction:** The services and the associated cost-share structures under which NYSERDA reimburses the Partners (also known as "Energy Modeling Partners") for design and technical assistance to customers in the Commercial New Construction Program are described in Exhibit F to the Standard Agreement and Sample Statement of Work (Attachment E) and [PON 1601 Rev1 - New Construction Program Technical and Financial Support](#) [PDF].

NOTE: Firms approved as Partners to the Commercial New Construction Program will be **immediately eligible** to apply and provide modeling services for the Commercial Tenant Program. Program and application details are described in [PON3308 – Commercial Tenant Program](#).

- B. **Multifamily New Construction:** The services and activities provided by Partners for mid- and high-rise Multifamily New Construction projects are described in Exhibit G to the Standard Agreement and

Sample Statement of Work (Attachment E) and [PON 3319 – Multifamily New Construction Program \(MF NCP\)](#).

- C. **Low-rise Residential and Multifamily New Construction**: Partners who are RESNET-accredited Providers will be eligible to deliver required technical support and quality assurance services associated with the Low-rise Residential and Multifamily New Construction Programs as described in Exhibit G to the Standard Agreement and Sample Statement of Work (Attachment E), [PON 2309 – Low-rise Residential New Construction Program \(LR NCP\)](#), and [PON 3319 – Multifamily New Construction Program \(MF NCP\)](#).

III. **Application Requirements**

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 Application Checklist (Attachment A) including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form (Attachment C). Failure to include a signed copy of the Application Checklist referenced in this solicitation may disqualify your proposal.

The Application package for each program consists of the following documents:

1. Application Checklist,
2. Partner Application with all required documentation (described in the tables on Pages 5, 6 and 7),
3. the Disclosure of Prior Findings of Non-Responsibility form, and
4. the Project Personnel and Billing Rates Form.

IV. **Application process**

Applications may be submitted at any time until December 29, 2017 by mail, electronically, or online, when available. Applications will be reviewed at least bi-weekly (i.e., every two weeks) by NYSERDA to determine if the items provided satisfactorily meet the qualifications and documentation requirements. NYSERDA reserves the right to accept or deny any application.

Current Energy Modeling Partners

Firms already approved as “Energy Modeling Partners” under the Commercial New Construction Program may apply to provide services under the other Programs identified herein. Successful firms will have their contracts modified accordingly. The Application describes the necessary steps to be taken.

Current Low-rise Residential New Construction RESNET-accredited Providers (“Provider”)

Providers previously approved under PON2309 must submit the Application package described in Section III above with the exception of the RESNET-accredited Provider Signature Form and associated documents previously submitted under PON2309. Upon receipt by NYSERDA of the Application package, the Provider will receive a Contract Agreement with Exhibit G (see Attachment E for a sample) which will replace the previously executed Partnership Agreement. The Application describes the necessary steps to be taken. The Provider may also indicate if they are seeking to provide services under the other Programs identified herein.

V. **Accepted Applications and Partner Designations**

All firms must submit applications and receive explicit approval by NYSERDA to participate in the applicable program(s). Selection to serve one program does not imply an equal opportunity to serve other programs.

1. Commercial New Construction Partner Designations

Partner status designations for Commercial New Construction are described in Exhibit F to the Standard Agreement and Sample Statement of Work (Attachment E).

2. Multifamily New Construction Partner Status Designations

Partner status designations for Multifamily New Construction are described in Exhibit G to the Standard Agreement and Sample Statement of Work (Attachment E),

3. Low-rise Residential New Construction Partner Status Designations

Partner status designations for Low-rise Residential New Construction are described in Exhibit G to the Standard Agreement and Sample Statement of Work (Attachment E).

VI. Rejected Applications

Firms whose applications to a program are rejected may request a de-briefing and may reapply. Firms whose applications are rejected twice may not reapply until 12 months after the initial application date.

VII. Contracting Process for Accepted Applications

Approved Partners will enter into a standard contract agreement with a Statement of Work (Attachment E) and the Exhibits pertaining to the Program to which the Partner was approved to serve (Attachment E, Exhibits F and G). Work conducted under the Agreement will be defined by either a project specific Task Work Order (TWO) or a separate vehicle, depending on the Program to which the Partner is providing services.

Approved Applicants with models demonstrating energy cost savings that exceed ASHRAE 90.1-2007 Appendix G by 40% or more prior to renewables or Tier 3 of the Multifamily New Construction Program will be listed on NYSEERDA's website as capable of providing Deep Energy Savings and Zero-Net-Capable technical services.

VIII. Description of Project Processes

A) Commercial New Construction Project Processes

The Commercial New Construction Project process is described in Exhibit F of Attachment E, Standard Agreement and Sample Statement of Work.

B) Multifamily New Construction Project Processes

The Multifamily New Construction Project process is described in Exhibit G of Attachment E, Standard Agreement and Sample Statement of Work.

C) Low-rise Residential New Construction Project Processes

The Low-rise Residential New Construction Project process is described in Exhibit G of Attachment E, Standard Agreement and Sample Statement of Work.

New Construction and Codes Partner Application: Required Documentation

Required Documentation From All Applicants

- REFERENCES:** Two letters of reference with contact information;
- ORGANIZATIONAL CHART:** Organization chart or matrix depicting the personnel and/or the staff position that will provide services to NYSERDA;
- PERSONNEL RESUMES:** One-page resumes for the P.E. or R.A., where applicable, modeler, and key personnel who will be directly involved in providing Technical Services;
- RATE SCHEDULE:** A completed Project Personnel and Billing Rates Form (Attachment D)¹ and Supporting Documentation for Indirect/Direct Rates.²

Commercial New Construction Program

- Submit evidence that a current staff member is a New York State Licensed Professional Engineer (P.E.) **OR** a Registered Architect (R.A.) with at least 3 years of commercial/multifamily energy efficiency experience (i.e., new construction projects, delivered performance contracts, executed energy audits, Combined Heat and Power (CHP) projects, demand response, etc.);
- Submit evidence that a current staff member or named sub-contractor has:
 - at least 3 years of energy modeling experience, **AND**
 - has either an energy modeler certification (e.g., ASHRAE BEMP, AEE BESA) **OR** evidence of at least two commercial or multifamily energy models since 2009 validated by an independent third party (e.g., LEED, NYSERDA, utility program, etc.)
- Submit **Two** commercial or multifamily projects **managed by the applicant** with narratives, technical details and backup documentation (i.e., input and output modeling files, third party verification, etc.) demonstrating the ability to influence the design of buildings. Each project's proposed building performance rating must exceed the baseline building performance rating **by at least 25%**³ prior to renewables, calculated according to **ASHRAE 90.1-2007 Appendix G**, using a computer simulation model, and validated by an independent third party. Applicants may elect to submit projects based on another version of the ASHRAE 90.1 Appendix G performance rating method, however additional validated and independent documentation must be provided demonstrating performance rating equivalency with ASHRAE 90.1-2007 Appendix G. For projects that otherwise meet these criteria but have not been third party validated, input and output modeling files must be submitted to allow comprehensive validation by NYSERDA.

¹ Clearly indicate hourly salary rate ranges for each title classification proposed under the agreement with NYSERDA and other overhead multipliers you propose to use for the duration of the agreement with NYSERDA (initial expiration date of June 30, 2018). Provide rates and multiplier for services to be provided from date of application. These shall be independent annual rates. The multiplier stated shall include all overhead, profit and other costs. **Do not provide fully burdened rates in the chart.**

² Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projects; based on federal government or other independently-approved rates). If rate(s) is/are approved by an independent organization, such as the federal government, provide a copy of such approval. If rate(s) is/are 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 adjustments for such differences. Requests for financial statements or other needed financial information may be made if deemed necessary.

³ Approved Applicants with models demonstrating energy cost savings that exceed ASHRAE 90.1-2007 Appendix G by 40% or more (prior to renewables) or Tier 3 of the Multifamily New Construction Program will be listed on NYSERDA's website as capable of providing Deep Energy Savings and Zero-Net-Capable technical services.

New Construction and Codes Partner Application: Required Documentation

Multifamily New Construction Program

- Submit evidence that a current staff member is:
 - a New York State Licensed Professional Engineer (P.E.) or a Registered Architect (R.A.) with at least 3 years of commercial/multifamily energy efficiency experience (i.e., new construction projects, delivered performance contracts, executed energy audits, Combined Heat and Power (CHP) projects, demand response, etc.); **OR**
 - a Certified Passive House Consultant **OR** Certified Passive House Designer with at least 3 years of commercial or multifamily energy efficiency experience as described above; **OR**
 - a Certified Energy Manager (CEM) with at least 5 years of commercial/multifamily energy efficiency experience as described above.
- Submit evidence that a current staff member or named sub-contractor has:
 - at least 3 years of energy modeling experience, **AND**
 - has either an energy modeler certification (e.g., ASHRAE BEMP, AEE BESA), **OR** evidence of at least two commercial or multifamily energy models since 2009 validated by an independent third party (e.g., LEED, NYSERDA, PHIUS⁴, PHI⁵, utility program, etc.).
- Submit **Two** multifamily projects **managed by the applicant** with narratives, technical details and backup documentation (i.e., input and output modeling files, etc.) demonstrating the ability to influence the design of buildings where:
 - the project's proposed building performance rating exceeds the baseline building performance rating by **at least 25%**⁶ prior to renewables, calculated according to **ASHRAE 90.1-2007 Appendix G**, using a computer simulation model, and validated by an independent third party; **OR**
 - if the project's proposed building performance rating was based on another version of the ASHRAE 90.1 Appendix G performance rating method, additional validated and independent documentation demonstrates performance rating equivalency with ASHRAE 90.1-2007 Appendix G; **OR**
 - the maximum primary energy demand meets or exceeds 6200 kWh/person/yr prior to renewables, when calculated following PHIUS+ standards⁶; **OR**
 - the maximum primary energy demand meets or exceeds 38 kBtu/SF/yr prior to renewables, when calculated following PHI standards⁶; **OR**
 - the requirements of ENERGY STAR Certified Homes Version 3.1⁷ are met or exceeded.
 - For models that otherwise meet the above-stated criteria but have not been third party validated to any of the above standards, backup documentation must be submitted to allow comprehensive validation by NYSERDA.

⁴ PHIUS = Passive House Institute US, <http://www.phius.org>

⁵ PHI = Passive House Institute, <http://www.passivehouse.com>

⁶ Approved Applicants with models demonstrating energy cost savings that exceed ASHRAE 90.1-2007 Appendix G by 40% or more (prior to renewables) or Tier 3 of the Multifamily New Construction Program will be listed on NYSERDA's website as capable of providing Deep Energy Savings and Zero-Net-Capable technical services.

⁷ [Version 3.1, ENERGY STAR National Program Requirements](#) 

New Construction and Codes Partner Application: Required Documentation

RESNET-accredited Providers to serve the Low-rise Residential & Multifamily New Construction Programs

- Submit:
 - A detailed outline of the Provider's organizational structure which identifies those individuals who will provide the necessary technical support and oversight of affiliate Raters, including the Quality Assurance Designee(s), Quality Assurance Delegate(s), RESNET certified trainer(s), and management; including resumes for each individual;
 - The Provider's Communications Plan for ensuring affiliate Raters maintain knowledge of, and any changes made to, the EPA's ENERGY STAR Certified Homes program, RESNET, or NYSERDA's Low-rise Residential or Multifamily New Construction Programs;
 - The Provider's Quality Assurance (QA) Plan, which complies with RESNET's QA requirements as well as all Program requirements, including the requirements listed in Article 4 of Exhibit G to the Standard Agreement and Sample Statement of Work (Attachment E);
 - A copy of the Provider's template contractual agreement with affiliate Rater(s) which references the minimum required qualifications for serving as an affiliate Rater and delineate the rights and responsibilities of both the affiliate Rater and the Provider serving either NYSERDA Program.
- Submit **Two (2)** projects, **either performed by the Applicant or produced by a Rater under the Applicant's Providership**, with narratives, technical details and backup documentation (i.e., energy modeling files from modeling software meeting US EPA and RESNET standards, e.g. REMRATE) that meet or exceed the requirements of ENERGY STAR Version 3.1⁸.

⁸ [Version 3.1, ENERGY STAR National Program Requirements](#) 

IX. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSEDA 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 NYSEDA 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 NYSEDA 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 accepted. 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/NYSEDA-Regulations.ashx>. However, NYSEDA 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 - NYSEDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain new procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html> . The attached Application Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSEDA. See, ST-220-CA (available at https://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 - NYSEDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA expects to notify applicants in approximately 4 weeks from the receipt of an application whether your application has been selected to receive an award.

Limitation - This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSEDA's best interest.

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

X. Attachments:

Attachment A: New Construction and Codes Partner Services Application Check List (Mandatory)

Attachment B: RFP3036 New Construction and Codes Partner Services Application (Mandatory)

Attachment C: Disclosure of Prior Findings of Non-Responsibility Form (Mandatory)

Attachment D: Project Personnel and Billing Rates Form (Mandatory)

Attachment E: Standard Agreement, Sample Statement of Work, and Exhibits F and G: Terms and Conditions for Commercial, Residential and Multifamily New Construction Technical Services

Attachment F: Instructions for Electronic Submission