

Questions and Answers
NYSERDA RFQL 3265 Bidders' Conference
Technical Assistance for Reform of the Electric Distribution System and
Markets Version May 16, 2016

Approach: Pool of Qualified Contractors to Provide As-Needed Consulting Services

Please see Sections and I and III of the solicitation

- 1. The RFQL states that “...NYSERDA anticipates entering into Umbrella Agreement with the top-ranked proposers in each Support Area.” How many suppliers in each support area does NYSERDA expect to select and how will NYSERDA arrive at the rankings?**

NYSERDA anticipates qualifying multiple proposers (firms/teams) under each Support Area. The number will reflect the qualifications of the proposers, as well as NYSERDA's interest in contracting with a manageable number of entities. NYSERDA reserves the right to not contract for services under a given Support Area. The rankings will be determined by a Technical Evaluation Panel as described in Section VI of the solicitation.

- 2. If multiple proposers are qualified under a given Support Area, will work in that area always be awarded to the top-ranked team unless they lack sufficient capacity? Or, will teams with a lower general ranking for a given Support Area be considered for work if they bring unique qualifications or expertise to a particular task/project?**

NYSERDA anticipates using a mini-bid process to competitively award a number of projects, in which case all contractors retained under a given Support Area will be invited to submit a brief project proposal as described in Section III-D of the solicitation. Mini-bids will be reviewed by NYSERDA, which will consider each contractor's unique qualifications, expertise, and approaches with regard to a particular task or project, and provided that a sufficient proposal has been received, NYSERDA will select a contractor to perform the work.

- 3. For each support area, the RFQL [3265] describes the broad and general coverage of topics but it does not describe the specific targeted scope of the project in each area. But for each project, a specific task [work] order with a more refined scope will be required. At this stage in each support area, the supplier is only expected to present qualifications, experience and credentials rather than a specific approach, which will require a much more defined scope of project. Is this a fair understanding of what is required in response to the RFQL at this stage?**

Yes, this is a fair understanding of what is required at this stage.

- 4. For each of the projects, would there be a defined limit to the costs that NYSERDA is seeking to reach and if so, what is the estimated range of the cost?**

Appropriate project budgets will vary significantly and will depend on the nature and complexity of the project.

- 5. The RFQL mentions that contractors will be asked to configure a team promptly and execute time-sensitive projects. What would be the advance notice that would be provided to the contractors to configure the team? What is the typical duration of the project that NYSERDA expects in this effort?**

The advance notice provided to configure a team as well as the typical duration of the project will vary by project. Project work that is extremely time-sensitive may be assigned to the top-ranked contractor in a given Support Area, where appropriate given contractor qualifications. When NYSERDA issues a mini-bid request, contractors may be asked to provide a response within several days or weeks; contractors who elect not respond to a given mini-bid request will remain eligible to respond to subsequent requests. The project duration will depend on the nature and complexity of the project, and may range from weeks to a year or longer.

- 6. The proposer expects to provide personnel and qualifications for individuals who will be involved with the work in a particular support area. At the particular point in time when a task [work] order commences, the personnel who execute the work may be a subset of the personnel who will be involved. This is because the timing of the work for a project is not clear from the RFQL at this stage. Is this approach acceptable?**

Yes, specific personnel who are available to execute a given project would be detailed in the contractor's response to a Task Work Order request or a mini-bid. However, proposers should identify all anticipated available personnel in their initial proposal.

- 7. Will NYSERDA publically announce which firms are selected in each Support Area in advance of any future mini-bid?**

NYSERDA has not yet made any decision as to whether it will publicly announce the final results of this particular solicitation.

- 8. Do you recommend applications from university researchers? Funding university research often requires a summer start and end date, and a year or two of committed funding.**

NYSERDA welcomes proposals from university researchers, and encourages teaming that includes universities and consulting firms. In general, NYSERDA expects selected contractors to be able to respond to time-sensitive requests. Tool development and distribution system modeling capabilities development could be projects that extend a year or longer, so NYSERDA is open to relevant proposals. That said, NYSERDA cannot commit in advance to projects that will necessarily have a summer start and end date or any specific length of funding commitments.

Support Areas

Please see Section III-A of the solicitation

9. Multiple Support Areas: Do proposals need to address every single element listed in the description of a support area?

No. NYSERDA encourages firms to highlight their strengths, but it is not required that they respond to every element described within a given Support Area. The descriptions provided in the solicitation are intended to be illustrative of potential projects under each Support Area.

10. Multiple Support Areas: How does NYSERDA intend to use the output of the Market Design effort? Of the Rate Design effort? Of technical and benefit-cost analysis of AMI?

Work and deliverables will be structured to provide policymakers and energy industry stakeholders with objective and reliable information to make informed decisions, both in implementing NYSERDA's Clean Energy Fund and consistent with NYSERDA's leadership role in developing the New York State Energy Plan and related analyses. Specific objectives will be defined in the Task Work Order plan for each project.

11. Support Area 1, Mechanisms to value DER: Are there specific DER technologies (e.g., solar, storage, microgrid, etc.) that are of particular interest to NYSERDA?

NYSERDA expects that assistance in this Support Area would be applicable to a broad range of Distributed Energy Resource (DER) technologies, including solar PV, other distributed generation, energy storage, microgrids, end-use energy efficiency, and demand response.

12. Support Area 2, Economic and Technical Analytical Tools for DER Technologies: The RFQL talks about computer-based tools. Is there a specific tool which is being referenced for this purpose? Does NYSERDA have a preferred platform on which the tool should be developed? Can the contractor propose a tool which can be 'built to spec' using an accessible platform like Microsoft Excel such that the required analysis can be performed as per the requirements?

NYSERDA is not referencing a specific tool, nor does NYSERDA have a preferred platform for this purpose. A contractor may propose a tool built upon an accessible platform, such as MS Excel. The platform should enable NYSERDA to be able to use the completed tools without ongoing involvement from the contractor. If the proposing team has capabilities and experience to develop tools in various platforms, please discuss this in your proposal.

13. Support Area 2, Economic and Technical Analytical Tools for DER Technologies: What is the intended user group for the tool(s)?

Typically the tools will be used by NYSERDA staff who have relevant expertise, and may also be used by expert staff at other State entities or consultants subsequently hired by NYSERDA. For certain projects, NYSERDA may request that a tool be developed for public use.

14. Support Area 3: Market Design. Are there specific user groups or capabilities that NYSERDA is envisioning for a mass-market digital marketplace platform?

Work in this area would be in alignment with the discussion of a digital marketplace platform provided on pages 59-61 of the New York State Public Service Commission's Order Adopting Regulatory Policy Framework and Implementation Plan in CASE 14-M-0101 – Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision (Issued February 26, 2015).

15. Support Area 3, Market Design: Are there specific timescales for "near-term" and "medium-term" action? (e.g., a 2020 goal)

These terms are not intended to reference specific timescales. Indicative implementation timeframes for "near-term" options may be from years one to three following adoption, with "medium-term" implementation over years four to ten.

16. Support Area 4, Rate Design Options and Analysis: Are there specific users in mind for the publicly-available tools that would allow stakeholders to assess impacts of alternative rate designs?

Publicly-available tools are expected be useful to the broad range of interested energy industry stakeholders, including customers and customer advocates, clean energy developers and solution providers, environmental groups, utilities, energy policy analysts, and so on.

17. Support Area 4, Rate Design Options and Analysis & Support Area 5, Utility Business Model and Financial Analysis: Do you want these models to be created individually (unique for each utility in the state), or a general overarching standard model for the entire state?

While this will depend on the specific project work assigned, NYSERDA anticipates that it may be appropriate to create models that are adapted for an indicative upstate utility and an indicative downstate utility.

18. Support Area 5, Utility Business Model and Financial Analysis: What are the issues NYSERDA is seeing with the current net plant reconciliation mechanism that could be improved?

For discussion of the net plant reconciliation mechanism, see the State of New York Department of Public Service Staff White Paper on Ratemaking and Utility Business Models (July 28, 2015) in CASE 14-M-0101 – Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision.

19. Support Area 6, Electric Distribution System Platform (DSP) Development, Planning, and Operations. Can you provide examples of AMI-related technologies for which contractors should be able to perform cost-benefit analysis? Would this include broader implementation of smart grid devices?

Yes, AMI is referenced as an indicative technology for analysis; a variety of smart grid technologies are relevant as the building blocks that will be applied to achieve the functionality envisioned for the DSP. Other relevant technologies include: Communication Infrastructure, Advanced Distribution Management Systems (ADMS), Distributed Energy Resource Management Systems (DERMS), Direct Load Control (DLC), and Smart Inverters.

20. Support Area 7, Electric Distribution System Modeling: Does NYSERDA have an existing modeling tool? What information does NYSERDA have access to that would allow adequate modeling of DER penetration and configuration scenarios?

NYSERDA does not have an existing modeling tool which provides the distribution-level modeling capabilities described in the solicitation. NYSERDA expects to work in a collaborative manner with the consultants retained under this solicitation to determine scenario inputs.

21. Support Area 9, Macroeconomic Impact Analysis: Is State-level analysis desired or sub-regions?

This will depend on the specific project. NYSERDA anticipates that, for certain projects, analysis at the sub-region level will be required.

22. Support Area 9, Macroeconomic Impact Analysis: Are effects from rate changes to be included?

Yes, certain analyses will go beyond the gross impacts and look at all impacts, including impacts due to changes in rates (e.g., due to a wholesale market price effect or due to ratepayer surcharges) and changes to the electricity system itself caused by NYSERDA programs or State energy policies.

23. Support Area 9, Macroeconomic Impact Analysis: Would NYSERDA prefer the contractor team support NYSERDA staff in the use of modeling exercises as has sometimes been the case?

Yes, NYSERDA expects that for certain projects the contractor team will be asked to support NYSERDA staff in the manner described. In general, NYSERDA expects to work in a highly collaborative manner with consultants retained under this solicitation.

Funding and Schedule

Please see Section III-B of the solicitation

24. What is the expected timeline by which NYSERDA seeks to sign the umbrella arrangements with the top-selected suppliers?

NYSERDA will endeavor to secure executed Agreements within a month of the notification of selection.

25. Can you provide an approximate value for the overall contract for first two years? What will be the relative distribution of resources across these Support Areas?

The current overall funding allocation for RFQL 3265 has not yet been ascertained as consulting services will be sought on an as-needed basis. NYSERDA reserves the right to add funding to the Solicitation should its needs warrant. Although NYSERDA is unable to predict the relative distribution of resources across the Support Areas, it does believe there will be a need for services in each of the Support Areas described.

26. In the Funding and Schedule section, is the contract term extension a 1-way option, or a 2-way option?

NYSERDA will have the sole discretion to determine whether to pursue a contract term extension. A contractor may decline to extend its contract term, in which case NYSERDA will work with the contractor to complete or as appropriate transfer any ongoing work to another entity.

Proposal Content, Format, and Structure

Please see Section IV of the solicitation.

27. Do we need to submit an “intent to propose” email or letter?

*No, proposers are not required to indicate their intent to propose. Full proposals are due May 23, 2016 by 5:00 PM Eastern Time. Please direct all correspondence to Vanessa Ulmer as the Designated Contact at vanessa.ulmer@nyserda.ny.gov or (518) 862-1090 ext. 3018. Please note that the 5:00 PM Eastern Time deadline is **firm** and plan accordingly.*

28. Are there any restrictions on formatting or use of graphics in the proposal Word document?

Please see Section IV-B of the solicitation. While there are no specific restrictions, proposals should not be submitted in an elaborate format that includes expensive binders or graphics. The font size should not be smaller than 11 point.

29. Can we refer to work done under prior Agreements with NYSERDA as a part of our response to this solicitation?

Yes, you may refer to prior work done under contract to NYSERDA. Please concisely describe the relevant work in the proposal itself.

30. Regarding the instructions for the Personnel and Qualifications section for the Support Area proposals, page 11 of the solicitation requests that bidders describe the accomplishments, experiences, and expertise of the individuals comprising the proposing team. Given the 2-page limit on the Personnel and Qualifications section, can the qualifications of junior personnel be provided through resumes only, with no information in the 2-page Personnel and Qualifications section?

Yes, the described approach is acceptable. Another acceptable approach would be to summarize the general qualifications of junior personnel, referencing the resumes for further detail.

31. Regarding the instructions for the Personnel and Qualifications section for the Support Area proposals, page 11 of the solicitation states that an organizational chart may be provided. Would such an organizational chart count against the page limit for the Personnel and Qualifications section?

Yes, an organizational chart would count against the page limit.

32. May bidders submit project personnel & rates in a different format from the table given in Attachment C?

No, please use the format provided in Attachment C.

33. Would NYSERDA please confirm that it would accept fully loaded labor rates for this solicitation.

Yes. Please use the format provided in Attachment C. If fully burdened labor rates are provided in the DIRECT PERSONNEL COSTS table, indicate the Multiplier in field 2(b) as equal to 1. Alternatively, provide direct labor rates in the DIRECT PERSONNEL COSTS table and a multiplier (greater than 1) that shows your "fully loaded" cost per direct labor dollar; then the fully burdened rate is the direct labor rate multiplied by the multiplier shown in field 2(b). In either case, NYSERDA requests information on Profit/Fixed Fee %, which is included in the Multiplier. Regardless of the approach taken, NYSERDA requests that this information be clear.

34. Page 11 of RFQL 3265 appears to ask for names of individual staff associated with titles. On a recent bidders call for another RFP, NYSERDA requested that bidders provide rates by labor category. Would NYSERDA please clarify whether it prefers rates by individual or by labor category?

For NYSERDA's planning purposes, please provide a non-exhaustive list of staff in the Cost Proposal, including individual names and titles, particularly for senior personnel. If there are

numerous staff with the same title, it is acceptable to show rates by labor category (title) in the Cost Proposal; please include corresponding titles on staff resumes. NYSERDA understands that staff or titles may be adjusted following contract award. However, for purposes of planning out work in the near-term, it is helpful to know specific staff anticipated to be available should the proposer be deemed qualified. Having specific names and titles within the contract from the outset can help expedite payment.

- 35. Cost proposal: The RFQL states that the Cost Proposal (Project Personnel and Rate Form) is limited to 1 page. If we bid for multiple Support Areas, it will not be possible to fit the required information (i.e., name, title, and salary range) for all individuals and subcontractors that would ideally be proposed for multiple Areas. Please advise on how to address this.**

Please keep in mind that a separate section must be prepared for each Support Area where services are being offered, and the Cost Proposal must be provided for each Support Area section. For a given Support Area section, it is acceptable to use more than 1 page to complete the Cost Proposal if necessary due to the number of staff and subcontractors proposed to provide services. For proposals that encompass multiple support areas, those areas and the information provided for each must be clear and evident to NYSERDA.

- 36. How can a contractor be assured that client names and contact details provided in response to this RFQL will be protected? Would it be possible to redact the individual references from any publication of the RFQL responses?**

NYSERDA does not intend to publish RFQL responses. The NYS Freedom of Information Law provides for public access to information NYSERDA possesses. Please refer to the discussion of Proprietary Information in Section V of the Solicitation for more information on this topic.

- 37. The RFQL responses will include cost information from the contractors. Can this information on competitive rates of each of the contractors be protected from public disclosure?**

Please refer to the discussion of Proprietary Information in Section V of the Solicitation for more information on this topic.

Teaming and Subcontractors

Please see Section III-B and Section IV-D of the solicitation

- 38. Are firms that submit qualifications as partners required to define the prime/subcontractor relationship for all work or can that be determined for each task [work] order?**

Proposers must identify the firm or organization that will be the prime contractor under this solicitation, as well as identify the project manager who will serve as the single point of contact under this solicitation. See RFQL 3265 Section IV(D)(4)(b). Following selection, in certain instances it may be appropriate for a subcontractor to do the majority of work for a particular Task Work Order; however, the prime contractor and identified project manager will remain responsible for ensuring high quality and timely execution of tasks.

39. Does a proposal need to include all of the details about subcontractors who may potentially support services to NYSERDA? The firm proposing as the prime may work regularly with a large pool of subcontractors.

NYSERDA uses its best efforts to select contractors through a competitive procurement method. Under this solicitation, any subcontractor(s) that is expected to perform a substantial portion of the work needs to be identified and described in the proposal, including all information specified in Section IV of RFQL 3265. In the event that a selected firm subsequently decides to work with a subcontractor or supplier that was not included in the original proposal, the services or materials provided by that subcontractor must total less than \$50,000, across all work assigned under this solicitation.

40. Regarding teaming, does NYSERDA encourage letters of support.

Letters from subcontractors included in the proposal must be attached and include the same information included in the proposer's cover letter, as described in section IV(D)(2) of RFQL 3265. Letters of support from other entities who are not part of the proposing team are discouraged; such letters are not required and therefore will not influence the evaluation of the proposal.

41. How does NYSERDA want bidders to describe "past working relationships among team members and subcontractors"? What information is expected here?

NYSERDA expects to be able evaluate the extent to which the team members and subcontractors have worked together effectively on prior engagements to produce quality analysis and deliverables.

42. Can a proposal include an international subcontractor?

Yes, it is acceptable to include a subcontractor based outside of the United States. NYSERDA recommends addressing in the proposal how reasonable travel costs will be maintained. Please refer to RFQL 3265 Attachment D, Sample Agreement for specific jurisdictional limitations.

43. Can the same subcontractor be included multiple firm's proposals?

Yes, this is acceptable.

Conflict of Interest

Please see text on Conflicts under Section IV(D)(4)(b)

- 44. Page 11 of the solicitation addresses Conflicts, stating: “The firm, its principles, subcontractors, and any personnel of the firm must be free from any financial or similar interest in any product or service which may conflict with or appear to conflict with the objectivity of the services provided to NYSERDA.” NYSERDA has received several requests to clarify whether there are any general preclusions associated with offering services to NYSERDA under this solicitation, for example, if a firm offers a particular clean energy technology or grid technology solution of relevance to a given Support Area.**

*NYSERDA recognizes that there likely will be potential conflicts or perceived conflicts, as it seeks to retain firms with significant experience and capabilities in the industry. NYSERDA appreciates proposers’ thoughtful attention to potential conflicts. NYSERDA will be unable to advise in advance of reviewing a proposal submission as to whether or not a potential conflict would exclude the firm from providing services to NYSERDA, or whether or how the potential conflict could be managed. NYSERDA would like to encourage proposers to propose in all Support Areas where they believe they are able to provide objective services, with **full disclosure of current and planned business activities and a statement explaining how you will ensure and verify that these affiliations do not conflict with or appear to conflict with the objectivity of providing services to NYSERDA and its customers.** In the event that a proposer requires additional pages to provide a thorough response to Conflicts, it is acceptable to provide this response as an attachment, which will not be counted against the page limit for each Support Area section.*

Contracting after Selection

Please see Attachment D, Sample Agreement – Exhibit B, General Contract Provisions

- 45. Exhibit B, General Contract Provisions, Terms and Conditions, Article IV, Payment, Section 4.01 states that “[If cost-share is applicable, insert – “It is understood and agreed that NYSERDA and the Contractor are sharing the costs for the Work to be performed.]” Does NYSERDA intend for the resulting contract to be a “Cost-Share” type of contract?**

No, NYSERDA intends for the contracts executed with selected proposers under this solicitation to be “time and materials contracts,” which will not require cost-share. However, NYSERDA reserves the right to negotiate contract structures in a manner that is most appropriate for the successful completion of the desired work scope.

- 46. Does the “Retainage” language found in Section 4.02(b), located in Exhibit B, General Contract Provisions, Terms and Conditions, Article IV, apply?**

Yes, this language is applicable. After receipt of interim deliverables and corresponding invoices for progress payment(s), NYSERDA will pay the contractor up to 90% of the total not-to-exceed cost of the project as specified in the Task Work Order. NYSERDA will make final payment upon its receipt and acceptance of the project’s final deliverable(s), and corresponding invoices.

47. What are the requirements of the process by which NYSERDA would be signing up the umbrella arrangements? Could you please provide details of what would be needed from the suppliers to sign up the umbrella arrangements, as in what kind of additional information, any additional qualifications, etc.?

Proposers selected under this solicitation will be notified by an award letter. In the event that a proposer identifies exceptions to NYSERDA's standard terms and conditions, NYSERDA will seek to reach agreement on mutually acceptable terms and conditions for the Umbrella Agreement. Selected suppliers additionally will need to provide NYSERDA with (1) certificates of insurance as specified in Article XI of NYSERDA's GENERAL CONTRACT PROVISIONS, TERMS AND CONDITIONS (RFQL 3265 Attachment D); a signed W-9 form; and contractor certification forms as required by the NYS Department of Taxation and Finance.

48. What is the expected timeframe for notifying firms about selection?

NYSERDA will endeavor to notify firms approximately one month after the close of the solicitation whether they have been selected and to move forward with an umbrella contract. While NYSERDA plans for a robust response, if NYSERDA receives more proposals than anticipated or has need to conduct multiple interviews, the timeframe may be extended.