The NY-Sun Initiative
Solar Powering New York

nyserda Energy. Innovation. Solutions.

New York Power Authority
Generating more than electricity

Photovoltaic Balance-of-System Cost Reduction

Program Opportunity Notice (PON) 2672

Up to $10 Million Available for Two Rounds

Proposals Due: July 30, 2013 by 5:00 PM Eastern Time*, Round 1
January 30, 2014 by 5:00 PM Eastern Time*, Round 2

As part of the NY-Sun initiative NYSERDA and the New York Power Authority (NYPA) seek proposals to identify and address Photovoltaic (PV) Balance-of-System (BOS) issues that will result in cost savings associated with purchasing, installing, owning, and operating a PV system in New York. BOS includes everything involved in a PV system except for the PV module. BOS cost reduction should be considered in a holistic manner to ensure that cost reductions in one area don't cause unintended cost increases in another area that negate the overall savings. Projects should focus on reducing life cycle costs and lowering the cost of energy. A summary of category descriptions follows:

Funding: Two solicitation rounds are scheduled and total available funding is $10,000,000. All, or none, of the available funds may be awarded in any round.

Category 'A' - BOS Soft Cost Reduction: PV Balance-of-System (BOS) soft cost (non-hardware) projects reduce the cost of PV systems by addressing and reducing specific 'soft' cost elements as defined in Section II. Maximum funding for this Category is $500,000 for the total project, with a maximum of $250,000 per project phase. Proposer cost share of at least 25% of each project phase is preferred.

Category 'B' – BOS Product Development: Projects that develop a BOS product or component (hardware) that will lead to lower overall installed costs of PV systems on a cost per kWh basis. Maximum funding for this category is $500,000 per project. Proposer cost share of at least 50% of the total project is required.

Category 'C' - Demonstration Projects: Projects that install PV systems in order to demonstrate and validate innovative and cost-reducing soft cost concepts or hardware, such as: business models, other innovative soft cost reduction strategies, or BOS components or products. Maximum funding for this category is $1,000,000 per project. Cost share of at least 50% of the total project is required.

Proposal Submission: Proposers must submit twelve (12) print copies and one (1) electronic media copy (CD) of the proposal in ***Microsoft Word format*** (appendices may be in PDF format) with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, PON 2672
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact the individuals listed below (Designated Contacts) by e-mail or by phoning (518) 862-1090 and selecting the appropriate extension:

Jennifer Harvey
Sr. Project Manager
ext. 3264 jlh@nyserda.ny.gov

Richard Drake
Program Manager
ext. 3258 rld@nyserda.ny.gov

If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 or nsm@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting one of the Designated Contacts listed above. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. 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.

INTRODUCTION

In his 2012 State of the State Address, Governor Cuomo announced the NY-Sun initiative with the goal to quadruple the amount of customer-sited solar power installed in 2013 as compared to 2011 by increasing incentives and reducing siting and installation costs. Reducing the cost of PV systems to make them easier for New Yorkers to afford is an important component of the NY-Sun initiative. This program focuses on reducing the overall cost of PV systems installed in New York by reducing balance-of-system (BOS) costs. For this program, BOS includes all non-module elements of a PV system. This includes 'soft' costs and hardware costs more fully defined below. Training programs will be covered in other funding opportunities and are therefore excluded.

This program supports recommendations from the New York Solar Study (http://www.nyserda.ny.gov/Publications/Energy-Analysis-Reports/Solar-Study.aspx) that, "given the many potential benefits that PV has to offer and the long-term potential for lower-cost PV technology, New York State should support continued investment in the steady and measured growth and deployment of PV as part of a sound and balanced renewable energy policy…[and that the strategy] should also be complemented by additional efforts to reduce the balance of system costs for PV, including more streamlined permitting processes, and continued financial support for targeted research and development, workforce training and business development."

The goal of this PON is to increase the market penetration of PV systems through the reduction of costs and uncertainties associated with purchasing, installing, and owning a PV system. New Yorkers should realize reduced solar electric costs and improved system performance while obtaining superior environmental benefits. This will help achieve the State's economic development goals including near-term and sustainable creation and retention of jobs in New York, lower energy costs, reduced life-cycle costs, and reduced need for new non-renewable power plant construction.

In this program, NYSERDA and NYPA seek proposals to identify and address PV BOS issues that will result in cost savings associated with purchasing, installing, owning, and operating PV systems in New York. BOS cost reduction should be considered in a holistic manner to ensure that cost reductions in one area do not cause unintended cost increases in the overall PV system. Projects should focus on reducing PV lifecycle costs and PV levelized cost of energy (LCOE), i.e. the cost of energy from the PV system over its lifetime. All, or none, of the available funds may be allocated.

> Information on the NY-Sun initiative can be found at www.NY-Sun.ny.gov. Information on NYSERDA and its programs can be found at www.NYSERDA.ny.gov. Information on NYPA's programs can be found at www.NYPA.gov.

Product development projects should focus on advancing and developing promising technologies and products that will lower BOS costs in the near term and lead to successful commercialization of products manufactured in New York State.

Proposers should demonstrate knowledge of other BOS cost-reduction efforts and describe how their proposals complement, supplement, or leverage these efforts. Proposals to this program should not duplicate any of the numerous efforts currently addressing BOS costs where such duplication would result in an inefficient use of funds or cause adverse consequences that could result from uncoordinated overlap. Projects may leverage work that has been done elsewhere by implementing solutions in New York that have been developed or tested elsewhere.

Informational Links: Information on some (but not all) ongoing BOS cost-reduction efforts is available in the following links:

NY-Sun: (www.ny-sun.ny.gov) The NY-Sun Initiative, a dynamic public-private partnership, will drive growth of the solar industry and make solar technology more affordable for all New Yorkers. The NY-Sun Initiative brings together and expands existing programs administered by the New York State Energy Research and Development Authority (NYSERDA), Long Island Power Authority (LIPA), and the New York Power Authority (NYPA), to ensure a coordinated, well-funded solar energy expansion plan.

SunShot Initiative: (www1.eere.energy.gov/solar/sunshot/index.html) The Department of Energy's SunShot Initiative is a national initiative to reduce the costs of solar energy. This program has funded numerous projects designed to reduce BOS costs.

Solar 3.0: (www.solar30.org) Solar 3.0 is an outreach initiative to promote process innovation in American cities through the standardization of local land use, zoning code ordinances, permitting processes and interconnection rules for distributed solar PV. Their web site has links to tools that can be used to reduce BOS costs.

Solar ABCs: (www.solarabcs.org) The Solar America Board for Codes and Standards (Solar ABCs) is a collaborative effort to develop coordinated recommendations to codes and standards making bodies for solar technologies.

IREC: (www.irecusa.org) The Interstate Renewable Energy Council has some publications related to BOS issues.

Solar Rooftop Challenge: (http://www.eere.energy.gov/solarchallenge/) The Solar Rooftop Challenge is part of the DOE's SunShot initiative where twenty-two teams from across the country are taking the challenge to make installing rooftop solar PV easier, faster, and cheaper for homeowners and businesses.

Sustainable CUNY: (http://cuny.edu/about/resources/sustainability/solar-america.html) New York City was designated a Solar America City in June 2007 under the U.S. Department of Energy's Solar America City Initiative. This web site describes efforts underway to reduce BOS soft costs and support large-scale solar energy growth in New York City.

SunShot Incubator Program: (http://www1.eere.energy.gov/solar/sunshot/incubator.html) Under the DOE's SunShot initiative, forty-seven startups are transitioning pre-commercial product prototypes through the pilot stage into full-scale manufacture.

Informational Webinar: NYSERDA will conduct an information webinar to be held on **June 17, 2013 at 10 am EST**. NYSERDA staff will describe the program and answer questions relating to the program. Prior registration for the webinar conference is available, but not required. Participants can join up to 30 minutes beforehand. Instructions to participate are as follows:

Step 1 – REGISTER (optional). To Register click https://nyserda.ilinc.com/register/tpyhbtv and enter your information. Click SUBMIT. The system will then send you a customized link to join the webinar. You may join the webinar up to 30 minutes before the session begins.

Step 2 - JOIN THE WEBINAR TO VIEW PRESENTATION SLIDES AND SUBMIT QUESTIONS
If you did not register from step 1, go to https://nyserda.ilinc.com/join/tpyhbtv to join the webinar up to 30 minutes before the session begins.
Enter your name and email and click SUBMIT.

Step 3 - In the "Welcome to iLinc!" window, select the "Dial into the teleconference" radio button.

- Dial-In number 1-888-394-8197 and Passcode 303066 are displayed.

Write down the "Unique Identifier" number preceded by *29. (i.e. *29 502#).
Click OK.

Step 4 - JOIN TO THE AUDIO CONFERENCE
Dial 1-888-394-8197
Enter Passcode 303066
Once in the conference and it has begun, press *29, then enter your "Unique Identifier" (see above) number followed by the # key (i.e. 502#). This optional step will enable you to 'raise your hand' to ask questions during the webinar by linking your phone and internet presence.

A second informational webinar may be held prior to the second due date of this solicitation. If a second webinar is scheduled, information on this webinar will be posted at http://www.nyserda.ny.gov/nysun-bos.

FAQs: Potential proposers are encouraged to contact Jennifer Harvey at jlh@nyserda.ny.gov with questions about this PON. If there are frequently asked questions, a list of these questions and answers will be posted at http://www.nyserda.ny.gov/nysun-bos. This FAQ list will be updated as necessary.

I. PV BOS PROJECT AREAS

Projects must address one or more PV BOS soft cost or BOS hardware cost areas to reduce the cost of energy from PV systems in New York. Examples of BOS project areas include, but are not limited to:

Soft Cost Areas

1. Developer/installer business costs, such as customer acquisition costs, carrying costs, insurance, performance and payment bonds, and incentive program participation administrative costs
2. Development costs, including financing and contracting
3. System design and engineering
4. Permitting, interconnection, and inspection
    a. Utility interconnection – costs related to fees, installer or expediter labor related to obtaining approvals and inspections, time to get approvals, uncertainty, inspections, etc.
    b. Town/local government – costs related to fees, installer or expediter labor related to obtaining approvals and inspections, time to get approvals, licenses, fire issues, uncertainty, inspections, etc.
    c. Homeowner association issues and barriers
5. Installation labor
    a. Reduce repeat site visits
    b. Standardization/modularization
    c. Plug and play strategies
6. O&M
    a. Reduced monitoring costs and costs associated with ensuring proper performance
    b. Enhanced monitoring to increase system reliability

Hardware Areas

1. Electrical
    a. Inverter, conduit, alternatives to conduit, wiring, monitoring hardware, etc.
2. Non-electrical
    a. Mounting systems and fasteners
3. Other
    a. Hardware solutions that reduce soft costs
    b. Standardized or modularized products

II. PROJECT CATEGORIES

This solicitation includes three categories of projects. **Proposers must indicate to which category they are proposing.** Proposers should give careful consideration to which category they select, as inappropriate choices may negatively affect project selection results. Proposers are encouraged to contact one of the people listed as contacts for technical questions on the cover page of this solicitation to clarify project categories. The three project categories are described below:

Category A - BOS Soft Cost Reduction: (Maximum funding for each proposal in this Category is $500,000. Proposals requesting over $250,000 must be divided into stand-alone phases, with no phase requesting more than $250,000. Cost share of at least 25% of each phase and of the total project is preferred.)

Category A projects are PV BOS soft cost projects (non-hardware) that will reduce the cost of PV systems by addressing and reducing specific 'soft' cost elements of PV systems. Proposals to develop training programs are not eligible as training will be covered by another program. Unless the project specifically targets a barrier unique to a specific type of PV project or technology, soft cost projects should include all types of PV projects that could be relevant to the target audience, e.g. permitting-related projects should not exclude single-inverter projects, multiple-inverter projects, ac modules, different mounting methods, etc. BOS soft cost projects that include installation of PV systems to demonstrate a soft cost reduction strategy should propose under Category C.

As an example, Category A proposals may address one or more of the following soft cost areas:

- Facilitate consistent permitting requirements and processes between cities and towns, streamlined permitting processes, on-line permit applications, self-permitting, reasonable application fees, etc. Note that in areas like this where consistency is a desired result, coordination with ongoing efforts in New York State is especially important.
- Develop tools and facilitate implementation of tools or assistance for permitting authorities or other relevant stakeholders
- Address code and other requirements that unnecessarily increase PV costs or pose barriers to use of lower-cost technologies
- Facilitate more streamlined and efficient interconnection approvals
- Cooperatively develop and facilitate improved interconnection application materials
- Address barriers that limit the amount of PV allowed at a particular location, on a circuit, or in a service territory
- Address barriers that will become more significant as the penetration of PV increases
- Increase the accuracy of application materials supplied by installers seeking permits, interconnection, funding, financing, etc. to reduce the need for follow-up clarifications and reduce rejection rates
- Address and promote consistent approaches to addressing firefighter and first responder safety concerns in a manner that does not cause unnecessary barriers to PV
- Develop and facilitate implementation of tools for installers/customers to reduce customer acquisition, system design costs and reduce the need for repeat visits, etc. (e.g. screening/mapping tools, etc.)
- Develop and pilot customer education materials and strategies to increase market power of customers and reduce customer acquisition costs
- Develop and implement new, innovative business models that will result in lower overall PV costs
- Provide outreach to address specific BOS barriers and reduce specific BOS costs
- Perform studies to provide information needed to support or design policy, regulatory, or code changes, and include effective strategies to facilitate change as a result of the study
- Develop and facilitate implementation of designs, practices, standardization, modularization, etc. to lower initial and/or O&M costs on a kWh basis, reduce design/engineering costs, or facilitate streamlined permitting, etc
- Develop and facilitate use of no-cost or low-cost, PV-friendly building practices to make new construction and future installation of PV easier and less expensive
- Develop or pilot lower-cost, streamlined financing/leasing schemes and/or facilitate more streamlined financing approval and/or address perceived risk issues that increase the cost of financing
- Address barriers that increase financing costs or prevent adoption of low-cost, accessible financing or leasing schemes
- Note that development of software tools that will be sold commercially or otherwise generate revenue for a for-profit organization should be proposed under Category B. Adaptation of existing software tools for better applicability to New York and development of software tools that will not result in direct revenue generation for a for-profit business can be proposed in Category A.

Category B: BOS Product Development (Maximum funding for each proposal in this category is $500,000; proposer cost share at or above 50% of the total project cost is required.)

Category B projects are hardware development projects that focus on advancing and developing promising PV BOS technologies and products that will lead to lower overall installed costs of PV systems <u>in the near term,</u> and will lead to the successful commercialization of products manufactured in New York State. Projects in this category may include product design, prototyping, lab testing, and field-testing tasks.

Eligible projects for Category B include:

- Development of BOS components or systems that lead to overall reduced cost of energy
- Development of standardized or modularized systems and plug and play systems that will result in overall lower costs

- Development of hardware solutions that reduce soft costs
- Development of software tools that will result in overall lower costs and that will be sold commercially or generate revenue. Development of software tools that will be offered free of charge and are not intended to generate revenue from sales or advertising should be proposed under Category A. Projects that adapt existing software tools for better applicability in New York should also be proposed in Category A.

Category C: Demonstration Projects (Maximum funding for each proposal in this category is $1,000,000; proposer cost share at or above 50% of the total project cost is required.)

Category C projects install PV systems in order to demonstrate and validate innovative and cost-reducing soft cost concepts or hardware, such as: business models, other innovative soft costs reduction strategies, or BOS components or products. The subject concept or product should be innovative and underutilized in New York and proposers must show how the demonstration will catalyze expansion or use of the cost-reducing concept or product in New York.

Projects in this category should have minimal technology risk by installing products that are ready for commercialization or commercially-available. Projects to demonstrate products or technologies that aren't commercially-ready and still need development should propose under Category B.

Category C projects that focus on demonstrating soft cost concepts may include tasks to develop the soft cost or business concepts; however, concept development should be mature enough for the proposal to provide a compelling case that the demonstration is likely to meet its objectives. If the concept is not sufficiently developed to provide a compelling case for likely success of the demonstration, consider proposing in Category A to further develop the concept.

Proposals in Category C should clearly identify how the proposed effort will cause reduction of specific barriers and wide-spread replication of the concept or use of the technology in New York State. Proposals must also identify how the project will lead to lower overall PV lifecycle costs <u>in the near term</u>. Category C projects should include strategies to ensure cost savings for PV systems installed beyond the project term. Demonstration sites must be in New York State. Category C proposals with committed demonstration site(s) are strongly preferred.

Eligible Projects for Category C include:

- Installation of PV systems to demonstrate and validate innovative business strategies, approaches, or concepts that will reduce overall cost of energy
- Demonstration and validation of commercially-ready, but underutilized new BOS technologies that will reduce overall cost of energy
- Installation of PV systems to provide data necessary to support policy, regulatory, or code changes

Proposers should NOT request funds to cover the portion of the project related to procurement and installation of PV systems if those systems are eligible for incentives under a NYSERDA or LIPA PV incentive program. For those projects, funding in this program could cover other aspects of the project such as monitoring, evaluation, and other costs needed to validate and replicate the concept or technology. Projects not eligible to receive incentives under a NYSERDA or LIPA PV incentive programs may request funding for PV procurement and installation tasks at a level equal to or less than published NYSERDA or LIPA PV incentives.

III. PROGRAM REQUIREMENTS (ALL PROJECTS: CATEGORIES A, B, AND C)

Projects selected for funding must:

1. Provide a strong rationale as to how the project will overcome barriers impeding the implementation or adoption of PV systems in New York and result in cost savings associated with purchasing, installing, owning, and operating PV systems in New York State.
2. Quantify the cost savings expected as a result of the project.

3. Provide a plan to measure progress towards meeting your cost reduction goals and measure the results of the project.
4. Identify other past or ongoing efforts to address similar issues and identify how the proposed effort will coordinate with, build upon, or complement these efforts.
5. Include a project budget using the attached Contract Pricing Proposal Form (CPPF) showing total project cost and proposer cost-share. Include a cost-sharing breakdown by project task in the Statement of Work.
6. Demonstrate that the proposer and/or team of proposers are well qualified to carry out the submitted project proposal.
7. For Product Development projects (Category B), provide sharing of success by agreeing to pay recoupment to NYSERDA for any product development project requesting NYSERDA funding over $100,000 upon product commercialization if applicable (see terms and conditions in Attachment G - Sample Agreement).
8. For Product Development projects (Category B), emphasize development and/or application of marketable products that will lower costs in the near-term, provide a preliminary commercialization and marketing strategy, and discuss the potential for manufacturing in New York State.
9. For Demonstration Projects, clearly identify how this project will bring the product or concept closer to commercial readiness or adoption and how the demonstration will lead to PV system cost savings and increased use of the product or concept in New York State beyond the project term. Demonstration sites must be in New York State. Proposals with committed demonstration site(s) are strongly preferred.

Limitations –

- Proposers should NOT request funds to cover the portion of the project related to procurement and installation of PV systems if those systems are eligible for incentives under a NYSERDA or LIPA PV incentive program. For those projects, funding could cover other aspects of the project, such as, monitoring, evaluation, and other costs needed to validate and replicate the concept or technology. Projects not eligible to receive incentives under a NYSERDA or LIPA PV incentive programs may request funding for PV procurement and installation tasks at a level equal to or less than published NYSERDA or LIPA PV incentives.
- Proposals to develop training programs are not eligible as training will be covered by another program.
- Since this solicitation is funded by both the System Benefits Charge (SBC), which is assessed on the electricity transmitted and distributed by the State's investor-owned utilities, and by NYPA, projects must have benefits in the service territories of the State's investor-owned utilities or benefits to NYPA energy customers or benefits to customers of the fifty-one municipal electric utilities in New York State (see Attachment F for a complete list of the fifty-one municipal electric utilities).

Other Considerations

In addition, note that:

- A proposal may be considered non-responsive if it fails to comply with the requirements of this solicitation.
- Prior to an award being made, potential contractors may be required to demonstrate: access to financial resources sufficient to perform the proposed work, technical experience and adequate facilities (or the ability to access them), a good performance record, and the ability to qualify for an award under applicable laws and regulations.
- Applicants may be contacted during the evaluation process to clarify information contained in the proposal.

IV. PROGRAM REQUIREMENTS FOR CATEGORY C DEMONSTRATION PROJECTS ONLY

Demonstration Requirements **for Category C Demonstration Projects Only**

Category C projects selected for funding **must**:

(1) Be commissioned within 18 months of contract award.
(2) Address safety issues, including public safety, that are applicable to the demonstration project.
(3) Comply with all applicable building, fire, electrical, and interconnection codes, standards, and requirements, or otherwise obtain approvals for pilot scale demonstration from the same authorities having jurisdiction.
(4) Demonstrate the concept or technology viability and monitor the performance, characteristics, and benefits for a period adequate to meet project goals. If the monitoring period is under 18 months, the proposer must discuss why the proposed time is adequate. Unless the proposer demonstrates a compelling reason otherwise, at least 365 operating days of data will be required.
(5) Present an economic analysis of the proposed technology or concept demonstration including an estimated cost/benefit ratio, and a plan to measure the actual cost/benefit ratio during the demonstration.
(6) Discuss the overall target market that the demonstration project might impact, what kinds of technology transfer activities the project will include and how the project can be replicated in the target market.

<u>Data Acquisition System (DAS), Analysis, and Reporting Requirements</u> <u>**for Category C Demonstration Projects Only**</u>
It is the intent of NYSERDA and NYPA to provide system level operation and performance information, including economic performance information, to the general public on each of the demonstration projects funded under this solicitation. In order to meet this objective, each demonstration project must provide sufficient instrumentation and data transmittal, and analytical capabilities to allow the collection and analysis of technical and economic performance data. Category C projects selected for funding <u>**must**</u>:

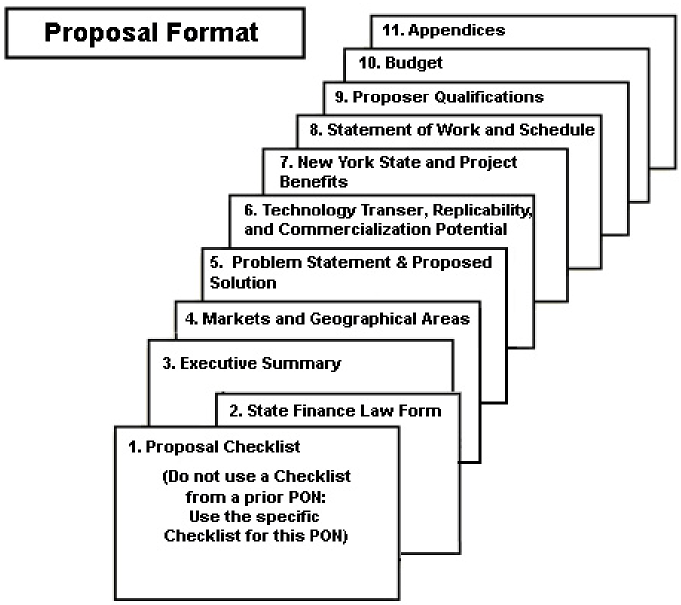
(1) Include a Data Acquisition System (DAS) for the purpose of providing system operating data to be used for evaluation and generation of reports on the overall performance of the technology or concept being demonstrated.
(2) Provide equipment sensors, instrumentation, and a complete data acquisition system for remote monitoring and reporting as appropriate.
(3) Use data acquisition sampling rates that are adequate to characterize the benefits and the value proposition of the proposed application, and archive and protect all raw and summary data collected at the project sites on permanent media.
(4) Measure, collect, analyze, and record data sufficient to demonstrate the economic and other benefits defined in the proposal. For applications that claim multiple benefits, the proposed data and analysis scheme must adequately support the claimed benefit for each of the benefits specified in the proposal.
(5) Identify the project team member who will be responsible for the preparation and delivery of periodic written project reports. System operational summary information must be generated regularly and included in progress reports. At a minimum, the system operational summary information must include the following:
    - Raw data
    - System performance summary
    - Summary of system reliability and failure rates
    - Summary of the economic and other benefits derived for the time period
    - A written summary of all operations and maintenance activities for the time period
(6) Generate annual reports that consolidate all the information from the periodic reports and summarize demonstration system performance for the preceding year.
(7) Where appropriate to document project benefits, collect historical data prior to the installation of the demonstration system(s) in order to provide credible baseline data. Comparison information must be made part of the progress reports.

V. PROPOSAL REQUIREMENTS (ALL PROJECTS: CATEGORIES A, B, AND C)

Proposers must submit twelve (12) print copies and one (1) electronic media copy (CD) of the proposal in **Microsoft Word format** (appendices may be in PDF format) with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Proposal should be addressed to the attention of Roseanne Viscusi at the address on the front of this Program Opportunity Notice. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned.** Faxed or e-mailed copies will not be accepted.

<u>It is very important to review the proprietary information guidelines in Section VIII.</u> To the extent it is necessary to include proprietary information in the proposal, ensure that you follow the instructions in Section VIII and clearly mark the Proposal Checklist as well as specific proprietary information throughout the proposal.

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics - double-sided prints with a staple in the upper left corner is the preferred format. Unnecessary appendices 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 PON number, and the page number. **The proposal must be in the following format and sequence listed below** (suggested page limits for each section are shown in parentheses following the section title).



1. Proposal Checklist (*INCLUDE FOR ALL PROPOSALS*) **- Complete the specific Proposal Checklist attached as part of this PON, and include it as the front cover of the original and each copy of the proposal.** Please note the following:

- Indicate whether you accept the standard terms and conditions as contained in the attached Sample Agreement. Applicants are strongly encouraged to review these terms and conditions with their attorney prior to submitting a proposal. **Contract development will be prioritized for applicants that accept these standard terms and conditions.** If you do not accept the standard terms and conditions, provide alternate terms with justification based on the risk and benefit to NYSERDA, NYPA, and New York State. Due to NYSERDA's and NYPA's desire to have projects underway as quickly as possible, contract negotiations that have significant unresolved exceptions to NYSERDA's standard terms and conditions may be terminated if these issues are not resolved in a reasonable amount of time, as determined by NYSERDA.
- Be sure the individual who is signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted.
- Indicate to which category you are proposing on the proposal checklist. Each proposal will be considered for only one category of funding.

2. Procurement Lobbying Requirements (*INCLUDE FOR ALL PROPOSALS*) - **State Finance Law sections 139-j and 139-k --** Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws are available at: http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html). In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of $15,000, 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 will disqualify your proposal.

3. Executive Summary (*INCLUDE FOR ALL PROPOSALS*) (one page maximum) – Provide a non-proprietary summary of the team members, the BOS-related problem or opportunity, the proposed solution and its innovative characteristics, and potential energy, environmental, and economic benefits to New York State. Use the following outline:

A. Overall Team Qualifications
B. Background
C. Objective and Scope of Proposed Project
D. Project Benefits

4. Markets and Geographical Areas Addressed by Proposal

Markets. Using the chart below, identify the markets (i.e. types of customers) and system sizes that your project will address. Insert a ‘P’ in each box your project primarily targets. Insert an ‘S’ for each box your project may also affect but is not a primary target.

		System Sizes			
		Small 0-10kW	Medium 10-50kW	Large 50-200kW	Very Large Over 200kW
Type of Customer	Residential				
	Commercial				
	Institutional/Government/Not-for-profit				
	Industrial				
	Utility-Scale (wholesale)				

If your target market is more specific than identified in this table (e.g. k-12 schools, box stores, etc.), provide additional information to explain your target market.

Geographical Areas. Describe the geographical area or type of geographical area your proposal targets. For example:

- Does your proposal target a general statewide issue?
- Does your proposal target issues related to urban, suburban, or rural localities?
- Does your proposal pilot a concept in a limited geographical area with the potential to expand to others? If so, indicate the initial geographical area and describe an expansion plan and the resources required to execute this plan.

5. Problem Statement and Proposed Solution (two to three pages) The instructions below request information that allows the evaluation of the relevance and importance of the problem that the project is targeting and the likelihood of the project meeting its objectives and solving the stated problem. Describe the following:

- The specific BOS barrier, problem, or issue that the proposal is targeting and the current state of the technology, concept, or issue as it relates to your proposal. Be as quantitative as possible.
- The proposed solution and how it addresses the problem or opportunity and will help achieve the goals of this program. Indicate how the solution is innovative and superior compared to current technologies, practices, or alternative solutions. Indicate whether the solution will also cause efficiencies or benefits in other forms of distributed generation.
- Past or current efforts (by others or members of the proposing team) to address this issue in New York or elsewhere and how the proposed effort will coordinate with, build upon, or complement these efforts in order to ensure the most efficient use of funds and avoid adverse consequences that could result from uncoordinated overlap.
- The goals of the proposed effort. Describe what you expect to achieve by the end of the project.
- Quantify the improvement your proposed project will achieve relative to the current status.
- Additional Information Required for Category C – Demonstration Projects only –

- The selected project site(s). Identify why the project site is appropriate for the demonstration. Indicate where the site is located and whether the site pays into the System Benefits Charge on its utility bill or is a NYPA energy customer or a customer of the fifty-one municipal electric utilities in New York State (see Attachment F for a complete list of the fifty-one municipal electric utilities). Indicate the current level of commitment by the site. Include a letter from the site in an appendix that indicates its level of commitment. Note that committed sites are strongly preferred. If the site(s) are not committed, provide your strategy for obtaining early site commitment.
- The expected benefits to the end user or host site and to the electric grid that the demonstration is connected to.
- The expected disposition of project equipment after completion of all elements of the demonstration project. If appropriate, describe the long-term maintenance strategy for the system(s).
- The monitoring strategy and period, and how the data will be used to further the commercial application of the technology. If the monitoring period is under 18 months, the proposer should discuss why the proposed time is adequate. Unless the proposer demonstrates a compelling reason otherwise, at least 365 operating days of data will be required.

6. Technology Transfer, Replicability, and Commercialization Potential (two to three pages) The instructions below request information that allows the evaluation of the likelihood of the proposed project to result in future sustainable PV cost reductions in New York State. <u>Provide the information requested in the subsection of Section 6 below that corresponds to your category of project</u>.

6 (A&C). Technology Transfer and Replicability (*INCLUDE THIS SECTION FOR CATEGORY A- PV BOS Soft Cost Project PROPOSALS and CATEGORY C-Demonstration Project PROPOSALS ONLY*) – This solicitation is looking for projects that will take definitive steps to reduce barriers and lower the costs of PV systems in the near-term. Therefore, a strategy to engage the appropriate parties and involve them in the project as appropriate is important. Describe the following:

- **Target Audience and Market:** Describe the target audience for the project (be as specific as possible). The target audience is the party that you are targeting to make a change as a result of this project (e.g. for a permitting streamlining project, it would be the permitting authority; for development of new tools, it would be the parties that would use the tools; etc.) Describe the PV market (including its size) that this change would impact.
- **Target Audience Involvement:** Describe the involvement of the target audience in this project. Include letters of support that indicate any commitments.
- **Value Proposition:** Explain the customer’s or target audience’s motivation for making the desired change or using the results of the project (i.e. the ‘value proposition’ to the customer or audience).
- **Barriers and Opportunities:** Explain the market/institutional and other barriers facing adoption of the concept or product and how this project will overcome these barriers and result in adoption. Include barriers that will become more significant as the penetration of PV increases. Explain market/institutional or other circumstances that could help the success of this project.
- **Long-Term Sustainability:** If the proposed effort will require ongoing funding after the project term, describe your strategy to secure the necessary funding to ensure sustainable cost reductions after the project is completed.
- **Technology Transfer, Outreach, and Replication Strategy:** Describe your strategy to cause sustainable replication or use of the concept or technology. The strategy should cause near-term changes that will reduce barriers and result in lower-cost PV systems in New York State. Explain your strategy to share data and best practices learned from this project.

6 (B). Business/Commercialization Plan or Strategy (*INCLUDE THIS SECTION FOR CATEGORY B- Product Development PROPOSALS ONLY)* – Describe how project results will be used to commercialize or deploy new products and indicate the parties involved in the process. Projects nearing commercialization should have a detailed commercialization plan. Cover the following topics:

- **Product Timeline:** Provide a timeline showing the activities, milestones, resources, timing to take the technology from its current state of development to commercial product. Identify where the technology is now and where you expect to be on this timeline by the end of the proposed effort.
- **Target Market and Value Proposition:** Identify and quantify your target market. Explain the customer’s economic motivation for buying the new product or system, versus alternatives (i.e. the ‘value proposition’ to the customer).

Describe your proposed marketing strategies, and how you will reach your target market and distribute the product to your target market.

- **Barriers and Opportunities:** Explain the market/institutional and other barriers facing adoption of the product and how this project will overcome these barriers and result in adoption. Include barriers that will become more significant as the penetration of PV increases. Explain market/institutional or other circumstances that could help the success of this project.
- **Manufacturing Plan:** Describe your plans to manufacture the product in New York State.
- **Finance:** Estimate funds required to go from the current stage of development to a financially self-sustaining level of commercialization and identify potential funding sources and potential strategic partners.
- **Transfer and Replication Strategy:** Describe your strategy to cause sustainable replication or use of the technology in New York. The strategy should cause near-term changes that will result in lower-cost PV systems in New York State. Explain your strategy to share data and best practices learned from this project.

7. New York State Impact and Project Benefits (*INCLUDE FOR ALL PROPOSALS*) (one page) – Outline benefits as follows:

- Quantify the following potential direct benefits to New York State (be as specific as possible), how you will achieve that benefit, and why you believe that you will achieve the expected benefit. Provide the rationale to support these projections. Include and support projections for the following specific impacts as they apply to your project:
  - Impact on reducing the overall cost of PV systems on a kW, kWh, and LCOE basis. Include how the project impacts the levelized cost of energy (LCOE) of a PV system, not just one component of its costs.
  - Impact on reducing time-to-installation
  - Size and description of the New York market(s) that this project will directly influence
  - Potential for replicating project results to other New York markets, the size of these expanded markets, and the cost to address to expand into these markets
  - Other direct impacts anticipated as a result of the project
- For product development projects, identify where the product is (or will be) manufactured and the rationale behind this location. Indicate whether significant subsystems/components are manufactured in New York.
- For the proposed effort, identify the percentage of the total labor and subcontracted labor that will occur in New York.

- Since this solicitation is funded by both the System Benefits Charge (SBC), which is assessed on the electricity transmitted and distributed by the State's investor-owned utilities, and by NYPA, projects must have benefits in the service territories of the State's investor-owned utilities or benefits to NYPA energy customer or customer of the fifty-one municipal electric utilities in New York State (see Attachment F for a complete list of the fifty-one municipal utilities).

8. Statement of Work and Schedule (*INCLUDE FOR ALL PROPOSALS.*)

<u>Statement of Work</u> (two to four pages of work scope tasks in addition to the 'boilerplate' tasks in Attachment C.) The Statement of Work (SOW) is the primary contractual document that outlines work activities and quantifies deliverables. **Refer to Attachment C for a Statement of Work format and specific instructions regarding preparing the Statement of Work**.

The Statement of Work specifically delineates each step or procedure required to accomplish the project objectives. Therefore, each action shall be identified, indicating who will perform it, how it will be performed and its intended result. Be clear and specific: concentrate on how and not why. Use active voice sentence structure to make clear who is responsible for specific actions; for example, use the following phrase to start the description of every task and subtask: The Contractor shall ....

<u>Schedule.</u> Present a work schedule with a starting point and duration for each task and subtask. Presentation of the schedule in a bar chart is preferred starting with "Month 1", Month 2", etc. The schedule should include timing of major milestones such as design reviews, test result analyses, completion of working prototypes, delivery of products, and the start of metrics reporting to NYSERDA, showing progress toward project objectives and goals.

If applicable, a brief description and anticipated duration of additional development or commercialization activities, beyond the proposed work, that will be necessary to fully achieve commercialization.

(*INCLUDE MILESTONE PAYMENTS FOR CATEGORY C PROPOSALS ONLY)* <u>Milestone Payments</u> – Provide a list of deliverables associated with each task with proposed milestone payments assigned to major deliverables. The magnitude of the milestone payments should be based on the amount of effort required to reach the deliverable. Completion of final design, equipment delivery, commissioning, submission of data, and acceptance of final report are examples of typical milestones for demonstration projects.

9. Proposer Qualifications (*INCLUDE FOR ALL PROPOSALS*) (two to three pages; include resumes and other material in appendices) – Identify:

- **Proposing Organization(s):** Include a brief description of organization(s) involved in the proposing team, including major subcontractors. For each organization in the proposing team, include date founded, history, size, product portfolio, and location. Also include an explanation of why the proposed organization or team is the best qualified to perform/implement the project from a technical and business perspective. Identify any other organizational qualifications relevant to the proposed work. If applicable, include examples of previous successful commercialization projects and the current status of those successes. For demonstration projects, show an understanding of New York State energy markets and interconnection requirements, and include information on the organization that will host the demonstration. (Note: Subcontracts of $50,000 or more are subject to competitive bid procedures except where the proposal identifies a specific subcontractor as an integral participant in the proposed work; see Sample Agreement).

- **Organizational Chart**: Prepare an organizational chart listing all team members, including the project manager and any subcontractors and other sponsors involved in the project, showing their roles and responsibilities.

- **Qualifications of Key Individuals**: Identify key individuals that will be involved in the project and its success. Provide one- to two-paragraph summaries of relevant technical and business expertise of these individuals. Submit resumes (as appendices) of all key project team members. Include in the resumes location of the individual, and education and experience that are relevant to the proposed work.

- **Previous Experience**: Describe the proposing team's experience that is <u>relevant to the proposed effort</u>. List related projects that have been undertaken and successfully completed by the Proposer and/or subcontractors. List NYSERDA and NYPA contracts awarded to the proposer, if any, in the past five years.

10. Budget (*INCLUDE FOR ALL PROPOSALS*) – Include a project budget using the attached Contract Pricing Proposal Form (CPPF) in Attachment D showing a total of project costs and proposer cost-share. Include the 'Required Supporting Schedule' located on the second tab of Attachment D. Category A projects with several sections or phases should include a CPPF for each section or phase, as well as one for the total project.

<u>Funding</u> - Maximum funding per project is as follows:

- Category A - PV BOS Soft Cost Reduction Projects: $500,000 for the total project with a maximum of $250,000 per section or phase of the project.
- Category B - Product Development: $500,000.
- Category C - Demonstration Projects: $1,000,000.

<u>Cost Sharing</u> - The proposal should show non-NYSERDA, non-NYPA funding. For Category A projects, cost-sharing of at least 25% of the total project cost is preferred. For Category B or Category C projects, cost-sharing of at least 50% of the total project cost is required. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. This program will not pay for efforts that have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. Complete the following table for **ALL PROPOSALS** (expand table as needed):

FUNDING SOURCE TABLE			
Funding Source	Project Total $		
	Cash	In-Kind	Total (cash + in-kind)
NYSERDA/NYPA	$		$
Proposer	$	$	$
Co-Funder (identify)	$	$	$
Co-Funder (identify)	$	$	$
Total ($)	$	$	$

For all proposals, attach supporting documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:

1. Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).
2. If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA and NYPA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

NYSERDA and NYPA reserve the right to audit any indirect rate presented in the proposal and to make adjustment for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.

Recoupment - For any new technology or product development projects requesting funding over $100,000, NYSERDA will require a royalty based on sales of the new product developed. NYSERDA's standard royalty terms are identified in Attachment G, Sample Agreement.

11. Appendices (*INCLUDE FOR ALL PROPOSALS*) – Include any resumes, company qualifications, or ancillary information that is deemed necessary to support your proposal. If appropriate, also include:

- **Letters of Interest or Commitment** – If you are relying on any other organization to do some of the work, provide services or equipment, or share in the non-NYSERDA/NYPA cost, include a letter from that organization describing their planned participation. Also include letters of interest or commitment from businesses or other organizations critical to the future commercialization, demonstration, or implementation of the project. Include letters from target audience members to support their involvement in the project and the likelihood of their making a change as a result of the project. For Category C proposals, include letters of commitment for demonstration sites. Absence of letters of interest or commitment will be interpreted as the proposer not having support from the identified parties.

- **Exceptions to the Terms and Conditions** – If you do not accept the standard terms and conditions (including the recoupment provisions) as contained in the attached Sample Agreement, provide alternate terms with justification based on the risk and benefit to NYSERDA, NYPA, and New York State. NYSERDA and NYPA reserve 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.

VI. PROPOSAL EVALUATION

Proposals that meet Proposal Requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria identified below. Each project category has a separate set of evaluation criteria as indicated below. After the proposals are reviewed, NYSERDA and NYPA will issue a letter to each proposer indicating the proposal evaluation results.

Proposers receiving favorable evaluations will be invited to enter into contract negotiations with NYSERDA and NYPA. Proposers may also be asked to address specific questions or recommendations of the TEP before contract award.

Problem and Proposed Solution

- How significant is the problem or opportunity to New York State as it relates to the goal of reducing PV BOS costs?
- Does the proposer demonstrate a thorough understanding of the barrier or technology that will be addressed, the challenges associated with overcoming the barrier, and the proposed solution?
- Is the proposed solution likely to solve or make substantial progress toward solving the problem?
- Does the proposer demonstrate a thorough understanding of other past or ongoing efforts that address similar issues, and will the proposed project effectively and appropriately coordinate with or complement these efforts, avoiding inefficient use of funds and avoiding adverse consequences that could be caused by uncoordinated overlap?
- Does the proposer exhibit an understanding of the state-of-the-art, competing products or alternative solutions, and is the proposed work feasible, innovative, and superior to alternatives?
- For soft cost projects, does the project include all types of PV projects that the target audience will see as appropriate for the project?
- Has the proposer adequately benchmarked the targeted issue or technology?
- If the proposed work is a follow-on project to a previously funded NYSERDA or NYPA project, what was the outcome of the earlier phase?
- <u>Additional Evaluation Criteria for Category C – Demonstration Projects only</u> –
    - Does the project demonstrate an innovative and underutilized concept or technology and is this demonstration a necessary step to achieving replication of the concept or technology in New York?
    - What is the level of commitment of a New York State site?
    - Is a performance monitoring and data analysis effort included in the proposal and appropriate?

Technology Transfer, Replicability, and Commercialization Potential

- Is the target audience appropriate and appropriately identified and engaged in the project?
- Has the market been identified and characterized and are there sufficient markets or needs for the concept/technology, project, or study?
- What is the size of the potential market that would benefit from this project?
- Does the proposed project address needs of the target audience and provide a strong value proposition to the customer or target audience compared to alternatives?
- How significant are the barriers to adoption of the concept or technology?
- Does the proposer demonstrate a clear understanding of the steps required to overcome these barriers?
- Are the replication, technology transfer, or business and commercialization or plans likely to succeed?
- Is the subject concept or technology likely to be adopted or successful in the marketplace?
- Does the project have a clear pathway to adoption at scale by the marketplace?
- Is the project likely to lead to sustainable reductions in BOS costs after the project is completed?
- If follow-on financial resources are necessary, are plans to raise necessary financial resources likely to be successful?
- Does the project have an appropriate and effective strategy to share best practices, data, and results?
- <u>Additional criteria for Category B Product Development proposals only</u> –
    - Has a realistic strategy been presented for producing the technology, product, or system and introducing it to the market; is the manufacturing plan likely to result in manufacturing or significant commercial activity in New York?
- <u>Additional Evaluation Criteria for Category C – Demonstration Projects only</u> –
    - To what extent does the proposed demonstration concept or technology have commercial applications at other New York State sites?

New York State Impact and Project Benefits

- How significant are the impacts and benefits in the service territories of the State's investor-owned utilities or to NYPA energy customers or customers of the fifty-one municipal electric utilities in New York State (see Attachment F for a complete list of the fifty-one municipal electric utilities)?
- How well are the potential benefits quantified?

- How likely is it that the projected benefits will be realized?
- How significant an impact will the project have on reducing the overall cost of PV systems on a kWh or levelized cost of energy basis?
- What size is the market that will be affected and has the potential to be affected?
- For product development projects, to what extent will there be economic benefits in the form of subsequent commercial activity?
- Are the project risks identified, appropriately addressed, and balanced by project benefits?
- Will a significant part of the work on the project take place in the service territories of New York State's investor-owned utilities or at NYPA energy customer locations or within one or more of the fifty-one municipal electric utilities in New York State (see Attachment F for a complete list of the fifty-one municipal electric utilities)?

Statement of Work and Schedule

- How appropriate are the goals for the proposed project?
- Do the proposed goals adequately allow for measurement and verification of the success of the proposed project?
- Is the work strategy in the Statement of Work appropriate, sound, organized, complete, and likely to achieve the goals?
- Is the plan to measure progress towards meeting project goals and measure the results of the project appropriate and effective?
- How realistic is the schedule for achieving the goals of the proposed project?
- Is the proposed level of effort reasonable to complete the proposed project?
- <u>Additional Evaluation Criteria for Category C – Demonstration Projects only</u> –
    - Does the Statement of Work include an economic analysis of the technology based on performance measurements?
    - Are the data acquisition, monitoring, and reporting plans reasonable and do they meet the requirements in Section V, 'Requirements For Category C Demonstration Projects Only'?
    - If monitoring baseline utility system operation is necessary, does the Statement of Work include a provision to adequately gather baseline data?
    - Are the proposed milestones reasonable?

Proposer Qualifications (All Categories) **-**

- Has the proposer provided evidence of being qualified to perform the proposed work based on the qualifications of the organization(s) and the involved individual(s)?
- Are the appropriate partners involved in the project?
- Are appropriate stakeholders involved in the project?
- Were resumes of key individuals included in the proposal?
- To what degree does the proposer have the relevant and necessary background and experience?
- Does the team have the requisite knowledge of markets for the subject technology?
- Has the proposer provided evidence of good past performance on other relevant projects?
- Is the proposing team appropriately organized?
- Are staff allocations and responsibilities reasonable?
- Does the proposal include letters of support that appropriately commit team members and involved stakeholders?

Project Cost and Value (All Categories) **-**

- Is the overall project cost justified and reasonable based on the level of effort proposed and the expected benefits?
- How significant is the potential project benefit relative to the project cost?
- To what extent does the project/concept maximize private leverage?
- How much cost sharing is provided, and for Category A projects, does the cost sharing meet or exceed the 25% preferred cost sharing level?
- How appropriate are the proposer's cofunding contributions (sources and amounts) with respect to the degree of risk, potential to benefit from the work, and financial status of the organization?
- How firm are the commitments and support from essential participants, cofunders, and related business and other organizations?
- Are the overhead rates reasonable and supported with appropriate documentation?

- Are equipment, facility, material, and travel costs based on reasonable estimates (Note: costs will be limited to rates set forth in the Federal Travel regulations and the Internal Revenue Service mileage rate)?
- Are the labor rates reflective of the industry?

Other Considerations –
Proposals will be reviewed to determine if they reflect NYSERDA's and NYPA's overall objectives, including:

- Risk/reward relationships
- Achieving a balanced portfolio of projects
- Minimizing inefficient duplication associated with similar proposed, ongoing or completed projects
- The general distribution of projects among categories, technologies, industries and other organizations, and geographically within New York State.

To further such objectives, NYSERDA reserves the right, in its own discretion, to limit or withhold awards.

VII. GENERAL CONDITIONS

PROPRIETARY INFORMATION
Careful consideration should be given before confidential information is submitted to NYSERDA AND NYPA 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 AND NYPA 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 AND NYPA 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 http://nyserda.ny.gov/~/media/Files/About/Contact/NYSERDARegulations.ashx. However, NYSERDA and NYPA 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
30 South Pearl Street
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html
The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of $100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf).
Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf.

CONTRACT AWARD
NYSERDA and NYPA anticipate making 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 and NYPA 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 10 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.**

ANNUAL METRICS REPORTS
On an annual basis, the Contractor shall submit, to NYSERDA's Project Manager, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be documented. Reporting shall commence the first calendar year after the contract was executed. Reports shall be submitted by January 31st for the previous calendar years activities (i.e. reporting period). Please see Attachment E: Sample Metrics Reporting Guides for the metrics that you will be expected to provide and the reporting duration. **NYSERDA may decline to contract with awardees who are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.**

LIMITATION
This solicitation does not commit NYSERDA or NYPA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA and NYPA reserve 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 and NYPA'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 or NYPA 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.

RECOUPMENT
For any new product development projects requesting NYSERDA funding over $50,000, NYSERDA will require a royalty based on sales of the new product developed. NYSERDA's standard royalty terms are 1.5% of sales for products produced in New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to the amount of funds paid by NYSERDA to the Contractor, whichever comes first) and 5% of sales for products produced outside of New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to three times the amount of funds paid by NYSERDA to the Contractor, whichever comes first).

Attachments

Attachment A - Proposal Checklist
Attachment B - Disclosure of Prior Findings of Non-responsibility (mandatory)
Attachment C - Statement of Work Format
Attachment D - Contract Pricing Proposal Form (CPPF)
Attachment E - Sample Metrics Forms
Attachment F - List of Municipal Electric Customers
Attachment G - Sample Agreement with Exhibits