



**ENERGY CODE SUPPORT SERVICES FOR MUNICIPALITIES**  
**Request for Proposal (RFP) 2694**  
**\$3,800,000 Available**

**Proposals Due: June 17, 2014 by 5:00 PM Eastern Time**

**Program Summary**

The New York State Energy Research and Development Authority (NYSERDA) seeks proposals to provide a range of services targeting municipalities and other stakeholders with the goal of improving compliance with and enforcement of the Energy Conservation Construction Code of New York State (“Energy Code”), including code amendments that take effect during the contract period. It is expected that New York State will be adopting a new Energy Code based on the International Energy Conservation Code (IECC) with separate schedules for the Commercial and Residential provisions. This RFP is intended to support New York State’s energy efficiency goals by providing Energy Code education and support to a variety of audiences comprising the design, enforcement, and construction marketplace.

Efforts under this RFP will work to build a deep and sustained understanding of the Energy Code. Proposers must communicate clear approaches, strategies and tools for achieving the goals of this RFP, and demonstrate strong Project Team qualifications and relevant experience.

This RFP identifies five Categories in which proposals will be reviewed and selected. Total available funding is \$3,800,000. Categories and maximum funding per Category are: 1. Statewide Municipal Support, \$2,500,000; 2. NYStretch, \$200,000; 3. Code Enforcement Manual, \$150,000; 4. Energy Code Conference, \$100,000; and 5. Additional Support Services, \$850,000. Proposers may respond to one or more Categories (including more than one response to Category 5, as further described in section II, Program Requirements for Category 5); however, each Category will be evaluated individually. If a single proposal is submitted for more than one Category, proposer must clearly distinguish between information applicable to all categories and information applicable to an individual Category. Each Category for which a proposal is made must be separately tabbed and must individually respond to Program and Proposal Requirements.

**Proposal Submission**

Proposers must submit ten (10) paper copies of the proposal, one of which must contain an original signature. Submission to include the information identified under ‘Proposal Requirements,’ and a completed and signed Proposal Checklist attached to the front of each copy. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 2694  
New York State Energy Research and Development Authority  
17 Columbia Circle  
Albany, New York 12203-6399

Technical questions concerning this solicitation should be submitted to Christopher Sgroi at (518) 862-1090, ext.3373 or [cvs@nyserda.ny.gov](mailto:cvs@nyserda.ny.gov). Contractual questions concerning this solicitation should be submitted to Venice Forbes at (518) 862-1090, ext. 3507 or [vwf@nyserda.ny.gov](mailto:vwf@nyserda.ny.gov).

No communication intended to influence this procurement is permitted except by contacting Christopher Sgroi (Designated Contact) at (518) 862-1090, ext. 3373 or [cvs@nyserda.ny.gov](mailto:cvs@nyserda.ny.gov). 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, incomplete, or unsigned proposals will be returned. It is the proposer’s responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed applications will not be accepted. Applications will only be accepted at the NYSEDA location noted herein.

If changes or clarifications are made to this solicitation, notification will be posted on NYSEDA’s web site [www.nyserda.ny.gov](http://www.nyserda.ny.gov). It is the responsibility of each proposer to monitor the website for any posted information applicable to this RFP.

## **I. INTRODUCTION**

The New York State Energy Research and Development Authority (NYSERDA) seeks proposals to provide a range of services targeting municipalities and other stakeholders with the goal of improving compliance with and enforcement of the Energy Conservation Construction Code of New York State (Energy Code). The services developed from this RFP will build on earlier efforts which, since 2010, have included free plan review and direct support for Code Enforcement Officials and an Energy Code hotline. Other current areas of interest include services or structures to promote and test the use of 3<sup>rd</sup> party inspections or shared code enforcement services. Ongoing and expanded efforts are necessary as a 2010/2011 study of new construction projects concluded that statewide compliance with the Energy Code is significantly below New York State's mandated goal of 90% compliance.

Funding for these services is provided through the System Benefits Charge (SBC). Although this RFP is a NYSERDA initiative, the New York State Department of State (DOS), the entity responsible for administration of the Energy Code, will be a key collaborator through the duration of all awarded contracts.

Proposers are encouraged to team with other firms or individuals to bring specific expertise and support to each Category of work. For purposes of this solicitation, the Project Team includes all staff of the proposer and all proposed subcontractors identified in the Proposed Budget by Task (Attachment C) and CPPF form (Attachment E). NYSERDA will only have a contractual relationship with the selected proposer(s), which will be responsible for managing the Project Team to ensure that the scope of work and all terms and conditions of the contractual agreement with NYSERDA are met.

Contracts will be structured on a time and materials and/or milestone basis. For milestone projects, payment will be made on completion and documentation of a task or subtask. Certain categories and tasks, such as Category 1 Plan Review and On-site Inspections, require the proposal to include a unit cost, i.e., the cost, established by the proposer, representing the average, flat fee(s) for providing that service across all projects undertaken within the assigned region(s).

Under separate contract, NYSERDA will work with a full-service marketing firm to develop a *Statewide Marketing Plan to Support Code Compliance*, a comprehensive approach applicable to all efforts associated with these initiatives. This firm will provide general statewide marketing on the importance of codes and templates for use by the selected proposer(s) under this solicitation. Primary marketing efforts required for successful implementation of work included in each Category remains the responsibility of the selected proposer(s).

## **II. PROGRAM REQUIREMENTS**

NYSERDA seeks proposals to provide services for five distinct Categories. Proposers may respond to one or more Categories within a single proposal, however, each Category will be evaluated individually.

Delivery of services developed in response to this solicitation will commence upon contract award and continue through December 31, 2016, unless additional funding becomes available.

### **CATEGORY 1: STATEWIDE MUNICIPAL SUPPORT**

**Description:** For Category 1, a single proposer will be selected to provide a range of free services to municipalities and Code Enforcement Officers, and secondarily to other market stakeholders (Architects/Engineers, Contractors/Builders and Trades, Third Party Energy Specialists, etcetera) interested in receiving specialized Energy Code support. These services shall target both new construction and renovation of residential and commercial buildings.

New York is a large state with diverse regional economies, populations and building stock. The selected proposer must demonstrate an understanding of these unique regions as well as the infrastructures, practices, constraints and needs of their municipal code enforcement offices. Within the selected proposer's proposed scope of services, priority should be given to communities with high construction volume and those participating in NYSERDA's Cleaner Greener Communities program <http://www.nysERDA.ny.gov/Statewide-Initiatives/Cleaner-Greener-Communities.aspx>.

Proposals must assemble a strong Project Team that can adequately serve the entire State and meet regional and municipal needs. The Project Team must demonstrate a statewide presence and network of contacts. Project Team members responsible for delivery of services must be technically qualified on the Energy Code and building construction; have first-hand experience working with Code Enforcement Officers in the permitting and construction process; and be engaging, articulate and able to adapt delivery of services as needed.

Proposals must anticipate the need to adjust the approach and scope of services delivered during the project period in order to adapt to market needs and influences.

Where possible (for example, in-office training), proposals should provide a means for services to qualify for continuing education credits with the American Institute of Architects, the Building Performance Institute, the Society of Professional Engineers, the New York State Department of State and/or other professional certifications with value to the target audience.

**Proposed Tasks:** The selected proposer under Category 1 shall be responsible for, at a minimum, the following tasks. Tasks proposed in addition to those identified below must be clearly explained and demonstrate value to the Category:

1. Administration: Administrative tasks shall include:
  - a. Project Management. Project management shall be led by a project manager with experience in coordinating statewide activities conducted by numerous Project Team members. The project management task should include all aspects of project coordination.
  - b. Marketing. The selected proposer shall implement the proposed marketing and implementation plan to solicit participation by municipalities, Code Enforcement Officers and other market stakeholders. The selected proposer shall use the general marketing materials and strategies developed as part of the forthcoming *Statewide Marketing Plan to Support Code Compliance*, prepared under separate contract.
  - c. Reporting. The selected proposer shall submit monthly status reports that include, but are not limited to, an overall progress report for the entire Category 1 effort as well as an assessment of enforcement, gaps in enforcement, and barriers to improving Energy Code compliance in the communities where services are provided, as well as:
    - i. Summary of support activities and marketing efforts
    - ii. Project-Specific Support:
      1. For each Plan Review project completed: description of services provided, outcome, contact information for the program participant, time allocation, and copy of plan review summary report.
      2. For each On-Site inspection project: description of services provided, outcome, contact information of program participant, time allocation, and meeting summary.
    - iii. General Support:
      1. Detailed breakdown indicating activities, hours spent, municipalities served (with participant contact information) and summary of services delivered.
      2. Energy Code Hotline: documentation of incoming questions and outgoing responses.
      3. Schedule for upcoming months' activities.

Task 1 shall be paid on a time and materials basis. Project administration activities may not exceed 15% of the total proposed budget for this Category.

2. Project-Specific Support Services: Project-Specific Support Services will include, at a minimum, assistance with Plan Review and On-Site inspections.
  - a. Plan Review: Building plans are often incomplete and lack details necessary to demonstrate Energy Code compliance. The selected proposer shall provide assistance with the plan review process in order to improve the program participant's ability to review a set of plans for Energy Code compliance and to increase awareness of available resources to aid in the review process. To the extent possible, the selected proposer shall deliver services in-person and use communication strategies such as webinars or go-to meeting. Services shall include project-specific plan reviews that identify areas of non-compliance, recommendations for improvement and other "next steps," and project follow-up to track the results of services. A Plan Review project is considered to include all support necessary to take a building permit application from the point it is received through issuance of a building permit.
  - b. On-Site Inspection: Verifying Energy Code compliance during the construction process is required but difficult to perform. The selected proposer shall assist Code Enforcement Officers and other market stakeholders in efficient site inspection practices, including coordinating site-visits at required points during construction and identifying critical areas of focus. The selected proposer shall be available on short notice for onsite inspection support and/or create a model for alternate approaches for providing assistance. An On-site Inspection project is considered to include all support necessary to support a single building permit application.

Task 2 services shall be paid on a milestone basis upon completion of defined deliverables. Attachment C must indicate the number and anticipated statewide distribution of Plan Review and On-site Inspection projects over the project period, and the fixed cost and estimated time allocation for each. Proposals must identify a fixed cost per completed Plan Review and On-site Inspection project. Proposals must include a description of services, expected learning goals and outcomes and demonstrate an understanding of and response to market needs.

3. **General Support Services:** General Support Services shall include the Energy Code Hotline and Miscellaneous assistance to be provided in support of this code compliance effort.
  - a. **Energy Code Hotline (phone and email):** Selected proposer shall establish and staff a dedicated telephone line (operational during standard business hours) and dedicated email address to receive questions that arise relative to the Energy Code. Responses to email and telephone requests shall be made within one business day and in some cases may require coordination with Department of State Energy Unit staff. Hotline to be advertised on NYSERDA website.
  - b. **Miscellaneous:** Selected proposer shall provide support on Energy Code and related construction topics as requested by municipalities and market stakeholders, including scheduled in-office trainings reaching more than one staff member, assistance to strengthen project tracking and record keeping, and additional proposed services as approved by NYSERDA.

Task 3 services shall be paid on a time and materials basis and may not exceed 25% of the total proposed budget for this Category. Proposals must include a description of services, expected learning goals and outcomes and demonstrate an understanding of and response to market needs.

**Available Funding:** A total of \$2,500,000 is available to support these services for 36 months or as long as funding is available.

## **CATEGORY 2: NYStretch**

**Description:** A single proposer will be selected to assist NYSERDA in developing materials to support an above-code-minimum policy initiative (NYStretch) associated with energy and sustainable construction that would be available for optional adoption by municipalities. This initiative will:

- Culminate in policy recommendations and draft technical guidelines that work within the State’s land use and legal framework;
- Build on the foundation established by the Energy Code, and in consideration of above-minimum codes and regulations adopted as more restrictive local standards in New York and other states;
- Use the 2015 International Green Construction Code and above-code-minimum provisions of other model codes prepared by the International Code Council, ASHRAE, USGBC, and others as base documents;
- Develop an approach that permits the inclusion of topics beyond the scope of the State’s traditional energy and building codes, such as site planning and resiliency, given the limits established by the New York State Energy Conservation Construction Code Act and the New York State Uniform Fire Prevention and Building Code Act; and
- Provide a strategy and budget for implementation.

The selected proposer will manage a Working Group of 10 stakeholders, including NYSERDA staff and key state and national leaders. Recommendations for participants in this Working Group must be included in the proposal, and final Working Group members will be submitted to NYSERDA for approval. The work of the selected proposer shall follow the direction of this Working Group.

The selected proposer’s Project Team will be comprised of a land use planner, attorney, code experts participating in similar efforts on a national basis, professionals knowledgeable of both NYSERDA’s incentive programs and NYS code administration, and others as deemed appropriate.

**Proposed Tasks:** The selected proposer shall be responsible for, at a minimum, the following tasks. Tasks proposed in addition to those identified below must be clearly explained and demonstrate value to the Category:

1. **NYS Framework.** Selected proposer will conduct research on the aforementioned topics in order to develop preliminary recommendations for a NYStretch framework(s) appropriate to New York State. Two drafts and one final framework will be provided.
2. **NYStretch Guidelines.** Selected proposer will develop preliminary NYStretch Guidelines based on the NYS Framework and review of existing above-minimum model codes and current and upcoming national trends. Three drafts and the

subsequent final guidelines are anticipated. Guidelines to be coordinated with 2015 and 2018 energy codes based on available International Code Council (ICC) and ASHRAE model codes.

3. Coordination of Working Group Meetings. Selected proposer to plan and coordinate no fewer than four working group meetings that will be hosted by NYSERDA.
4. Metrics. Energy and environmental benefits and savings shall be considered and quantified for all applicable measures considered as part of the development of the NYStretch framework, and presented for the selected measures included in the final NYStretch Guidelines.
5. Final Report. Selected proposer to compile all tasks into a single report, including an Executive Summary and Action Recommendations.

Services shall be paid on a milestone basis upon completion of defined deliverables.

**Available Funding:** A total of \$200,000 is available to support these services. A single contract award will be made for activities through December 31, 2016.

### **CATEGORY 3: CODE ENFORCEMENT MANUAL**

**Description:** A single proposer will be selected to develop a NYS-specific Energy Code Enforcement Manual (“Code Manual”) for use by Code Enforcement Officers. The Code Manual will serve as a resource for Code Enforcement Officers during Plan Review and On-Site inspections. To develop Code Manual content, proposals must identify strategies for soliciting input and feedback from Code Enforcement Officers and the NYS Department of State. NYSERDA will review and approve all stages of the Code Manual’s development, from concept to content to final deliverables.

The Code Manual must, at a minimum, contain the following:

- Clear explanations and illustrations of compliance paths;
- Guidance on the administrative aspects of code enforcement, organizational and record keeping strategies and best practices for plan review and on-site inspections;
- High-quality and user-friendly format and graphics;
- User-friendly checklists for plan review and on-site inspection applicable to commercial and residential new construction and renovations;
- Illustrations and explanatory materials on common problems and troubleshooting techniques; and
- Formatting for online use with form-fillable versions of checklists for plan review and inspections

The final product of this initiative will be a Code Manual that is print-ready and formatted for online use (including tablets and smart phones), including form-fillable checklists. The Code Manual must be submitted to NYSERDA in InDesign or other native software, packaged with fonts and images for PCs. Images should be converted to CMYK (Cyan, Magenta, Yellow and Black) in the native software and carried over to PDF in the conversion. A high resolution PDF must be submitted with crops and bleeds. Online formatting of the Code Manual must be submitted in a single page layout, optimized for the web, accessible and with Alt Text and RGB (Red, Green and Blue) images. The proposer’s Project Team must include participation of technical experts familiar with the Energy Code and the specific needs of the code enforcement community, and a graphic designer(s) experienced in producing similar products. The scope of work under this Category does not include printing and distribution, which will be handled by NYSERDA.

Services shall be paid on a milestone basis upon completion of defined deliverables.

**Available Funding:** A total of \$150,000 is available to support these services. A single contract award will be made for activities through December 31, 2016.

### **CATEGORY 4: STATEWIDE ENERGY CODE CONFERENCE**

**Description:** A single proposer will be selected to plan and coordinate all aspects of a conference on Energy Code-related topics marketed to the enforcement, design and construction communities. Working under the direction of NYSERDA and with a Steering Committee assembled by the selected proposer for program and agenda development, the selected proposer will be responsible for all aspects of the conference including but not limited to: program and agenda, speakers, venue, budget, and marketing. Minimum criteria to be met:

- 2-day conference, suggested schedule:
  - Day one: start 10 a.m. (coffee); lunch (included); break (snack included); conclude 5p.m.
  - Day two: start 9 a.m. (coffee); lunch (included); conclude 3:00 p.m.

- Venue: Albany or Lower Hudson Valley
- Target Audience: minimum 300 attendees
- Primary audience members: Code Enforcement Officials, Architects/Engineers, Energy Specialists, Building Trades
- Trade show and product demonstrations
- At least three, nationally recognized, NYSERDA-approved speakers in fields relating to conference themes
- Call for Presentations process to recruit and select additional presentations
- Conference structure similar to known, regional events (Efficiency Vermont / Better Buildings by Design; NESEA)
- Registration fees of \$100 or less, including all food and beverage expenses
- Mechanism to evaluate attendee experience

Services shall be paid on a milestone basis upon completion of defined deliverables.

**Available Funding:** A total of \$100,000 is available to support these services. A single contract award will be made for activities through December 31, 2016.

### **CATEGORY 5: ADDITIONAL SUPPORT SERVICE PILOTS**

**Description:** Proposers are invited to propose additional support services not identified in this RFP that will help New York State achieve its Energy Code compliance goals. Services must be designed to improve Energy Code compliance and must complement rather than compete with initiatives undertaken in Categories 1-4. More than one pilot service may be proposed by a single proposer; however, awards will be made based on the merits of each individual pilot service proposed. Proposals will be evaluated based on merit and available funding. Proposals deemed meritorious of a contract award will be ranked and awards will be made in order of rank until available funding for this Category is exhausted.

Proposed support services may target the entire state; a specific municipality, region, or building type; the state's ten most populated municipalities; or municipalities participating in NYSERDA's Cleaner Greener Communities program <http://www.nyserda.ny.gov/Statewide-Initiatives/Cleaner-Greener-Communities.aspx>.

Examples of pilot services include, but are not limited to:

- Unique approaches to improving local code compliance or enforcement;
- Support services or structures to promote, test the use of, and identify best practices for 3<sup>rd</sup> party inspections or shared code enforcement services;
- Support for architects and engineers early in the building design process;
- Efforts that address special building types such as, but not limited to: ultra low energy buildings, historic buildings, municipal buildings; and
- Data collection or other technology tools that support best practices.

Proposers must provide a detailed description of the pilot service, explain its contribution to promoting a high level of Energy Code compliance, identify the Project Team, expected outcomes, and a detailed budget and schedule.

Services shall be paid on a milestone or time and materials basis dependent upon the nature of the work proposed.

**Available Funding:** A total of \$850,000 is available to support these services through December 31, 2016. Individual pilot proposals are capped at \$200,000.

### **III. BUDGET**

The total budget for the five Categories of work included in this RFP is \$3,800,000. Categories and maximum funding per category are: 1. Statewide Municipal Support, \$2,500,000; 2. NYStretch, \$200,000; 3. Code Enforcement Manual \$150,000; 4. Energy Code Conference \$100,000; and 5. Optional Support Services \$850,000. Proposals containing a response to more than one category, or more than one service in Category 5, must provide a separate budget for each category.

### **IV. PROPOSAL REQUIREMENTS**

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Paper copies of proposals must be submitted on 8.5 x11 paper, printed double-sided. Font size must not be smaller than 10 point. Some sections stipulate page limits and proposal sections in excess of stipulated page limits will not be reviewed. Unnecessary attachments beyond those sufficient to present a complete, comprehensive and effective response are discouraged. Each page of the proposal must state the name of the proposer, the RFP number and page number. Applications that fail to follow the requirement guidelines may be returned as non-responsive or scored accordingly through the evaluation process.

Proposers interested in responding to multiple Categories and/or proposing multiple Category 5 pilot services must include all Category proposals in a single document submission, separated by tabs differentiating each Category proposal. For example, if a single proposer prepares one proposal to Category 1, one proposal to Category 2, and two pilot study proposals to Category 5, the proposer would submit one bound document that includes four separate Category tabs. Information applicable to all Category proposals (Items A, B, C and I) should be presented once, and each tabbed Category section must include separate responses to Items D-H. Each Category proposal will be evaluated individually and a proposer proposing on more than one Category may receive an award for none, one or more, or all of its Category proposals.

To facilitate comparison of proposals, proposal format must be sequenced in order as follows:

**A. Proposal Checklist (Attachment A)**

**B. Disclosure of Prior Findings of Non-Responsibility (Attachment B)**

**C. Cover Letter and Abstract (Not to exceed three (3) pages):** Proposers must submit a cover letter on company letterhead that references this RFP, identifies the categories to which the proposal responds, provides proposer contact information, is signed by a person with the authority to enter into a contract with NYSERDA, and includes a succinct summary of each proposal including identification of key Project Team members.

**D. Statement of Work (Not to exceed fifteen (15) pages):** Proposers must prepare a Statement of Work (SOW) for each proposed Category that includes:

1. Identification of all proposed Tasks. For each Task, as defined by this RFP under II. Program Requirements or articulated by the Proposer, the following must be provided: primary goals for the work, proposed approach, deliverables, and budget (total and by task).
2. Proposed Schedule in weeks following notification of intent to proceed.
3. Any other information that will convey to NYSERDA how the program will be conceived and administered.

**E. Project Team Personnel and Qualifications (Not to exceed five (5) pages, independent of resumes):** Information on Project Team must include following:

1. Identification of full Project Team and key personnel, including identification of responsibilities associated with each Task, and an organizational chart.
2. Explanation of the proposer's qualifications and ability to effectively perform the proposed services.
3. One-page resumes that highlight the recent experiences of personnel who will be directly involved in delivering the proposed services.
4. Project Team's relevant expertise, experience and general ability to meet the objectives of this RFP. Thorough descriptions should be given of completed projects that illustrate competency in the range of services requested, including client contact information.
5. Identification of all past relationships between selected proposer and subcontractors.
6. If the proposer does not have offices within New York State, a description of the proposer's ability to perform work in the State.

**F. Fee Schedule:** Proposers must include a budget for the services requested under this RFP. Budgets must be itemized by Task and Subtask (**Attachment C**) and a Contract Pricing Proposal Form (CPPF) (**Attachment E**) must be submitted. Proposals must include Attachments C and E for each Category response.

Cost sharing that includes a contribution from the Proposer or Project Team member is not required, but desirable. If proposal includes cost sharing, a letter of commitment of funds must be provided on letterhead. Expenses that have already been incurred prior to the execution of a NYSERDA contract cannot be claimed as cost-share.

**G. Letters of Commitment:** Commitment letters for all subcontractors on the Project Team must be provided. Proposals must include letters of interest, support or commitment from a select sample of regionally diverse municipalities that will take advantage of the proposed services.

**H. Samples of Work (Not to exceed ten (10) pages):** Proposers are encouraged to include samples of relevant work in a readily-viewable format.

- I. NYSERDA History (Not to exceed three (3) pages):** Identify active and completed NYSERDA-funded projects for which the proposer was a selected proposer or Subcontractor over the last five years.

**V. PROPOSAL EVALUATION**

The evaluation criteria identified in Table 1 is the basis upon which proposals will be reviewed and scored. Proposals will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected non-NYSERDA reviewers. Proposals will be ranked by the TEP for each Category. See section IV. Proposal Requirements for proposal formatting. Each Category proposal will be evaluated separately in a proposer submission that contains more than one Category proposal. Each Category has specific evaluation criteria.



**Table 1: Evaluation Criteria**

<b>GENERAL EVALUATION CRITERIA: ALL PROPOSALS</b>	
<b>General Responsiveness to RFP</b>	
1.	Proposal is responsive to the requirements of the RFP.
2.	Proposal is well-written, organized and coherent.
3.	Proposal includes an organized management plan for the Project Team.
4.	Proposed services are clearly described and demonstrate a high likelihood of success.
5.	Proposal demonstrates an understanding of general and regional dynamics affecting Energy Code compliance in New York State.
6.	Proposal demonstrates prior success with similar efforts via submission of samples of prior, applicable work and examples of client satisfaction.
7.	Proposal incorporates value-added services that exceed the requirements of the RFP.
<b>Project Team</b>	
1.	Project Team is strong; roles of Team members are clearly defined by task, complementary and lend value.
2.	Project Manager has appropriate skills and expertise.
3.	Project Team demonstrates technical competence on the Energy Code and associated construction topics, and is relevant to the RFP's stated goals and specific tasks.
4.	Project Team has successfully collaborated on previous projects.
5.	Project Team demonstrates an ability to effectively deliver services and coordinate with New York State entities as required for successful implementation.
<b>Budget</b>	
1.	Proposal includes a complete CPPF (Attachment E) and Budget by Task (Attachment C) for each Category (if proposal responds to more than one Category and/or proposes multiple responses to Category 5).
2.	Proposal budget is within the funding limit.
3.	Proposed budget is clear and demonstrates reasonable relationship of deliverables to total cost.
4.	Proposed budget allocation among tasks is appropriate.
<b>SPECIFIC EVALUATION CRITERIA: BY CATEGORY</b>	
<b>Category 1: Statewide Municipal Support</b>	
1.	Proposer demonstrates a minimum of three years of experience in plan review and inspection-related services, with specific emphasis on the <i>Energy Conservation Construction Code of New York State/IECC</i> .
2.	Proposal identifies a robust and feasible plan for engaging Code Enforcement Officials and other stakeholders in the building design and construction marketplace.
3.	Proposal demonstrates an ability to deliver support services to municipalities statewide.
4.	Proposal includes letters of support, interest or commitment from communities that will participate in the program.
5.	Proposal demonstrates an understanding of the NYS design, permit, enforcement and construction processes and unique challenges and constraints faced by the enforcement community.
6.	Proposal demonstrates a statewide and regional network of contacts that will be engaged in this initiative.
7.	Project Team organization demonstrates the capacity to quickly and accurately respond to project-specific and general code questions.
8.	Proposal includes in-person interactions supplemented by online-based communication strategies.
9.	Proposal targets communities with high construction volume and/or those participating in NYSERDA's Cleaner Greener Communities program.
10.	Proposal suggests a means for services to qualify for continuing education credits.
11.	Proposal SOW responds to all Category tasks, in detail.
12.	Proposal clearly identifies the number of Plan Review and On-Site Inspection projects to be delivered, and the cost per project delivered is clear and reasonable.
<b>Category 2: NYStretch</b>	
1.	Project Team includes members with specific NYS experience: land use planner, attorney, and code administrator or practitioner.
2.	Project Team includes experts participating in similar efforts on a national basis, with current and future above-code-minimum model codes.
<b>Category 3: Code Enforcement Manual</b>	
1.	Project Team demonstrates experience in: publishing technical manuals or guides, applicable technical content, application and enforcement of the Energy Code in New York State, and direct work with Code Enforcement Officers.
2.	Project Team demonstrates ability to produce the Code Manual in a dynamic, online format.
3.	Proposal describes an appropriate strategy for soliciting input and feedback from Code Enforcement Officers and other stakeholders.

<b>Category 4: Statewide Energy Code Conference</b>	
1.	Project Team demonstrates experience in conference planning and familiarity with the Energy Code and the construction marketplace in New York State.
2.	Proposal includes a plan for selecting conference presenters as well as nationally recognized speakers.
3.	Proposer has the ability to coordinate a trade show.
<b>Category 5: Optional Support Services</b>	
1.	Proposed service(s) compliment Categories 1-4 and fills an Energy Code-related need in the enforcement, design and/or construction marketplace that is otherwise unfulfilled by this RFP.
2.	Proposal thoroughly describes value toward improving Energy Code compliance in New York State.
3.	Proposal indicates commitment of municipalities, or others as appropriate.

## VI. GENERAL CONDITIONS

**Proprietary Information** – Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserdanyc.org/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

**Omnibus Procurement Act of 1992** – It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development  
Division for Small Business  
625 Broadway  
Albany, NY 12207

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

Empire State Development  
Minority and Women's Business Development Division  
625 Broadway  
Albany, NY 12207

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

**Tax Law Section 5-a** – NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Contract Award** – NYSEDA anticipates making one or more 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. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA 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. NYSEDA expects to notify proposers in approximately six weeks from the proposal due date whether their proposal has been selected to receive an award. NYSEDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEDA agreement.

**Limitation** – This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSEDA's best interest. NYSEDA 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 NYSEDA after the award of a contract, NYSEDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

## **VII. ATTACHMENTS**

- Attachment A – Proposal Checklist, including signature
- Attachment B – Disclosure of Prior Findings of Non- Responsibility
- Attachment C – Proposed Budget by Task
- Attachment D – Intent to Propose
- Attachment E – Contract Pricing Proposal Form and Instructions
- Attachment F – Sample Agreement