

Proposals Due: September 25, 2014 by 5:00 PM Eastern Time\*

Through the Renewable Portfolio Standard (RPS) Program the New York State Energy Research and Development Authority (NYSERDA) provides incentives for electric power generation systems using anaerobic digester gas (ADG). The purpose of this solicitation is to select one Technical Assistance Contractor who will provide assistance to New York State dairy farms in all stages of implementation of anaerobic digester systems.

**Proposal Submission:** Proposers must submit two (2) paper copies and one (1) digital copy on CD-ROM of the proposal with a completed and signed Proposal Checklist attached to the front of each hard copy, at least one of which must contain an original signature. Proposals must be **received by NYSERDA** on or before 5:00 PM Eastern Time on September 25, 2014. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 2768  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Tom Fiesinger at (518) 862-1090, ext. 3218 or [Tom.Fiesinger@nyserda.ny.gov](mailto:Tom.Fiesinger@nyserda.ny.gov) or Stephen Hoyt at ext. 3587 or [Stephen.Hoyt@nyserda.ny.gov](mailto:Stephen.Hoyt@nyserda.ny.gov) If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or [vwf@nyserda.org](mailto:vwf@nyserda.org).

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

\*Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the bidder's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at [www.nyserda.ny.gov](http://www.nyserda.ny.gov).

## I. Introduction

The purpose of this RFP is to select one Technical Assistance Contractor who will carry out this Anaerobic Digestion Assistance Initiative (ADAI) to assist New York State dairy farms in all stages of implementation of anaerobic digester systems. The ADAI is designed to assist New York State to reach its New York State ADG Renewable Portfolio Standard (RPS) program targets. The ADAI will also support the goals of the Governor's Yogurt Summit to assist New York State farms in meeting the increased demands for milk by the growing yogurt industry and doing so in an environmentally sound manner. The selected Technical Assistance Contractor will provide this service for an initial term of two years, with an opportunity for a one-year extension as further described below.

Developing and implementing an anaerobic digester system is a complex process that can take several years. Experience in implementing the ADG RPS Program indicates that the increased availability of practical advice and assistance to farmers in all phases of project development will help identify viable projects and facilitate their installation and effective operation. The ADAI will provide assistance across each step in the implementation of a project, including evaluating digester system potential, selecting a technology and contractor, securing financing including RPS incentives, securing interconnection and permits, securing food waste sources, construction, startup commissioning, and operation.

Although exact numbers are difficult to estimate, it is expected that NYSERDA will require technical consulting services for between 10 and 20 ADG farm-based projects per year. The majority of these projects are likely to serve farms in the Central and Western parts of the State; however RPS incentives may be provided for farm-based projects occurring in other parts of the State.

For further information on eligibility and steps required to secure applicable incentives, refer to the "Funding Opportunities" link on NYSERDA's website ([www.nyserderda.ny.gov](http://www.nyserderda.ny.gov)) for a detailed description of RPS funding incentives that can be available for the generation of electricity from anaerobic digester gas and the steps required to secure such incentives.

The primary incentive program for Anaerobic Digester Gas-to-Electricity projects has been the Customer Sited Tier (CST) of the RPS Program. The current CST Solicitation number is PON 2828, under which approximately \$20.4 million in RPS funding is available through 2015 to support the installation and operation of Anaerobic Digester Gas (ADG)-to-Electricity Systems in New York State. Funding is available on a first-come, first-served basis; up to \$2 million is available per project, depending on project specifications. Application Packages must be **received by NYSERDA** on or before December 31, 2015 at 5:00 PM Eastern Standard Time, or prior to the exhaustion of the available funding, whichever comes first.

## II. Program Requirements

Proposers may be qualified individual organizations or teams. Proposers must demonstrate the ability to provide cost-effective, high-quality services to NYSERDA throughout New York.

Technical Consulting services secured through this RFP will be performed **through a series of tasks identified in the Statement of Work of the Agreement, which can be found at Exhibit A of the Sample Agreement, which itself is contained in Attachment G of this RFP**. The Agreement will not guarantee a total amount of work, but will contain a schedule of costs including personnel and travel rates applicable to each of the Tasks in the Statement of Work. The work will include the completion of the first three tasks listed below within the budget to be specified in the Agreement. Within the remaining budget specified in the Agreement, additional work will be provided through Tasks 4 through 7 on individual anaerobic digester projects to be specified during the term of the Agreement by Notices to Proceed given by NYSERDA with respect to each individual digester project. The Statement of work will specify the maximum cost for each of these tasks. Within the remaining budget, work under

Task 8 will also be specified in Notices to Proceed describing work found to be needed during the term of the Agreement.

The Agreement will be for 24 months in duration from the Effective Date of the Agreement, with an option for NYSERDA to renew the agreement for an additional 12 months (total of 36 months), after review of the contractor's performance by NYSERDA and subject to the availability of funds.

NYSERDA is requesting technical assistance services for the following tasks as described in the attached Statement of Work for the ADAI:

- Task 1. Support for a Program Advisory Group
- Task 2. Implementing an Outreach Plan for Farmers Who Are Good Candidates for Installing Anaerobic Digester Systems
- Task 3. Initial Investigation and Planning Assistance
- Task 4. Detailed Investigation/Planning/Application/Contracting Assistance
- Task 5. Construction and Installation Assistance
- Task 6. Start-Up and Commissioning Assistance
- Task 7. Enhanced Operation Assistance
- Task 8. Additional Work in Support of Expanding Use of ADG Systems on an As-Needed Basis

#### Annual Metrics Reports

If awarded, the proposer will be required to submit to NYSERDA's Project Manager on an annual basis, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the Contractor's activities under the Agreement. 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 is executed. Reports shall be submitted by January 31st for the previous calendar years activities (i.e. reporting period). Please see Attachment G: Metrics Reporting Guide for the metrics that you will be expected to provide and the reporting duration. NYSERDA may decline to contract with awardees that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

#### Compensation

Compensation for work associated will be based on the Contractor's fully loaded hourly rates for the appropriate level of staff plus allowable expenses reimbursable at cost, not to exceed the maximum amount per Task.

Restriction on Use. The Contractor agrees that to the extent it receives or is given any information from NYSERDA or a NYSERDA contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon or instructions given by NYSERDA, unless another use is specifically authorized by prior written approval of the NYSERDA Project Manager. Contractor acknowledges that in the performance of the Work under this Agreement, Contractor may come into possession of personal information as that term is defined in Section 92 of the New York State Public Officers Law. Contractor agrees not to disclose any such information without the consent of NYSERDA.

### **III. Proposal Requirements**

In this section, proposers must summarize their understanding of the requirements of this RFP, the general approach to fulfilling them, and why NYSERDA should select the proposer's firm. Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the

RFP number, and the page number. The proposal should address each of the topics **A** through **F** separately, in the following order:

**A. General Description:** Provide a general description of the proposing organization (or proposing team) and the services that can be offered as a Technical Assistance Contractor. If you are proposing as a team, clearly indicate lead contact, subcontractors, team member roles, and their areas of expertise. Responding proposers must include the following information with their response. If subcontractors are intended to be included as part of the proposer's team, include the following information for the subcontractor(s) as well.

1. Organization name, address, telephone and fax number
2. Contact person with e-mail address and phone number (Project Manager)
3. Name and address of parent organization (if applicable)
4. Year that organization was established
5. A chart or matrix depicting the office location(s) from which services will be provided by the Contractor and any subcontractors, which areas of expertise will be covered by the office(s), and the personnel located in each office that will be supporting this effort. Number of employees in New York State that will be available to work on the ADAI. Use of New York based firms is encouraged. If the proposer does not have offices within New York State, a description of the applicant's ability to economically perform work in the State must be included.
6. Number of Professional Engineers that will be available to work on the ADAI
7. Any other locations of the organization in and around New York State that could support this effort
8. Primary activity of organization – be specific
9. Other activities of the organization related to this effort

**B. Qualifications and Experience:** In this section, proposers must provide documented ability to perform the services as described in this RFP.

1. Proposers should include a description of recent relevant activities that demonstrate that they have the capability to adequately perform the work described, including knowledge of anaerobic digestion systems, biogas fueled electric generation systems, and interconnection with the utility grid. The description should specify the level of involvement of the proposing organization in these recent activities, the deliverables and other results of the activity, and list the key personnel (who will also be involved in this effort) and their respective involvement. In particular this description should highlight knowledge of and experience with New York State specific factors, such as utility tariffs, net metering regulations and NYS Standardized Interconnection Requirements. For at least one of the recent relevant activities, proposers must include a customer contact name and phone number as a reference.
2. Include one-page resumés for key personnel describing their relevant accomplishments and expertise.
3. Describe the availability and capabilities of any relevant equipment, software, or other capabilities.

**C. Elements of Approach:** In this section, proposers must briefly describe their proposed approach to the key elements of Tasks 1 through 7 in as set forth in the **Statement of Work of the Agreement, which can be found at Exhibit A of the Sample Agreement, which itself is contained in Attachment G of this RFP** by addressing the following questions:

1. What are the key non-government organizations you would propose to have on the Program Advisory Group in Task 1?
2. What primary methods would you use to identify and reach farmers who are good candidates for installing ADG systems in accordance with Task 2?
3. What are the most important types of information you would provide to help with initial investigation and planning in Task 3?

4. What are the most important types of assistance to provide for the work of Task 4. Detailed Investigation/Planning/Application/Contracting Assistance?
5. What assistance would be most often useful for Task 5. Construction and Installation Assistance?
6. What are the major types of start-up and commissioning assistance you would expect to provide under Task 6?
7. What types of operation assistance can be most effective in maintaining and enhancing good operation of projects assisted under Task 7?
8. What types of other activities might you propose to undertake in support of expanding the implementation of ADG Systems and the implementation of related processes that can contribute to expanded ADG System use?

**D. Staffing Plan and Cost:** In this section, proposers must provide a staffing plan outlining the personnel and the extent of effort and resources projected to support the proposed services. This section must include:

1. A completed Exhibit A-1: Project Personnel & Rates Form describing the personnel and rates to be used in performing the work of this Agreement. This Project Personnel & Rates Form is Exhibit A-1 of the Sample Agreement contained in Attachment G of this RFP. Attach supporting documentation to support any fully burdened labor costs, indirect cost (overhead) rate(s) included in your proposal as follows:
  - 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).
  - If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
  - 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 to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to request additional paperwork 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.

2. A completed Attachment D: Task Budget Proposal Worksheet using the proposed personnel and rates from the completed Exhibit A-1: Project Personnel & Rates Form.

For each of Tasks 1, 2 and 3 as described in the attached Statement of Work, provide estimated hours per Task for each person or job title and subcontractor involved in completing the entire 2 years of work and the resulting cost for each person/job title, subcontractor, and direct cost category.

For each of Tasks 4 through 7 provide an estimate of hours projected for each person or job title and subcontractor involved corresponding to the proposer's vision of the effort for completing each Task for **one** "typical" ADG project. In the Statement of Work within most Tasks are bulleted lists of potential types of assistance that are likely to be provided. Although the work needed for each project can be expected to be different from that needed for others, for purposes of estimating hours per task assume that the work to be performed will include **all the bulleted items** in each Task. Provide projections of the costs of completing each Task for the one "typical" ADG project using the projected hours and rates proposed in the completed Exhibit A-1: Project Personnel & Rates Form. Include travel to/from the "typical" site and other direct cost expenses in Attachment D as well. (If any team members are not located in New York State, please describe how travel costs will be minimized.) For a common location of the "typical" ADG project for estimating purposes, assume the location of the "typical" site is in the Village of Perry, NY

**E. Conflict of Interest:** The Proposer and subcontractors must be free from any financial or similar interest in any product, service, or NYSERDA contract that may conflict with or appear to conflict with the objectivity of the ADAI services to be provided to NYSERDA. Please describe all of your product, manufacturer, service, and NYSERDA contract-related affiliations. If any affiliations exist, you must provide a statement explaining how these affiliations will not conflict with the objectivity of providing services to NYSERDA and its customers. Any proposer or proposer team participants who are under contract with NYSERDA to provide Technical Assistance consulting to NYSERDA for the RPS ADG-to-Electricity Program may be required to withdraw from the Technical Assistance contract prior to contracting for award under this RFP. Non-disclosure of any affiliation can result in termination of a contract, if awarded.

**F. Letters of Intent to Participate:** If a subcontractor is listed as part of your team, a Letter of Intent to Participate from the subcontractor **must be included** as part of the proposal.

Proposers must submit the appropriate number of copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Proposal. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which must contain an original signature. **Late proposals will be returned and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed copies will not be accepted.**

#### **Procurement Lobbying Requirements - 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 is 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.

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

Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below

- Responsiveness to the RFP requirements and requests;
- Qualifications and experience and delivery of quality results;
- Capabilities shown by elements of approach; and
- Reasonableness of staffing plan and costs.

NYSERDA, through its TEP, will review and rank each proposal based on these evaluation criteria. The TEP will consist of NYSERDA staff and selected outside reviewers.

## V. GENERAL CONDITIONS

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

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

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

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

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

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

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

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

prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf> .

**Contract Award** - NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately six weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

**Limitation** - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

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

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**VI. Attachments:**

- Attachment A: RFP No. 2768 Proposal Checklist
- Attachment B: Disclosure of Prior Findings of Non-responsibility Form
- Attachment C: Anaerobic Digestion Project Flowchart, Statement of Work Appendix
- Attachment D: Task Budget Proposal Worksheet
- Attachment E: Agreement Exhibit E, NYSERDA Report Content Guide
- Attachment F: Agreement Exhibit F, Metrics Reporting Guide
- Attachment G: Sample Agreement

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