

NYSERDA ENERGY CODE TRAINING AND SUPPORT WEBSITE
Request for Proposal (RFP) 2852
\$600,000 Available

Proposals Due: December 16, 2014 by 5:00 PM Eastern Time

Program Summary

Specific to the Energy Conservation Construction Code of New York State (Energy Code), the New York State Energy Research and Development Authority (NYSERDA) seeks proposals to redesign the existing website www.nyserdacodetraining.com (Website), and prepare content and develop online training. 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.

This RFP identifies three Categories of work for a total of \$600,000 in available funding. Categories and funding limits by category are as follows: 1. Website Development and Management, \$250,000; 2. Website Content Developer, \$100,000; and 3. Online Energy Code Training \$250,000. Website Development and Management includes, but is not limited to: registration for classroom training developed and delivered under separate NYSERDA efforts. Proposers may respond to one or more Categories; however, each Category will be evaluated individually and only the top-ranked proposal(s) in each Category will receive a contract award. If a single proposal is submitted for more than one Category, the proposer must clearly distinguish between information applicable to all Categories from information applicable to an individual Category. Each Category to which a proposal responds must be separately tabbed and, on its own, fulfill the requirements of this RFP.

Proposal Submission

Proposers must submit nine (9) 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 2693
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Technical questions concerning this solicitation should be submitted to Christopher Sgroi at (518) 862-1090, ext.3373 or Christopher.Sgroi@nyserda.ny.gov. Contractual questions concerning this solicitation should be submitted to Venice Forbes at (518) 862-1090, ext. 3507 or Venice.Forbes@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 Christopher.Sgroi@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 shall be returned. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed applications shall not be accepted. Applications shall only be accepted at the NYSERDA location noted herein.

If changes or clarifications are made to this solicitation, notification shall be posted on NYSERDA's website 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 Website developed for the design, construction and code enforcement communities engaged with the Energy Code, was launched in 2010 and contains the following primary functions: 1. Registration platform for NYSERDA's classroom training; 2) Online training platform currently hosting 11 training courses and a resource library; and 3) Database to track student account information and progress. The Website currently administers over 5000 user accounts and it is NYSERDA's intent to broaden site traffic and expand its presence in the market through high quality, informative and easy to use Website services. Establishing and maintaining an online presence as a simple, low or no cost Energy Code resource is critical to furthering the State's goals of 90% Energy Code compliance by 2017.

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, shall be a key collaborator through the duration of all awarded contracts.

As noted herein, the proposer selected for each Category shall coordinate with one another; with other NYSERDA contractors that will host content on the Website; and with NYSERDA's contractor responsible for developing a *Statewide Marketing Plan to Support Code Compliance*, a comprehensive approach applicable to all efforts associated with this RFP that will include general statewide messaging on the importance of codes and templates for use by selected Contractors.

All efforts are geared to four primary audience groups: Code Enforcement Officials, Design Professionals (Architects and Engineers), Energy and Other Professionals, and Construction Trades (Builders, Contractors, Tradespersons).

Resulting agreements shall be structured on a time and materials and/or milestone basis. For milestone projects, payment shall be made upon completion and documentation of contractually-defined deliverables.

II. PROGRAM REQUIREMENTS

NYSERDA seeks proposals in response to three distinct program Categories as discussed in the Program Summary. Proposers may respond to one or more Categories within a single proposal, however; each Category will be evaluated individually and only the top-ranked proposal(s) in each category will receive a contract award. This may result in all or part of a proposal being funded.

Delivery of services shall commence upon contract execution for an anticipated 36-month initial term with a 36-month option to renew if funding is available and NYSERDA determines that continued services are needed and the selected Contractor's performance merits the extension.

CATEGORY 1: WEBSITE DEVELOPMENT AND MANAGEMENT

Description: A single Contractor shall be selected to expand upon the existing Website or build a new Website with equivalent and additional primary functionality using currently accepted web technologies, best practices and industry standards. Proposals shall include a qualified project team with demonstrated experience building and maintaining websites with similar functionality. The proposer may elect to use the existing website as the foundation of this work. All source code for the Website will be made available, but shall remain the property of NYSERDA. All deliverables associated with this Category shall be paid on a time and materials basis.

A. Website Functionality. The Website shall contain the following (minimum) functionality.

1. User Account: The Website shall require users to register an account in order to access primary services and to provide basic personal information as defined by NYSERDA. Preliminary estimates are that classroom training contractors will deliver approximately 800 sessions using Website registration, and that more than 15,000 site users will register on the Website for classroom training. The Website shall provide users with an account page that reports basic information about student account activity. The Website also shall provide record retention of registered user activity, including course progress and completion, continuing education credit received and student account information. Information must be searchable by keyword and easily extractable by those with administrative access to the Website, including NYSERDA staff.
2. Registration: The Website shall permit students to register for classroom training funded by NYSERDA administered by its training contractors. The registration page shall have the ability to provide basic information on the course, and securely allow course registration and payment of course fees (if applicable) to training contractors. All user interfaces must be simple and straightforward to use, anticipating those with varying degrees of computer proficiency. The Contractor shall work with NYSERDA and its training contractors to ensure that course information is accurate and populated on the Website in a timely manner.
3. Homepage: The Website homepage must be visually compelling, reflective of the current Website homepage, and consistent with NYSERDA brand and materials created under the *Statewide Marketing Plan to Support Code Compliance*.

At a minimum, the homepage must advertise upcoming classroom training, include current news and events developed by the contractor selected under Category 2 of this RFP, contain an embedded welcome video developed by the contractor preparing the *Statewide Marketing Plan to Support Code Compliance*, and provide user-friendly navigation of the entire Website.

4. Coordination with other Energy Code efforts: The Website must include a prominent section(s) that describes other Energy Code support initiatives, and links for Website users to other appropriate websites/emails, such as contractors providing direct municipal support and training opportunities and other training through NYSERDA's Work Force Development initiatives.
5. Online Training: The Website shall host free, online Energy Code training, both existing (if applicable) and developed through Category 3 of this RFP. The Contractor will establish the framework and specifications such that content developed under Category 3 of this RFP functions compatibly on the Website. The online training platform must have the functionality to register users for a course, track user progress, administer course quizzes and a final test to determine pass/fail, and process continuing education credits, or, as approved by NYSERDA, provide the means for students to process these credits.
6. Blog/Comments Forum: The Website must host a blog to be administered by the contractor selected under Category 2 of this RFP, and who must have administrative access to post blog content and moderate reader comments. The blog section must have the functionality to receive reader comments on individual blog posts, to have blog posts archived and searchable by keyword, and to remove those that are off topic, offensive, or violate of NYS policies regarding website content.
7. Frequently Ask Questions (FAQ) Section: The Website shall contain a section dedicated to frequently asked questions and their answers, to be administered by the contractor selected under Category 2 of this RFP, and who must have administrative access to this section. FAQs must be searchable by keyword and categorized by topic (ex. questions pertaining to Website use and functionality vs. questions specific to the Energy Code). The content of this section must be easily added to and/or changed by the contractor selected under Category 2 of this RFP.
8. Technical Resources: The Website must contain a dedicated section to house useful resources pertaining to the Energy Code and related topics, to be administered by the contractor selected under Category 2 of this RFP who must have administrative access to this section. The section must be easily updateable by the contractor selected under Category 2 of this RFP. Examples of content include, but are not limited to, links to other websites and free downloadable documents and videos.

B. Marketing and Visibility: The selected Contractor must conduct an AdWords campaign to ensure that the Website is easily accessible through keyword search. The Website must be capable of delivering email marketing provided by NYSERDA to registered users as well as new, unregistered contacts. All deliverables associated with this task shall not exceed 5% of the total budget.

C. Website Updates, Redesign and Maintenance: The Contractor must facilitate posting and administration of content developed under Categories 2 and 3, and provide Website-related support to NYSERDA and other training contractors. The Website shall be entirely functional on all major internet browsers including Internet Explorer, Mozilla, Chrome and Safari, and shall be fully functional on tablets and other mobile devices with internet capability. Regular maintenance shall be performed to ensure that the Website and its content operate as intended, particularly in response to internet browser software updates. The Website shall be fully functional as close to 24/7/365 as possible. Work requiring the Website to be taken offline must occur off peak, based on web analytics identifying when user traffic is lowest.

D. Customer Support: Proposals must identify a plan for providing support to Website users as questions arise relating to Website functionality and navigation. Live customer support must be available from at least 9:00 am to 5:00 pm, Monday through Friday, year round excluding state holidays. Typical customer support requests may include, but are not limited to: assisting customers with Website account creation, classroom or online course registration, online course progress, online course credits, trouble viewing or accessing a page, link or resource available on the Website, etcetera. The Contractor shall direct questions relating to the Energy Code or technical matters to appropriate contacts as identified by NYSERDA.

E. Reporting: Proposals must plan for monthly reporting to NYSERDA. Monthly reporting shall include, at a minimum, Website traffic by area of the site (customer click-through activity), classroom training registration records and online training registration and course completion records.

Available Funding: A total of \$250,000 is available to support this Category.

CATEGORY 2: WEBSITE CONTENT DEVELOPMENT

Description: A single Contractor shall be selected to: (1) author and maintain a blog that is updated with new content no less than weekly pertaining to Energy Code-related news, technical applicability and interpretation (theory and practice) and related concepts; (2) develop and maintain content on the Technical Resources section of the Website; and (3) develop and maintain content on the FAQ section of the Website. The Contractor shall solicit input from NYSERDA's classroom and online training contractors and from industry experts who shall serve as contributing authors. For the blog, the Contractor shall maintain an email account accessed through the Website that encourages readers to submit questions and comments, and moderate public comments on all blog posts to ensure a safe, appropriate and friendly environment. The Contractor shall submit all content to NYSERDA for review and approval prior to publishing.

The proposal must demonstrate a deep knowledge of the Energy Code and its impact and application at all phases of the construction and code enforcement process in new and existing residential and commercial buildings; strong writing and graphic skills as documented through samples of published work; a strategy for gathering content; and a creative approach to help attract readers. Preference shall be given to proposers that have recently published work on the Energy Code or a closely related field.

All tasks associated with this Category shall be paid on a milestone basis.

Available Funding: A total of \$100,000 is available to support this Category.

CATEGORY 3: ONLINE ENERGY CODE TRAINING

Description: One or more Contractors may be selected to develop free online training courses to be made available on the Website. As determined by NYSERDA and as appropriate for individual courses, courses must qualify for professional accreditation from the following organizations: New York State Department of State, American Institute of Architects, New York State Education Department, Building Performance Institute, and other professional certifying organizations.

Online training content shall be developed for New York State's next Energy Code, based on the IECC [(expected effective dates 2014 (commercial) and 2015 (residential))] and related topics. Preference shall be given to proposals that offer student/teacher interaction. The Website's online training platform shall be implemented by the Contractor selected for Category 1. The Contractor shall work with the contractor selected under Category 1 to ensure that online training is compatible with the Website platform, and the contractors providing classroom training. The content and product shall be consistent with *Statewide Marketing Plan for Code Compliance*.

Proposals shall propose a specific number of courses and/or alternate educational content that will supplement classroom Energy Code training and provide a unique learning experience for the student. The Contractor(s) shall, with NYSERDA, assess NYSERDA's classroom training courses and draw from knowledge of market needs and demands to inform online course content and objectives.

Online training shall include full courses eligible for professional accreditation, as well as alternate educational content of shorter duration. For those intended to receive professional accreditation, the minimum run time of the course, including a test, is one hour. Proposals shall identify a specific number of courses and/or alternate educational content, costs, duration, availability of professional accreditation and a description of intended approach, vision and format. In the event that Energy Code provisions change during the contract period, online training content impacted by the change must be modified accordingly.

Proposals must demonstrate experience in developing online training content and preference shall be given to those demonstrating experience with online training content associated with the Energy Code or related topics. Proposals must also demonstrate an understanding of adult education, online curriculum development, creativity and established reputability in the field.

All tasks associated with this Category shall be paid on a milestone basis.

Available Funding: A total of \$250,000 is available to support this Category.

III. BUDGET

The total budget for the three Categories of work included in this RFP is \$600,000. Categories and maximum funding per category are: 1. Website Development and Management, \$250,000; 2. Website Content Developer, \$100,000; and 3. Online Energy Code Training \$250,000. Proposals containing a response to more than one category must provide a separate budget for each Category.

IV. PROPOSAL REQUIREMENTS

Format. 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 responding to multiple Categories must include all Category proposals in a single document submission, separated by tabs differentiating each Category proposal. For example, if a single proposer responds to Category 1 and to Category 2, the proposer would submit one bound document that includes two separate Category tabs. General proposal requirements (Items A, B, C and H) should be presented once, and each tabbed Category section must include separate responses to Items D-G. 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) and Disclosure of Prior Findings of Non- Responsibility (Attachment B)**
- B. **Cover Letter and Abstract:** Proposers must submit a cover letter on company letterhead that references this RFP, identifies Category(ies) 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. Each Category for which proposal is made must be identified.
- C. **Statement of Work:** Proposers must prepare a Statement of Work (SOW) for each Category to which they respond that includes:
 - 1. Identification of all proposed Tasks. For each Task, as defined by this RFP 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 contract execution.
 - 3. Any additional information that shall convey to NYSERDA how the program shall be conceived and administered.
- D. **Project Team Personnel and Qualifications:** Information on Project Team must include following:
 - 1. Identification of the full Project Team and key personnel, including identification of responsibilities associated with each Task, and an organizational chart.
 - 2. Identification of the Project Manager, with documentation of management of similar projects.
 - 4. Project Team's relevant expertise, experience and general ability to meet the objectives of this RFP. Thorough descriptions must be given of completed projects that illustrate competency in the range of services requested, including client contact information.
 - 5. Identification of all past working relationships between Contractor and Subcontractors.
- E. **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 include a Contract Pricing Proposal Form (CPPF) form (Attachment D).

Attach 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 to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

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

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, nor will they be reimbursed following contract execution.

- F. **Letters of Commitment:** Commitment letters for all subcontractors on the Project Team must be provided.
- G. **Samples of Work:** Proposers must include samples of relevant work in a readily-viewable format. Proposals must demonstrate, and quantify where possible, past performance on similar efforts (for example, audience participation statistics, number of website and page hits, etc).
- H. **NYSERDA History:** Identify active and completed NYSERDA-funded projects for which the proposer was a Contractor or Subcontractor over the last five years.

V. **PROPOSAL EVALUATION**

The evaluation criteria identified in Table 1 is the basis upon which proposals shall be reviewed and scored. Proposals shall be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected non-NYSERDA reviewers. Proposals shall be ranked by the TEP for each Category.

Table 1: Evaluation Criteria

GENERAL EVALUATION CRITERIA: ALL PROPOSALS	
General Responsiveness to RFP	
<ul style="list-style-type: none"> • Proposal is responsive to the requirements of the RFP. • Proposal is well-written, organized and coherent • Proposal includes an organizational chart for the Project Team. • Proposed services are clearly described and demonstrate a high likelihood of success. • Proposal demonstrates prior success with similar efforts via submission of samples of prior and applicable work. • Proposal includes a clear, well-defined scope of work for all Categories to which it responds. • Proposal incorporates value-added services that exceed the requirements of the RFP. 	
Project Team	
<ul style="list-style-type: none"> • Project Team is strong; roles of Team members are clearly defined by task, complementary and lend value. • Project Manager has appropriate skills and expertise. • Project Team demonstrates technical competence relevant to the RFP's stated goals and specific tasks. • Project Team has successfully collaborated on previous projects. • Project Team demonstrates an ability to effectively deliver services. • Proposal includes letters of commitment from subcontractors (if applicable). 	
Budget	
<ul style="list-style-type: none"> • Proposal include all required budget documents, which are clear and complete • Proposal budget is within defined funding limit(s). • Proposed budget is clear and demonstrates reasonable relationship of deliverables to total cost. • Proposed budget allocation among tasks is appropriate. 	
SPECIFIC EVALUATION CRITERIA: BY CATEGORY	
Category 1: Website Development and Management	
<ul style="list-style-type: none"> • Proposer demonstrates a minimum of three years of experience in development and management of websites with similar functionality. • Proposal accounts for coordination with contractors receiving award from Categories 2 and 3, and other contractors delivering classroom training. • Proposal demonstrates a capacity to improve Website user experience and interface. • Proposal identifies a plan to market the Website. • Proposal ensures the Website shall be fully functional on all major internet browsers as well as on tablets and other handheld internet devices. • Proposal ensures that the Website uses currently accepted web technologies and best practices. • Proposal identifies a means to process registration fees for classroom training hosted by third party training providers. • Proposal identifies a plan to produce a visually strong, robust, and exciting website and includes exemplary samples of prior, relevant websites. • Proposal ensures the Website shall be compliant with the Americans with Disabilities Act. • Proposal demonstrates past performance on similar efforts with quantifiable statistics, where possible. 	
Category 2: Website Content Developer	

<ul style="list-style-type: none"> • Project Team demonstrates technical knowledge of the Energy Code and related construction and code enforcement concepts. • Primary blog author demonstrates excellent writing ability in content areas relevant to this project and includes exemplary samples of prior, relevant published work. • Proposal identifies a plan for publishing consistently new, relevant, accurate and interesting content. • Proposal demonstrates past performance on similar efforts with quantifiable statistics, where possible.
Category 3: Online Energy Code Training
<ul style="list-style-type: none"> • Project Team demonstrates experience in creating and providing online training associated with the Energy Code and/or related construction and enforcement topics. • Proposal identifies a plan to produce engaging online courses and includes exemplary samples of prior, relevant online training. • Project Team includes members with technical knowledge of the Energy Code and related construction and enforcement concepts, and an understanding of general and regional dynamics impacting compliance in NYS. • Proposal identifies course training topics specific to the Energy Code, relevant to NYSEERDA's target audiences and designed to improve the Energy Code's application and/or enforcement. • Proposal demonstrates past performance on similar efforts with quantifiable statistics, where possible.

VI. GENERAL CONDITIONS

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.

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSEERDA 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 NYSEERDA 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 NYSEERDA 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.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSEERDA-Regulations.ashx>. However, NYSEERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

State Finance Law sections 139-j and 139-k - NYSEDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain 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 - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. *See*, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf).

Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSEDA. *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 - 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 eight weeks from the proposal due date whether your 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 – CPPF Form and Instructions
Attachment E – Intent to Propose
Attachment F – Sample Agreement