



Technical and Logistic Support for the CHP Acceleration Program
Request for Proposal (RFP) 2930

Proposals Due: November 13, 2014 by 5:00 PM Eastern Time*

New York State Energy Research and Development Authority (NYSERDA) Combined Heat and Power (CHP) Acceleration Program (PON 2568) (<http://www.nyserda.ny.gov/PON2568>) supports the installation of clean and efficient CHP systems in the 50 kW to 1.3 MW size range. In order to support this program, this RFP invites proposals under three (3) Technical Assistance categories as follows:

- Category A - Event Logistics Contractor: Manage the logistics of a series of CHP Expos and other events aimed at promoting the program with building owners and property managers,
- Category B - Technical Assistance/Outreach Contractor: Provide outreach and technical assistance to potential CHP users to encourage the adoption of CHP where appropriate, and to assist them to navigate the process of acquiring CHP systems and services, and
- Category C - Technical Advisor Contractor: Provide technical services and advice to guide NYSEDA's ongoing refinements of the program.

To avoid the possible appearance of a conflict of interest, proposers will only be allowed to propose for Category B or Category C, but not both. Category A proposers may also propose under either Category B or C. Proposals to this RFP will not be accepted from CHP vendors currently enrolled under RFI/PON 2568. A contractor selected under this RFP will not be eligible to enroll in RFI/PON 2568 while providing services under this RFP. NYSEDA anticipates selecting one proposer from each category.

Proposal Submission: Proposers must submit two (2) paper copies and one (1) digital copy on CD of the proposal with a completed and signed Proposal Checklist attached to the front of each paper copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 2930
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Davetta Thacher at (518) 862-1090, ext. 3603 or davetta.thacher@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Venice W. 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 Davetta Thacher (Designated Contact) at (518) 862-1090, ext. 3603 or davetta.thacher@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 proposals and proposals lacking the appropriate completed and signed Proposal Checklist (Attachment A) or Disclosure of Prior Findings (Attachment B) may be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSEDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEDA's web site at www.nyserda.ny.gov.

General Proposal Instructions (All Categories)

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, the category proposing under, and the page number. Only the digital copy of the proposal will be reviewed by the Technical Evaluation Panel.

Category A – Event Logistics Contractor

Introduction

NYSERDA seeks an Event Logistics Contractor to provide logistical support, including identifying and contracting with appropriate venues and service providers, for a series of CHP Expos and other events aimed at promoting NYSERDA's CHP programs with building owners and property managers. NYSERDA expects to conduct six (6) CHP Expos during 2015 and four (4) to six (6) CHP Expos or other events during 2016. At least eight (8) of these Expos will occur in New York City or Westchester County. The Contractor will coordinate all activities necessary for on-line event registration. The Contractor will be reimbursed at cost for venue and event service provider expenses, as well as the Contractor's actual time and materials costs associated with the CHP Expos and other events. The Contractor will not be required to conduct promotional or advertising activities (ex: media buys) for the events.

Services Requested

The Contractor will work under the direction of, and in coordination with NYSERDA's Project Manager to provide logistic services as detailed in Attachment D – Event Logistics Statement of Work.

Proposer Qualifications

- Proposer must have significant presence in New York City and Westchester County, and be familiar with each borough's public transportation systems, neighborhoods, business districts and industrial zones so that appropriate venues can be selected to facilitate attendance by target audiences.
- Proposer must be capable of providing services throughout New York City and Westchester County while minimizing the cost burden of travel expenses.
- Proposer must have experience selecting events venues and planning menus; contracting with venues, caterers and other service providers (audio/visual equipment rental, furniture and linen rental, etc.); managing event registration using online registration sites; and staffing event registration tables.
- Prior experience with energy and/or sustainability events is desirable.

Proposer Eligibility

- Proposers must be single entities – teaming arrangements will not be considered.
- CHP Vendors enrolled in RFI/PON 2568 are not eligible.
- Proposer must not have a real or perceived conflict of interest that might unduly bias them towards or against any of the CHP Vendors enrolled in RFI/PON 2568.

Contracting

- NYSERDA anticipates awarding one (1) contract under Category A of this solicitation.
- NYSERDA may select the winning proposer through review of written proposals, followed by, at NYSERDA's sole discretion, in-person interviews of a down-selected subset of proposers.
- NYSERDA will reimburse the Contractor for all eligible expenses incurred in support of events. Eligible expenses include:
 - actual costs of contracts between the Contractor and the venue, caterer and other approved service providers, and fees encountered when utilizing a third-party event registration webpage
 - actual costs of the Contractor's wages/salaries, fringe and indirect costs
 - travel expenses when pre-screening venues or meeting with NYSERDA's Project Manager
 - travel expenses for each Expo or other Event.
- The Contractor will be entitled to submit an invoice to NYSERDA at the completion of each CHP Expo or other event.

Proposal Requirements

The proposal must be submitted in the following format.

Summary (1-page limit)

- Identify the business entity proposing, with a brief discussion of capabilities and prior relevant experience planning and conducting energy and/or sustainability events within New York City and Westchester County.
- Identify how you will approach the work described in Category A and in Attachment D – Event Logistics Statement of Work, and why you feel you are best qualified to perform that work.

Qualifications and Experience (5-page limit)

Experience planning and hosting events in the five boroughs of New York City and Westchester County is crucial to the expedient and cost effective performance of work identified in Attachment D – Event Logistics Statement of Work.

Proposers must:

- Provide an organization chart displaying relevant staff members and their contact information (name, email, telephone number).
- Identify the roles and responsibilities of relevant staff members, clearly indicating the individual who will act as the project manager and primary contact with NYSERDA.
- Identify each relevant staff member's qualifications to undertake the proposed work.
- Explain any existing relationships or standing agreements with hotels, conference facilities or caterers in New York City and Westchester County, and how these relationships could provide an advantage when performing tasks in the proposed Attachment D-Statement of Work.
- Provide detailed information on all New York City and Westchester County energy and/or sustainability events planned within the past two years, indicating the hotel/conference facility location and how/why it was selected, the caterer and how/why it was selected, links to event registration webpages (if still available), and details on the specific services you provided in support of those events. If links to past event registration webpages are not available, provide any links to event registration webpages for one or more of your up-coming energy and/or sustainability events.
- Explain how your experience demonstrates familiarity with the buildings across various markets (Commercial, Industrial, Multi-family, Municipal, Hospitals/Nursing Homes, University/Schools and Hospitality) and with each borough's public transportation systems, neighborhoods, business districts and industrial zones.

Cost Estimate for Hypothetical Expo (2-page limit)

Proposers should develop a detailed estimate of the costs to plan and conduct a hypothetical CHP Expo in Manhattan based on the Tasks identified in Attachment D – Event Logistics Statement of Work. Assume that the Expo will be an 8-hour event with 14 vendor and 8 partner displays (allowing a 12 ft wide by 6 ft deep area for each display), and providing light breakfast, lunch and break food/refreshments for 40 (vendor and partner attendees). Prepare a hypothetical floor plan for the event, assuming the final registration is 200.

Present the detailed estimate of the cost of the hypothetical CHP Expo using the categories below, clearly stating any assumptions you have made.

Direct Labor (specify names and titles)	Hours	Rate \$/hr	Totals \$
Labor Overhead (specify names and titles)	Rate %	Base \$	Total \$
Sub-contracts (venue, caterer, etc.)			Total \$
Travel			Total \$
Other			Total \$

Additional Cost Information

Proposers must include a completed Personnel and Rates Form (Attachment C - Personnel and Rates Form).

Proposers must attach supporting documentation to support 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 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.

Proposal Evaluation (100 points total)

Proposals under Category A that meet Proposal Requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below:

- Does the proposer demonstrate the ability to perform the work described in Attachment D – Event Logistics Statement of Work? Is the identified staff qualified to perform the work? Is the manpower allocation commensurate with the proposed effort? Are the labor costs reasonable? (20 points)
- How strong is the Proposer’s experience planning and conducting events in New York City and Westchester County? Does the Proposer have quality experience planning energy and/or sustainability events? (20 points)
- Is the proposed total cost of the hypothetical expo reasonable with respect to the proposed effort? What is the likelihood that the level of effort proposed for the hypothetical expo will result in a logistically successful event? Is the proposed total cost of the hypothetical expo reasonable with respect to the costs of other proposers? (40 points)

- Does the proposer’s primary location minimize the cost burden of travel expenses? (5 points)
- To what extent will the Proposer’s existing relationships or standing agreements with hotels, conference facilities or caterers in New York City and Westchester County benefit NYSERDA? (5 points)
- Does the proposer demonstrate sufficient familiarity with the buildings across various markets (Commercial, Industrial, Multi-family, Municipal, Hospitals/Nursing Homes, University/Schools and Hospitality)? (5 points)
- Does the proposer demonstrate sufficient familiarity with each borough’s public transportation systems, neighborhoods, business districts and industrial zones? (5 points)

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

Category B - Technical Assistance/Outreach Contractor

Introduction

NYSERDA seeks a "CHP Technical Assistance/Outreach Contractor" to promote the adoption of CHP systems in the size range between 50 kW and 1.3 MW in New York City and Westchester County. The Contractor will provide a suite of services intended to initially help attract owners of buildings to consider NYSERDA's PON 2568, CHP Acceleration Program, and subsequently help such owners of buildings navigate the process of acquiring CHP systems and services. The expected level of effort/workload is one-to-two full-time-equivalent personnel (plus supervisor’s time) throughout a 24-month term with an optional 12 month extension.

Services Requested

The Contractor will work under the direction of, and in coordination with NYSERDA’s Project Manager to support the CHP Acceleration Program through various outreach and technology assistance efforts, including, but not limited to the following:

Outreach – The Contractor will market CHP in general and the CHP Acceleration Program in particular by:

- Identifying potential CHP program customers and target markets;
- Developing and implementing strategies to interact with potential CHP customers and target markets;
- Driving attendance of potential end-users to NYSERDA CHP Expos and other events;
- Working with other NYSERDA Technical Assistance and Outreach Contractors and USDOE’s Northeast CHP Technical Assistance Partnership to leverage their activities as an opportunity to discuss CHP with potential customers;
- Actively participating as a resource at NYSERDA CHP Expos and other informational events by engaging vendors and potential CHP customers;
- Representing the NYSERDA CHP Acceleration Program at conferences, expos and other venues as a speaker and/or at a NYSERDA booth; and
- Supporting the development of program education materials (such as content for brochures, pamphlets, PowerPoint slide decks).

Technical Assistance for Customers – The Contractor will provide a technical resource to CHP customers and potential CHP customers by:

- Answering technical and programmatic questions from potential customers and other stakeholders;
- Performing facility pre-screening to assess CHP potential;
- Assisting customers to navigate the process of acquiring CHP systems and services;
- Acting as a technical resource for any facility owner that is currently moving forward with the NYSERDA CHP Acceleration Program; and

- Providing technical assistance to small site owners where consulting engineers/owners representatives are not likely to be used. This can include helping the site owner understand feasibility study results and vendor proposals, however, at no time shall a specific recommendation as to the size of CHP system, or vendor selection be made. (A size range and a list of vendors supplying equipment in that range is appropriate).

Assistance for Vendors – The Contractor will provide a technical and marketing resource to the approved RFI/PON 2568 CHP vendors by:

- As a consequence of the Outreach efforts, developing a listing of pre-screened contacts - sites that are CHP appropriate and that have stated a genuine interest in acquiring a CHP system. Such contacts shall be shared equally with all CHP vendors;
- Assisting the CHP vendors to improve their methods and techniques used to perform technical and financial analysis of proposed CHP systems; and
- Keeping the CHP vendors updated on relevant changes to building codes, air emission requirements, interconnection requirements, tariffs, or other regulatory items that impact CHP system installation, operation, or economics.

See Attachment E – Technical Assistance/Outreach Statement of Work.

Proposer Qualifications

- Proposer must have significant presence in the metro-NYC area, and must be capable of providing extensive services throughout New York City and Westchester County while minimizing the cost burden of travel expenses to the effort;
- Proposer must have demonstrated experience with technical outreach and customer education;
- Proposer must have demonstrated expertise in CHP, including the various CHP technologies and their ancillary equipment, proper system sizing, and the performance of technical/financial assessments;
- Proposer must have extensive experience with the diverse New York State and New York City CHP markets,
- Proposer must have familiarity with New York City rules and regulations affecting CHP, including utility (electric, gas, and steam), NYC-DOB, FDNY, Landmarks, NYC-DEP, emergency power, etc.;
- Proposer must have familiarity with various procurement models (turnkey, shared savings, PPA, etc.) and contract language; and
- Proposer must have familiarity with various CHP technical potential studies for New York, and with key New York end-user groups.

Proposer Eligibility

- Proposers may be single entities or teams,
- Proposers must be able to demonstrate their ability to be independent and unbiased regarding the topics on which they will be tasked to coach customers (e.g., agnostic of prime mover technology and the approved CHP Vendors),
- Proposer must not have a real or perceived conflict of interest that might unduly bias them towards or against any of the CHP Vendors.

Contracting

- NYSERDA anticipates awarding one (1) contract under Category B of this solicitation;
- NYSERDA may select the winning proposer, or proying team, through review of written proposals, and, followed by, at NYSERDA's sole discretion, in-person interviews of a down-selected subset of proposers. NYSERDA may, or may not, invite the CHP Vendors enrolled in RFI/PON 2568 to be present during the in-person interviews;

- This Program shall not be misdirected to serve as a marketing vehicle for the Proposer or other associated firms. Current NYSERDA contractors are eligible; however, the proposer selected through Category B of this RFP will not be permitted to use customer leads that are developed while performing services under this contract to participate in other NYSERDA programs (i.e. FlexTech), or to provide "CHP project development" services and/or "energy-related consulting" services and/or "ESCO" services. Proposers should include a listing of all current contracts with NYSERDA and how conflict between contracts will be avoided. They should also provide a list of all pre-existing business relationships that continue to be on-going with specific building owners within Con Edison's territory; and

Proposal Requirements

The proposal must be submitted in the following format.

Summary (3-page limit)

- Identify the prime (lead) proposer and all entities/team members collaborating in the proposal.
- Explain how you will approach the work described in this Category B and in Attachment E – Technical Assistance/Outreach Statement of Work.
- Identify and explain any potential real or perceived conflicts of interest or state that there are none to the best of your knowledge.

Qualifications and Experience (7-page limit)

Experience within New York State and New York City in particular is crucial to gaining access to customers and providing effective outreach. Proposers must:

- Identify all team members (name, business address, telephone number), including the party who will assume the ultimate responsibility for success and their qualifications to undertake the proposed work. Attach resumes of key personnel in an appendix (will not count towards page limitations);
- Demonstrate how the proposer meets the Proposer Qualifications and Proposer Eligibility requirements listed above;
- Explain each team member's existing relationships with key stakeholders and key service providers such as technical consultants, design consultants, energy engineers, equipment vendors, etc.

Staffing Plan (2-page limit)

Prepare a staffing plan which indicates the roles, responsibilities, and anticipated hours allocated to all personnel.

Workload Flexibility Plan (2-page limit)

Describe your proposed priority sequence and surge capabilities for responding to periodic spikes in workload intensity, and approaches for ensuring productive use of time and productive deliverables during periodic lulls in workload intensity.

Cost

Include a completed Personnel and Rates Form (Attachment C - Personnel and Rates Form) for the Proposer and each proposed team member organization or identified subcontractor.

Attach documentation to support 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 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.

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.

Proposal Evaluation

Proposals under Category B that meet Proposal Requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below.

- Does the proposer, including team members, have the demonstrated ability to perform the work described in the Statement of Work? Does the proposer have expertise with CHP systems? Does proposer have sufficient experience with CHP markets in NYC? (40 points)
- Will the proposed strategies and level of effort increase participation in the Program sufficiently to meet or exceed Program goals? (20 points)
- Has the proposer demonstrated the ability to be independent and unbiased regarding the topics on which they will be tasked to coach customers? Are there any apparent conflicts of interest? (20 points)
- Does the proposer have knowledge of CHP technical potential market studies and knowledge of, or relationships with, key NY end-user groups? (10 points)
- Is the proposed cost reasonable with respect to the qualifications, proposed effort and other proposers? (10 points)

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

Category C - Technical Advisor Contractor

Introduction

This Contractor will provide technical services to NYSERDA as needed for the ongoing refinement of the CHP Acceleration Program. The expected level of effort/workload is one full-time-equivalent personnel throughout a 24-month term, with an optional 12 month extension..

Services Requested

The Contractor will work under the direction of, and in coordination with NYSERDA's Project Manager to provide technical services and advice to NYSERDA for the ongoing refinement of the program, including, but not limited to the following.

- Assisting in the development of evaluation criteria and review processes for new technologies to be added to the catalog;
- Assisting in the ongoing review and refinement of the evaluation criteria and review processes for technologies currently in the catalog,
- Assisting in the ongoing review and refinement of the evaluation criteria and review processes for site applications,
- Keeping abreast on policy initiatives, program designs, and technology developments on a state and national level;
- Using NYSERDA's collection of CHP system performance data to develop insights and knowledge that can be shared with the CHP community; and
- Reviewing gaps in meeting program goals and recommending solutions / improvements to meeting these goals.

See Attachment F – Technical Advisor Statement of Work.

Proposer Qualifications

- Proposer must have demonstrated experience in CHP, including CHP technology, proper sizing, and the performance of technical/financial assessments,
- Proposer must have familiarity with New York State and New York City CHP markets,
- Proposer must have familiarity with New York City rules and regulations affecting CHP, including utility (electric, gas, and steam), NYC-DOB, FDNY, Landmarks, NYC-DEP, emergency power, etc., and
- Proposer must have familiarity with various procurement models (turnkey, shared savings, PPA, etc.) and contract language.

Proposer Eligibility

- Proposers may be single entities or teams. If a teaming arrangement is proposed, the lead proposer/contractor must be indicated,
- Proposers must demonstrate their ability to be independent and unbiased regarding the topics on which they will be tasked to coach NYSERDA (e.g., agnostic of prime mover technology and the approved CHP Vendors),
- Proposer must not have a real or perceived conflict of interest that might unduly bias them towards or against any of the CHP Vendors.

Contracting

- NYSERDA anticipates awarding one (1) contract under Category C of this solicitation.
- NYSERDA may select the winning proposer, or proposing team, through review of written proposals, followed by, and at NYSERDA's sole discretion, in-person interviews of a down-selected subset of proposers.

Proposal Requirements

The proposal must be submitted in the following format.

Summary (3-page limit)

- Identify the prime (lead) proposer and all entities/team members collaborating in the proposal..
- Explain how you will approach the work described in this Category C and in Attachment F - Technical Advisor Statement of Work.
- Identify and explain any potential real or perceived conflicts of interest or state that there are none to the best of your knowledge.

Qualifications and Experience (7-page limit)

Proposing teams must:

- Identify all team members (name, business address, telephone number), including the party who will assume the ultimate responsibility for success and their qualifications to undertake the proposed work. Attach resumes of key personnel in an appendix (will not count towards page limitations);
- Demonstrate how the proposer meets the Proposer Qualifications and Proposer Eligibility requirements listed above;
- Explain the proposer's existing relationships with key stakeholders and key service providers such as technical consultants, design consultants, energy engineers, etc.;

Staffing Plan (2-page limit)

Prepare a staffing plan which indicates the roles, responsibilities, and anticipated hours allocated to all personnel.

Cost

Include a completed Personnel and Rates Form (Attachment C - Personnel and Rates Form) for the Proposer and each proposed team member organization or identified subcontractor.

Attach documentation to support 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 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.

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.

Proposal Evaluation

Proposals under Category C that meet Proposal Requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below:

- Does the proposer, including team members, have the demonstrated ability to perform the work described in the Statement of Work? Does the proposer have expertise with CHP systems and CHP program design? Does proposer have sufficient understanding of CHP markets in NYS and NYC? (45 points)
- Has the proposer demonstrated the ability to be independent and unbiased regarding the topics on which they will be tasked to coach NYSERDA? Are there any apparent conflicts of interest? (25 points)
- Does the proposer have knowledge of CHP technical potential market studies and knowledge of, or relationships with, key NY end-user groups? (20 points)
- Is the proposed cost reasonable with respect to the proposed effort and other proposers? (10 points)

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

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.nyserda.ny.gov/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).

Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Contract Award - NYSERDA anticipates making one award under each category of 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 **ten (10)** weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

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.

Attachments

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non- Responsibility

Attachment C - Personnel and Rates Form

Attachment D - Event Logistics Statement of Work –Category A

Attachment E - Technical Assistance/Outreach Statement of Work—Category B

Attachment F - Technical Advisor Statement of Work—Category C

Attachment G - Sample Agreement