



**Advanced Clean Power Technologies
Program Opportunity Notice (PON) 2942
Up to \$19.5 Million Available for Two Rounds**

**Proposals Due: Nov. 5, 2014 by 5:00 PM Eastern Time*, Round 1
May 5, 2015 by 5:00 PM Eastern Time*, Round 2**

NYSERDA seeks proposals to develop and demonstrate innovative renewable and other advanced clean power technologies, develop and demonstrate technologies that improve performance, or address and overcome specific barriers thwarting increased adoption of Eligible Technologies (see more detailed descriptions of Project Categories and Eligible Technologies in Sections II and III). All, or none, of the available funds may be allocated. A summary of category descriptions follows:

Funding: Two solicitation rounds are scheduled and total available funding is \$19,500,000. All, or none, of the available funds may be awarded in any round.

Category 'A' – [A.1] Early-Stage Product Development (beyond basic research), [A.2] Demonstration Feasibility Assessments, and [A.3] Technology Facilitation projects: (a) Early-stage product development of Eligible Technologies that is development beyond basic research needed to prove technical and market feasibility with barriers and problems identified, or (b) Demonstration feasibility assessments that reveal the benefits and perceived hurdles associated with scaled demonstration of new or under-utilized eligible technologies at a specific New York site, or (c) Technology facilitation projects that identify and reduce market barriers facing commercialization or use of Eligible Technologies. Maximum NYSERDA funding for this Category is \$200,000 per project. Minimum cost sharing is 25% for those proposals requesting \$75,000 or less, and 50% for all other projects.

Category 'B' - Product Development: Development of Eligible Technologies leading to the commercialization of products manufactured in New York State. There is NO NYSERDA funding cap for this category, however Category B projects requesting over \$500,000 must be phased with no phase exceeding the greater of \$500,000 or 20% of the NYSERDA funding request. Cost sharing for these projects is 50%.

Category 'C' - Demonstration Projects: Innovative demonstrations of under-utilized Eligible Technologies that are near the commercial stage, demonstrate application opportunities, and lead to increased use of the technology in New York State. Maximum NYSERDA funding for this category is \$750,000 per project. Cost sharing for these projects is 50%.

Proposal Submission: Proposers must submit ten (10) print copies and one (1) electronic media copy (CD) of the proposal in **Microsoft Word format** (appendices may be in PDF format) with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, PON 2942
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

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

Gregory Pedrick
Project Manager
ext. 3378
gregory.pedrick@nyserda.ny.gov

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

Nicholas Tichich
Project Manager
ext. 3063
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Richard Drake
Program Manager
ext. 3258
richard.drake@nyserda.ny.gov

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

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

*Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the bidder's responsibility to ensure that all p 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.

I. INTRODUCTION

NYSERDA seeks proposals to develop and demonstrate innovative renewable and other advanced clean power technologies, develop and demonstrate technologies that improve performance, or address and overcome specific barriers thwarting increased adoption of Eligible Technologies (more detail of Project Categories and Eligible Technologies follows in Sections II and III, respectively). This solicitation is focused on advancing and developing promising technologies and products that could lead to the successful commercialization of products manufactured in New York State, and increasing markets for these products through strategic demonstration projects and dissemination of results.

Anticipated benefits include the introduction of new products that provide end users with additional options for competitive electric supply and improved performance while having superior environmental attributes, as well as benefits that help to achieve NYSERDA's economic development goals including creation or retention of near-term and sustainable jobs in New York, lower energy cost and reduced life-cycle cost through decreased energy use and reduced need for new central station construction.

II. PROJECT CATEGORIES

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

Category 'A' - Early-Stage Product Development (beyond basic research), Demonstration Feasibility Assessments, and Technology Facilitation projects: Maximum NYSERDA funding for this Category is \$200,000 per project. Minimum cost sharing is 25% for those proposals requesting \$75,000 or less and 50% for all other projects.

- **A.1 Early-Stage Product Development Projects:** Early-stage innovative product or technology development to assess the technical and market feasibility of a product concept based on an Eligible Technology (See Section III for Eligible Technologies) that would be manufactured in New York State. The technology should be beyond basic research and the proposal should focus on developing or improving a specific product that is in early stages of inception.
- **A.2 Demonstration Feasibility Assessment:** Engineering studies that assess the feasibility and effectiveness of demonstrating new or under-utilized Eligible Technologies (See Section III for Eligible Technologies) at a specific New York State site. Studies are expected to ultimately lead to a project proposal then ready for Category C: "Demonstration Projects" and are intended to support project development activity such as site assessment and technical feasibility, economic analysis, permitting and interconnection, conceptual design, and a preliminary data analysis plan. The Eligible Technology should be near the commercial stage, and the assessment will help determine the appropriate scale of the demonstration, if results can lead to future projects.
- **A.3 Technology Facilitation Projects:** Projects that will address barriers facing the commercialization or the use of an Eligible Technology (See Section III for Eligible Technologies). Proposals for technology facilitation projects should describe the issue or commercialization impediment being addressed and present a compelling case that the project is likely to result in reduction of the barriers addressed, *i.e.* streamlining the permitting of the installation of an eligible technology.

Category B: Product Development (no NYSERDA funding cap per project; however these projects must be phased with no phase exceeding the greater of \$500,000 or 20% of the total NYSERDA funding request; NYSERDA may elect to fund only Phase 1 of a proposal based on availability of funds. Cost share of at least 50% of the total project and each phase is required.)

Eligible projects for Category B include:

- Development and commercialization of products based on an Eligible Technology (See Section III for Eligible Technologies) that will be manufactured in New York State. Note that bench-scale testing and field verification or testing may be included in Category B projects. Technical and economic feasibility of the technology should have been performed and documented prior to submitting a Category B proposal. If they haven't, consider proposing to Category A.

Category C: Demonstration Projects (up to \$750,000 of NYSERDA funding per project with a proposer cost share at or above 50% of the total project cost.)

Eligible Projects for Category C include:

- Demonstrations of Eligible Technologies (See Section III for Eligible Technologies) that are near the commercial stage, can exhibit a reproducible scale, but that are not yet commercially-ready or certified. Projects in this category should NOT include technology or product development tasks. If technology or product development tasks are necessary, propose in Category B. Projects in Category C should demonstrate innovative new products, or demonstrate products in innovative applications, have a committed demonstration site, and include a thorough data collection activity. Proposals in this category should clearly identify how this project will bring the product closer to commercial readiness and how such demonstration will lead to increased use of the product in New York State. Projects that demonstrate products at an appropriate scale, and will be manufactured in New York State are preferred.

III. ELIGIBLE TECHNOLOGIES (ALL CATEGORIES A, B, & C)

Technologies eligible under this solicitation include innovative renewable-electric and other advanced clean power technologies for grid-connected applications, storage technologies for sub-utility-scale stationary applications, or technologies that improve grid power quality and reliability. Subsystems and components of these technologies, as well as improved innovative manufacturing methods for these technologies are included. Potential technologies include, but are not limited to:

- (1) Fuel cells and related components and subsystems.
- (2) Innovative electric energy storage technologies for sub-utility-scale applications including but not limited to batteries, flywheels, ultra-capacitors, flow batteries, superconducting magnetic energy storage, and energy storage connected within buildings.
- (3) Solar electric technologies, including innovative photovoltaic and solar thermal-electric systems, components of these systems, and products that incorporate photovoltaics.
- (4) Wind power technologies including innovative wind energy-conversion devices, components, and products that support wind-energy systems and power plants.
- (5) Hydro power technologies, including innovative products that increase generating capacity or improve environmental performance.
- (6) Power conditioning equipment that enhances reliability or power quality, or enables integration of renewable power generation or sub-utility-scale storage technologies.
- (7) Innovative technologies for upgrading performance of new or existing power generation equipment;
- (8) Systems and equipment innovations for improving distribution system performance and reliability.

- (9) Waste heat to electricity technologies.
- (10) Biomass and biogas to electricity technologies.
- (11) Innovative control systems benefitting clean or renewable power systems such as remote or on-site monitoring and diagnostic systems, intelligent remote or on-site control systems to provide command and communication with power systems equipment, or control systems technologies to promote safe, reliable integration of renewable energy sources and sub-utility-scale electric energy storage technologies.

Special Focus area of technologies to be considered includes; electrical energy storage connected to a building, or regulatory and technical hurdles associated with any form of non-fossil fueled power generation.

IV. PROGRAM REQUIREMENTS (ALL CATEGORIES A, B, & C)

Projects selected for funding must:

- (1) Address an eligible innovative renewable or other advanced clean power technology, storage technology for sub-utility-scale stationary applications, or technology that improves performance. Demand side management and peak load reduction technologies that do not produce or store electricity or are not integrated with a clean or renewable energy power technology are NOT eligible.
- (2) Provide direct and quantifiable energy, environmental, and economic benefits to New York State should the proposed project and necessary follow-on projects (if applicable) be successful. Benefits could include emissions reductions, job creation, product manufacturing and sales, increased reliability, high fuel-use efficiency, and reduced power costs. Since this solicitation is funded by the System Benefits Charge (SBC), projects must have benefits in the SBC territory.
- (3) Applicable to all categories: Provide a Business/Commercialization Plan that evaluates the technology or concept from the likelihood of having success in the marketplace.
- (4) Include a project budget using the attached Contract Pricing Proposal Form (CPPF) showing total project cost and proposer cost-share. Include a cost-sharing breakdown by project task in the Statement of Work.
- (5) Provide sharing of success by agreeing to pay recoupment to NYSERDA for any new technology or product development project requesting NYSERDA funding over \$75,000 upon product commercialization if applicable (see terms and conditions in Attachment F of attached Sample Agreement).
- (6) Demonstrate that the proposer and/or team of proposers are well qualified to carry out the submitted project proposal.
- (7) For Early-Stage Product Development or Product Development projects, emphasize development and/or application of marketable products for near-term commercialization rather than basic research, identify the components and/or processes of the technology to be addressed, and provide a preliminary commercialization and marketing strategy, and discuss the potential for manufacturing in New York State.
- (8) For Demonstration Feasibility Assessments and Demonstration Projects, clearly identify how this project will bring the product closer to commercial readiness, including provisions for credible field data collection/analysis, and how such demonstration will lead to increased use of what may be currently an under-utilized product in New York State.

- (9) Demonstration Projects must have specific, engaged New York demonstration site(s) of scale, and committed by time of contract.

Limitations – Both power generation and energy storage projects must produce electricity.

Other Considerations

– In addition, note that:

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

V. ADDITIONAL PROGRAM REQUIREMENTS (FOR CATEGORY C- DEMONSTRATION PROJECTS ONLY)

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

- (1) Be commissioned within 12 months of contract award.
- (2) Address safety issues, including public safety, that are applicable to the demonstration project.
- (3) Comply with all applicable zoning, building, fire, electrical, and interconnection codes, standards, and requirements.
- (4) Provide equipment sensors, instrumentation, and a complete data acquisition system for remote monitoring and reporting as specified below.
- (5) Demonstrate the technology viability and monitor the performance, characteristics, and benefits for a period adequate to meet project goals. If the period is under 18 months, the proposer must discuss why the proposed time is adequate. Unless the proposer demonstrates a compelling reason otherwise, at least 545 continuous operating days of data will be required.
- (6) Present an economic analysis of the proposed technology demonstration including an estimated cost/benefit ratio, and a plan to measure the actual cost/benefit ratio during the demonstration.

Data Acquisition System (DAS) Requirements

Each demonstration project awarded under Category C must provide sufficient instrumentation and data transmittal, and analytical capabilities to allow the collection and analysis of technical and economic performance data. The proposal should include a Data Acquisition System (DAS) for the purpose of providing system operating data to be used for evaluation and generation of reports on the overall performance of the technology being demonstrated. Data acquisition sampling rates must be adequate to characterize the benefits and the value proposition of the proposed application. For example, sampling rates for applications designed to enhance power quality or system stability would be much higher than sampling rates for peak shaving or arbitrage applications. In the event that the demonstration system performs multiple activities, the DAS must provide for the collection of data for all activities. All raw and summary data collected at the project sites must be archived and protected from loss on permanent media.

Reporting Requirements of Data Collected

The proposal must identify the project team member who will be responsible for the preparation and delivery of scheduled (monthly or quarterly) written project reports. System operational summary information must be generated regularly and included in progress reports. At a minimum, the system operational summary information must include the following:

- Raw data.
- System performance summary.
- Summary of system reliability and failure rates.
- A written summary of the economic benefit derived for the time period.
- A written summary of all operations and maintenance activities for the time period.
- System dispatch information and use patterns associated with the project, as appropriate.
- Energy consumption breakdown of parasitic loads introduced by the demonstration system, as appropriate.
- System performance under typical utility fault conditions, e.g. lightning strikes, primary phase to ground faults, voltage sags/spikes, electric outages, etc., as appropriate.
- System performance under user fault conditions, e.g. fault in customer plant, as appropriate.

Annual reports must be generated that consolidate all the information from the periodic reports and summarize demonstration system performance for the preceding year.

Historical Performance Data Reporting

Where appropriate to document project benefits, historical utility system operational data prior to the installation of the demonstration system is required in order to provide credible baseline data on electrical system performance before and after the installation of the demonstration system. Information concerning load profiles, peaks, overloads, faults, power quality events, and any other information required to fully characterize the operation of the electrical utility at the demonstration site prior to installation of the demonstration system must be collected by the proposer for a reasonable period of time. Comparison information must be made part of the progress reports.

VI. PROPOSAL REQUIREMENTS and SUBMISSION **(ALL CATEGORIES A, B, & C)**

Proposers will be required to use the Category Specific **form fillable** application provided as [Attachment C](#). The intent of the form fillable is to lead the proposer through the requirements in an orderly, organized manner, without repeating, or restating necessary information. Accurate completion of the respective form fillable document (Attachment C) should assure a complete and responsive proposal.

A form fillable application exists as Attachment C and shall be used for whichever respective Category of proposal you are choosing to apply. Chose one of the following:

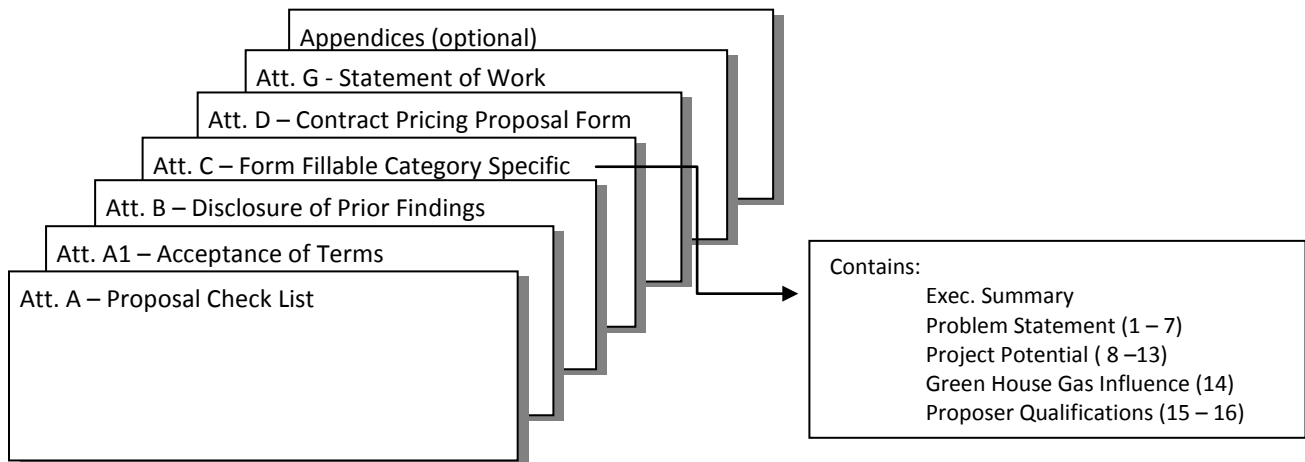
Category A – Early-Stage Product Development, Demonstration Feasibility Assessments, and Technology Facilitation

Category B – Product Development

Category C – Demonstration

The Program Proposal Narrative must have all the required questions/sections answered. If a required question is not answered, the proposal could be deemed unresponsive and may be returned. The proposer must use the forms provided to submit a proposal. Use of a different proposal format could be deemed unresponsive and may be returned.

Complete Proposal Package must be assembled in the following format:



VII. PROPOSAL EVALUATION (ALL CATEGORIES A, B, & C)

Proposals that meet Proposal Requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria identified below. Proposals will be evaluated compared to other proposals within the same category. NYSERDA reserves the right to interview proposers as part of the evaluation process. After the proposals are reviewed, NYSERDA will issue a letter to each proposer indicating the proposal evaluation results. Proposers receiving favorable evaluations will be invited to enter into contract negotiations with NYSERDA. The proposer may also be asked to address specific questions or recommendations of the TEP before contract award.

Problem and Proposed Solution

- How significant is the problem, opportunity, or barrier to New York State, and how well does the proposer understand the problem, opportunity, or barrier?
- How well does the proposed solution address the problem or opportunity and how well does the proposer understand the solution?
 - Is the proposed solution superior to alternatives, and does it provide a good value proposition for prospective customers? Does the proposer exhibit an understanding of the state-of-the-art, competing products or alternative solutions?
 - How appropriate are the goals (cost, technical, performance or other goals) for the proposed technology, product, or project?
 - How likely is it that the project will meet its goals?
 - What was the outcome of earlier work on the solution, if any?

- Does the proposal address an eligible technology?
- Is the target audience/customer appropriately identified and engaged in the project and is there evidence that the proposer has talked to appropriate market participants?
- For technology development projects, has the proposer appropriately addressed the need for intellectual property protection and freedom to operate?
For demonstration and demonstration feasibility projects, is the physical demonstration site located within a territory that pays a Systems Benefits Charge? Category C projects require a letter of commitment from the host site.

Business/Commercialization Plan or Technology Transfer and Replicability

- Is the subject technology or concept likely to be successful in the marketplace?
 - Does the proposing team understand what it will take to achieve successful market uptake of the technology or concept, and do they have the ability to achieve this?

- Has the market been identified and characterized and are there sufficient markets or needs for the concept/technology, project, or study?
- To what extent has the proposer engaged the market?
- To what extent does the proposer understand the market?
- How significant are the barriers to market entry or adoption of the concept, product, or technology?
- Does the proposer demonstrate a clear understanding of the steps required to overcome these barriers?
- Are the business and commercialization or replication and technology transfer plans appropriate for the type of project and stage of development of the technology, and are they likely to succeed?
- If follow-on financial resources are necessary, are plans to raise necessary financial resources likely to be successful?

New York State Impact and Project Benefits

- How significant will the energy, environmental and economic impacts be to New York State and in the service territories of the State's investor-owned utilities?
 - How well are the potential benefits to New York State quantified?
 - How likely is it that the projected benefits will be realized?
 - To what extent will there be economic benefits in New York State in the form of subsequent commercial activity?
 - Are the technical and business risks identified, appropriately addressed, and balanced by project benefits
- Will a significant part of the work on the project take place in New York State and in the service territories of the State's investor-owned utilities?
 - To what extent will staff located in New York State be involved in the project? (Note that proposals with a significant amount of work performed outside of New York State are less likely to be competitive.)
- How well does the project reflect NYSERDA's overall objectives (risk/reward relationships, similar ongoing or completed projects, the general distribution of NYSERDA projects among industries and other organizations, and the distribution of projects within New York State)?

Statement of Work and Schedule

- Does the Statement of Work include appropriate goals for the proposed project?
- Do the proposed goals adequately allow for measurement and verification of the success of the proposed project?
- Is the work strategy in the Statement of Work sound and likely to achieve the goals?
- Is the Statement of Work well organized, and complete?
- Does the Statement of Work identify deliverables that will clearly demonstrate progress?
- How realistic is the schedule for achieving the goals of the proposed project?
- Is the proposed level of effort reasonable to complete the proposed project?
- For Category C (demonstration projects):
 - Is a performance monitoring and data analysis effort included in the proposal and appropriate, and does it include baseline monitoring if appropriate?
 - Does the analysis plan include an economic analysis and projections?
 - Are the data acquisition, monitoring, reporting, and benefits tracking plans reasonable, and do they meet the requirements in Section V, 'Requirements for Category C Demonstration Projects Only'?

Proposer Qualifications

- Has the proposer provided evidence of being qualified to perform the proposed work based on the qualifications of the organization(s) and the involved individual(s)?
 - Were resumes of key individuals included in the proposal?

- To what degree does the proposer have the relevant and necessary background and experience?
- Does the team have the requisite knowledge of markets for the subject technology?
- Has the proposer provided evidence of good past performance on other relevant projects?
- Does the team include a New York State business, thereby providing economic benefits in the form of jobs?
- Is the proposing team appropriately organized and are staff allocations and responsibilities reasonable?

Project Cost and Value

- Is the overall project cost justified and reasonable based on the level of effort proposed and the expected benefits?
 - How significant is the potential market opportunity relative to the project?
- If the proposal is a Category B project requesting over \$500,000, are phases and costs for each phase clearly identified and is the NYSERDA funding request for each phase applicable to the requirements and appropriate for the funding request?
- How appropriate are the proposer's cofunding contributions (sources and amounts) with respect to the degree of risk, potential to benefit from the work, and financial status of the organization?
- How firm are the commitments and support from essential participants, cofunders, and related business and other organizations?
- Are costs reasonable?
 - Are the overhead rates reasonable and supported with appropriate documentation?
 - Are equipment, facility, material, and travel costs based on reasonable estimates?
 - Are the labor rates reflective of the industry?

Other Considerations – Proposals will be reviewed to determine if they reflect NYSERDA’s overall objectives, including: risk/reward relationships, similar ongoing or completed projects, and the general distribution of projects among categories, technologies, industries and other organizations, and geographically within New York State.

VIII. 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501

<http://nyserdera.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
30 South Pearl Street
Albany, NY 12245

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

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

State Finance Law sections 139-j and 139-k - 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 multiple, as it applies to solicitation) 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/applicants) in approximately (6) weeks from the (proposal due date/receipt of an application) whether your (proposal/application) 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.

ANNUAL METRICS REPORTS

On an annual basis, the Contractor shall submit, to NYSEDA's Project Manager, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be

documented. Reporting shall commence the first calendar year after the contract was executed. Reports shall be submitted by January 31st for the previous calendar years activities (i.e. reporting period). Please see Attachment E: Sample Metrics Reporting Guides for the metrics that you will be expected to provide and the reporting duration. **NYSERDA may decline to contract with awardees who are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.**

RECOUPMENT

Recoupment - For any new product research and/or development over \$75,000, NYSERDA will generally require a royalty based on sales of the new product developed. NYSERDA's standard royalty terms are 1.5% of sales or thirty percent (30%) of all license revenue accruing to the Contractor for products produced in New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to the amount of funds paid by NYSERDA to the Contractor, whichever comes first) and 5% of sales or sixty percent (60%) of all licensing revenues accruing for products produced outside of New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to three times the amount of funds paid by NYSERDA to the Contractor, whichever comes first).

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.

IX. Attachments

A Complete Proposal consists of:

- Attachment A: Proposal Checklist (one of which must contain an original signature),
- Attachment A-1: Acceptance of Standard Terms and Conditions,
- Attachment B: Disclosure of Prior Findings of Non-responsibility Form
- Attachment C: Form Fillable document applicable to each Respective Category – A, B or C (choose one)
- Attachment D: Contract Pricing Proposal Form (CPPF) and Instructions
- Attachment E: Sample Metrics Reporting Guides
- Attachment F: Sample Agreement with Exhibits
- Attachment G: Statement of Work Format