

Salesforce Application Development
Request for Proposal (RFP) 2990

Proposals Due: May, 21 2015 by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) is soliciting proposals from qualified contractors to provide design and build services for the implementation of *Salesforce* as an integrated enterprise solution. This solution will leverage and expand an existing *Salesforce* installation currently being used for Customer Relationship Management (CRM) and will allow for the replacement of disparate program-specific systems used to track projects and workflow.

Proposal Submission: Electronic submission is preferred, but NYSEDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposals must be submitted in either PDF or MS Word format with a completed and signed Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility (PDF format only). Proposal PDFs should be searchable and should be created by direct conversion from MS Word or other conversion utility, rather than scanning. For ease of identification, all electronic files must be named using the Proposer's entity name. Proposals may be submitted electronically by following the link for electronic submissions found on this RFP's webpage, located in the "Current Opportunities" section of NYSEDA's website (<http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are available on the website and as Attachment F to this RFP.

If mailing or hand-delivering, Proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing a PDF or MS Word digital copy of the proposal, following the above guidelines. Mailed or hand-delivered proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 2990
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

All proposals must be received by NYSEDA by 5 pm on 5/21/2015.

Technical questions concerning this RFP may be submitted to glen.kaatz@nyserda.ny.gov with the subject line "RFP 2990 Question." For contractual questions concerning this RFP, contact Elsyda Ahmed at (518) 862-1090, ext. 3232 or Elsyda.ahmed@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Glen Kaatz (Designated Contact) at (518) 862-1090, ext. 3203 or glen.kaatz@nyserda.ny.gov. Contacting anyone other than this Designated Contact (either directly by a Proposer or indirectly through a lobbyist or other person acting on a Proposer's behalf) in an attempt to influence the procurement: (1) may result in the 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 Proposer's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other 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.

1. BACKGROUND

1.1 Corporate Background

NYSERDA is a public benefit organization committed to identifying opportunities for reducing commercial and residential energy consumption, promoting the use of renewable energy sources, and protecting the environment. NYSERDA provides financial and technical assistance to help consumers, businesses and institutions assess and implement cost-saving energy efficiency measures.

Energy efficiency programs offered at NYSERDA also strive to provide affordable energy and a cleaner environment for all New Yorkers. This is accomplished by increasing public awareness of the multiple benefits of energy efficiency, by providing residential building performance services, and by making energy-efficient products more widely available to consumers.

1.2 Typical Business Process

NYSERDA makes five types of investments (also referred to as incentives or grants) to secure energy and environmental benefits:

- Investments to partially fund an energy-related construction project;
- Investments to fund a pilot or demonstration project which include aspects of funding a construction project and the other associated costs of the pilot itself;
- Investments to partially fund or provide services through a third party to a business or entrepreneur to develop a technology or product;
- Investments to partially secure risk associated with a private loan portfolio; and
- Investments to partially fund other types of energy-related projects or activities not characterized as construction or technology/product development.

Each type of investment is initiated with either a bid for a competitive program or an application for an open enrollment program.

After a review process, a decision is made whether to award a bid for a competitive program or to accept an application for an open enrollment program. NYSERDA then enters into a contract with selected bidders and applicants.

The selected bidders and applicants complete the work required by the contract and provide proof of completion as well as other information as stated in the contract. NYSERDA then issues payment of the incentive or grant. Some programs issue only one payment for the work performed while others issue multiple payments over time based on a pre-defined schedule or on demonstrated operational performance. NYSERDA often continues to collect energy and economic data after the final payment.

1.3 Systems Background

There are three types of front line systems currently supporting NYSERDA's project management, workflow and program reporting functions:

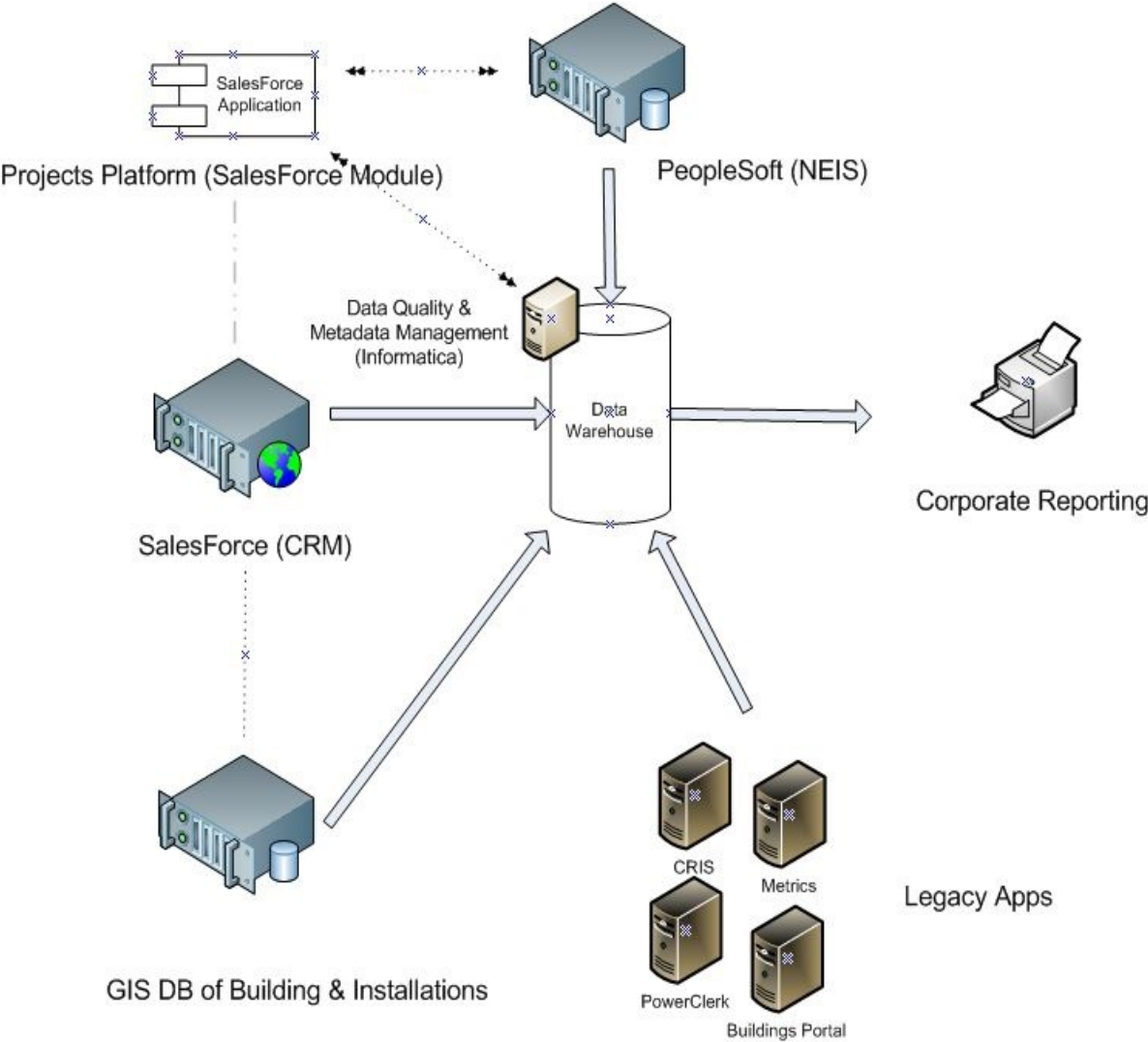
- Custom web applications (usually Microsoft .NET) built and maintained by internal staff;
- External systems on various platforms that are hosted and maintained by program implementation partners; and
- Spreadsheets and other data sources created and maintained by program staff.

These systems contain information about project details, contacts, location, energy production and savings, project and payment statuses, and incentive amounts and payments.

NYSERDA's financial accounting and contract administration system (NEIS) is on a PeopleSoft/Oracle platform on top of a Microsoft SQL database. The system is hosted externally but maintained by internal IT staff as well as the hosting contractor. There is limited integration of NEIS and the project management systems described above.

NYSERDA developed and maintains a custom data warehouse on a SQL Server platform that utilizes Informatica as a data quality rules engine and Tableau as a front-end reporting tool. This system is used to improve data quality and to centralize much of the program reporting requirements at NYSERDA.

NYSERDA recently installed *Salesforce* to consolidate disparate CRM data for part of the organization. This will serve as the foundation for the enterprise solution described in this RFP. This diagram offers a high-level illustration of the desired solution.



1.4 Systems Strategy

NYSERDA's strategy with regard to systems and technology is to consolidate disparate commercial and internally developed products and platforms onto commercial off-the-shelf software (COTS) or enterprise solutions; reduce complexity, integration points, and ongoing cost of operations; and reduce customization wherever possible by modifying workflow in order to fit out-of-the-box or configured solutions. This will enhance NYSERDA's ability to calibrate and adapt its technology layer to best support its evolving programmatic and policy goals. Consolidating disparate program-specific systems on the *Salesforce* platform is part of NYSERDA's overall technology strategy.

2. PROJECT SCOPE AND REQUIREMENTS

2.1 Objectives

The goal of this project is to integrate several business processes on the *Salesforce* platform to allow for the replacement of disparate program-specific systems currently used to track projects and workflow.

NYSERDA expects this project to achieve the following objectives:

- Provide a cost effective, secure and accessible management platform solution with minimal customization.
- Streamline business processes around standard operations and common workflows to require minimal customization.
- Integrate contacts and customers with project information and financial transactions.
- Provide a flexible configuration to meet new and changing business requirements and programs.
- Reduce administrative overhead and maintenance costs associated with maintaining multiple systems on multiple platforms.
- Improve data quality through point-of-entry controls and systems integration.
- Enhance reporting capabilities, accuracy and accessibility.
- Create a solution that will enable ease of communication and data sharing with external organizations as driven by business and policy needs.

2.2 Scope of Work

The scope of this project is to design, scope, build and implement a set of *Salesforce* applications to support NYSERDA's core business processes by providing the following functionality:

- Allow for the creation of a project upon receipt of a formal proposal, application or pre-application for a NYSERDA program, and associate that project to the specific lead/account/contact in the CRM system or create such if it does not exist.
- Provide the appropriate project data structure and workflow based on a specific type of project, a specific program, and/or a specific solicitation.
- Support the development of a project as it moves through NYSERDA's qualification, selection and approval processes.
- Upon the approval of a project or the selection of a bidder, push key account, contact and project data into the PeopleSoft contracting and financial system.
- Send and receive workflow status changes to and from the PeopleSoft system.
- Provide custom user experiences by creating project and status data templates and databases that are specific to the five fundamental types of projects that NYSERDA invests in.
 - Construction – a project to install a system for producing cleaner or distributed energy, or to retrofit an existing facility/equipment with energy conserving or productivity enhancing technology. Capture location, equipment, energy and environmental data for each project. Allow data collection template to collapse for simple projects and expand for complex projects.

- Pilots or Demonstration Projects – a project designed to prove the feasibility or cost/benefit of a technology or methodology, which is demonstrated through groupings of construction projects. Capture location, equipment, energy and environmental data for each project. Allow data collection template to collapse for simple projects and expand for complex projects. Allow for the aggregation and comparison of projects, groupings or sub-groupings across both project characteristics and benefits.
 - Technology/Products – a project to increase the success and/or cycle time of a business or entrepreneur in garnering capital investment, developing or commercializing products and employing New Yorkers. Capture location, technology, product type and sales, investment, employment and other data. Allow a standard data set to be collected periodically into the future to assess downstream impacts of the investment.
 - Financial Products – a project to increase the volume of loans and/or reduce the cost of loans made by private lenders in selected renewable energy, distributed energy and energy efficiency markets. Capture amount and type of loan activity including loan repayment and defaults. Capture data about the technology, energy and environmental benefits at a discrete loan and/or portfolio level.
 - Other – an energy-related project or activity not characterized as construction, technology/product development, or financial products. Capture descriptive data about the project/activity as well as energy and environmental data.
- Allow for flexible and extensible workflows and reports for the processing of a project's lifecycle from receipt through payment and close-out, and for the management oversight of these workflows and results.
 - Data and metadata must be available to the Informatica rules engine for data quality and metadata management, and data needed to support reporting and analytics must be available to the data warehouse.

The solution must be designed, built and tested for both new NYSERDA programs with no existing projects and for existing programs with projects that must be migrated from the current system or database into *Salesforce*. For this engagement, the solution will be implemented for a set of programs to be determined by NYSERDA based on the corporate priorities and strategic goals at that time. For the purposes of estimating costs for this RFP it should be assumed that the set of programs may consist of:

- One (1) existing program and one (1) new program investing in construction projects found in the commercial/residential sector; consisting of 3-5 data entry screens, 20-30 data fields collected, 3-5 custom reports and 1-2 data integration points with existing external systems.
- Two (2) pilots investing in groupings of construction projects; consisting of 1-3 data entry screens, 10-20 data fields collected, 2-4 custom reports and 1-2 data integration points with existing external systems.
- Two (2) existing programs and one (1) new program investing in technology/product projects found in research and development; consisting of 3-5 data entry screens, 20-30 data fields collected, 3-5 custom reports and 1-2 data integration points with existing external systems.
- Three (3) types of financial products provided by the NY Green Bank; consisting of 3-5 data entry screens, 20-30 data fields collected, 3-5 custom reports and 1-2 data integration points with existing external systems.
- Two (2) types of other projects and/or activities not characterized as construction, technology/product development, or financial products; consisting of 1-3 data entry screens, 10-20 data fields collected, 3-4 custom reports and 1-2 data integration points with existing external systems.

NYSERDA anticipates this project will be completed in two phases: *Requirements Definition and Design*; and *Application Development and Implementation*. The first phase will entail a comprehensive needs assessment and development plan **with the second phase requiring subsequent approval and funding by NYSERDA management to proceed**. It is desired to have the same vendor complete both phases of the project, however NYSERDA reserves the right to split phase 1 and 2 awards across vendors based on bid of projects identified and scoped in phase 1.

Phase I: Requirements Definition and Design

The initial phase will be to architect a design and configuration that best supports the functional requirements, data definitions, business processes and integration requirements of the NYSERDA programs and systems. This phase is expected to be completed in 90 days. The anticipated Tasks and Deliverables for Phase I, may include, but are not limited to the following:

Tasks:

- Conduct business process review sessions with staff and document current and desired states.
- Determine functional requirements and identify data requirements.
- Design custom objects, define record types, and establish naming conventions based on functional requirements, data definitions and desired business processes.
- Develop an integration plan for integrating with the CRM system, the PeopleSoft financial system, the Informatica rules engine, and the data warehouse.
- Establish a data migration plan for migrating data from existing legacy systems into the *Salesforce* environment.
- Identify integration opportunities and plans for integration with other vendor systems as applicable to individual applications.
- Size and document the types of data that will need to be collected, migrated and integrated.

Deliverables:

- Approach for project discovery and requirements definition
- Current and Desired Process Documentation (use cases and process flow diagrams)
- Functional Requirements Document
- Application Configuration Design
- Integration Plan
- Data Migration Plan
- ERD Diagrams
- Project Schedule for Phase II
- Cost Proposal for Phase II

Phase II: Application Development and Implementation

The second phase will be to build and implement a set of production-ready applications according to the design specifications agreed upon in Phase I. This phase will consist of two parts: one for application development and integration; and one for the testing, data migration, quality assurance, training, and initial rollout. The anticipated Tasks and Deliverables for Phase II, may include, but are not limited to the following:

Part A: Application Development and Integration

Tasks:

- Develop the approved applications to meet the functional requirements.
- Execute the approved Integration Plan.
- Create unit test plans for source code and integration services and perform as necessary.
- Establish roles and security configuration.

Deliverables:

- Accurately configured test and production instances.
- Well documented source code, integration services and security configuration.
- Unit testing documentation.

Part B: Implementation and Quality Assurance

Tasks:

- Execute Data Migration Plan.

- Perform post-migration testing of data quality and completeness.
- Create and execute end-to-end integration testing and performance testing.
- Develop and conduct user acceptance testing for data accuracy and required functionality.
- Create and execute initial training materials.
- Implement applications in production.

Deliverables:

- ETL and other migration scripts.
- Documented integration and performance testing results.
- User acceptance test plan and testing results, including a requirements traceability matrix.
- Issues and defects tracking log with resolutions.
- Training documentation.
- Fully functional and integrated enterprise solution on the *Salesforce* platform.

2.3 Engagement Requirements

Once under contract, the selected Proposer (hereinafter referred to as “the Contractor”) will be fully responsible for driving the successful completion of the project by utilizing a management approach and software development methodology suitable for the design/build nature of this engagement. NYSERDA will make available a cross-functional team to support the project throughout its lifecycle including a dedicated business analyst and a dedicated project manager to manage the contract, facilitate project activities, and communicate with upper management and staff. This project will undergo Independent Verification and Validation (IV&V) throughout its lifecycle.

The Contractor will be expected to be on-site at NYSERDA’s offices in Albany for most of the Requirements Definition and Design phase of the project, for periodic progress meetings and demonstrations, for certain implementation and training activities, and for other key events. NYSERDA will provide on-site work space and computers, if necessary, to all project team staff. It is expected that much of the development will be conducted off site.

The cost structure of the project will consist of a fixed price for the *Requirements Definition and Design* phase followed by a time and materials basis for the *Application Development and Implementation* phase. In addition, the Contractor must provide post-implementation maintenance and support to designated NYSERDA contacts for a period of six months based on a blended hourly rate. This will be Tier 2 type support (i.e., non-end users) and may include email and telephone communications as well as on-site consultations.

2.4 Service Provider Qualifications

Proposers must demonstrate skill and expertise in developing successful integrated and customized *Salesforce* solutions, including the successful completion of **a minimum of six (6) comparable projects**, where “comparable” is defined as non-CRM projects involving system architecture, custom application development, and external system integration. Details of this experience must be provided as part of the Technical Proposal described in the *Proposal Content and Format* section of this RFP.

In addition, NYSERDA prefers the following qualifications:

- *Salesforce* Alliance Partner (Gold Level or above preferred)
- Staff certified on the *Salesforce* platform (e.g., administrator, developer, architect, implementation expert)
- Experience working in a related business area (e.g., energy programs, government, construction and finance industry)

3. PROPOSAL CONTENT AND FORMAT

A completed and signed Proposal Checklist (Attachment A) must be attached as the front cover of the proposal, and must contain an original signature. Proposals lacking a signed Proposal Checklist will be returned and will not be considered for award.

For the purposes of evaluation, proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the Proposer, the RFP number, and the page number. The proposal must be in the following format:

- Section I: Executive Summary
- Section II: Technical Proposal
- Section III: Cost Proposal

Cost information must **not** be included in the Technical Proposal section.

3.1 Executive Summary

Provide a brief description of the overall approach and work effort. Please limit to 2 pages.

3.2 Technical Proposal

Technical Approach

Proposers should submit a Statement of Work that describes the proposed approach to performing the work and accomplishing the objectives identified in the *Project Scope and Requirements* section of this RFP. Where appropriate, Proposers are encouraged to include schematics and diagrams that provide both conceptual and technical descriptions of the proposed solution. The approach should address, at a minimum, the following:

- Overall approach to customized *Salesforce* implementation projects
- Proposed system development methodology
- Approach for project discovery and requirements definition
- Approach for integrating with existing external systems
- Approach for migrating data in a cloud-based environment
- Approach to training and deployment

Additionally, the Proposer should provide hardware and operating system specifications for the proposed solution sufficient to enable NYSERDA to determine whether it will be necessary for the authority to procure additional hardware and/or operating system software. Any such hardware and/or operating system software will be procured through procurement(s) separate from this RFP.

Company Experience and References

Describe company qualifications and prior experience implementing customized *Salesforce* solutions. Identify a minimum of six (6) completed non-CRM projects and provide, at a minimum, information regarding:

- Type of *Salesforce* implementation (e.g., CRM, application development)
- Project start and end dates
- Parameters indicating project size and complexity (e.g., number of end-users and locations, annual revenues, duration)
- Duration of any ongoing support or training relationships after initial deployment
- Integration requirements with external systems
- Type of client (e.g., government, non-profit, private) and industry sector

Provide a minimum of three (3) reachable references that can verify all offered experience. NYSERDA reserves the right to request information from any source so named, and further reserves the right to contact additional

references (including appropriate references not specifically named by the Proposer) to completely verify all offered experience, as well as to request additional references. Failure to provide reachable and responsive references will lead to the downgrading of a proposal's experience score. If the Proposer's team includes subcontractors, at least one (1) additional reference for each subcontractor must be provided.

Staffing Plan and Team Profile

Provide a proposed staffing plan that includes:

- Project organization chart (including size and composition of team)
- Identification of individual resources assigned to each of the project phases and tasks
- For subcontractors, a description of the specific need for the expertise and the arrangements for achieving subcontracting

Provide a profile/résumé (limited to no more than 2 pages) for each proposed team member. Each profile/résumé should include, at a minimum:

- Name
- Proposed role on this project
- Number of years of relevant experience
- Description of relevant experience
- Relevant certifications

Note: Should it become necessary to replace any team member, NYSERDA expects the Contractor to provide a replacement with skills comparable to those of the replaced team member. NYSERDA also reserves the right to interview and approve the replacement prior to that individual joining the project.

Management Approach

Describe the proposed approach to managing the project. The management approach should, at a minimum, address the following:

- Project management methodology including a change control process, cost management approach, risk management plan, document control methodology, and a communication plan
- Work Breakdown Structure (Phase I only)
- Project Schedule (Phase I only)
- Proposed problem resolution/escalation process, including identification of the Engagement Manager

3.3 Cost Proposal

The Cost Proposal sets forth the fees for performing the work described in this RFP and provides a resource schedule consistent with the level of effort identified in the Technical Proposal. Proposers must complete the Cost Proposal Worksheet (Attachment E) which consists of three parts:

- A fixed price for the *Requirements Definition and Design* phase, including a resource-loaded schedule to document the level of effort used to derive the price;
- Fully loaded on-site and off-site hourly rates per resource type to be used for the *Application Development and Implementation* phase; and
- A blended off-site hourly rate for post-implementation support.

Proposers are to submit fully loaded hourly rates that reflect applicable labor, overhead and fee costs including but not limited to printing, secretarial, program entry, computer charges, postage, travel, meals and lodging.

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.

4. EVALUATION OF PROPOSALS

4.1 General Selection Process

All written proposals will be reviewed and evaluated by a Technical Evaluation Panel (TEP) selected by NYSERDA. The TEP will score each Technical Proposal according to the criteria and scoring process described herein. Cost Proposals will be scored using the formula stated below.

4.2 The top-ranked Proposers will be invited to present a *Salesforce* solution relevant to this project. The TEP will score each presentation and the final score will consist of the total of the technical, cost and presentation scores. A contract award shall be offered to the Proposer who receives the highest total score. However, NYSERDA shall have no obligation or liability whatsoever to the Proposer selected as a result of this solicitation unless and until a contract satisfactory to NYSERDA is approved and executed.

4.3 Evaluation Process

The evaluation will be conducted in a comprehensive and impartial manner as set forth herein using the following steps.

Step	Title	Scoring Method
1	Mandatory Requirements and Minimum Qualifications	Pass/Fail
2	Technical Proposal	50%
3	Cost Proposal	25%
4	Total Proposal Score (Technical plus Cost)	Calculated
5	Technical Presentation (for qualifying Proposers)	25%

Step 1: Mandatory Requirements Review

NYSERDA will review submitted proposals for the mandatory requirements and minimum qualifications set forth in this RFP. All proposals meeting these requirements will proceed to the next step to be scored on the proposed technical solution and cost. Proposals that do not meet the minimum qualifications and mandatory requirements will not proceed further in the evaluation process. Mandatory requirements consist of:

* From section 3.0, a proposal broken into 3 sections with an executive summary no more than 2 pages.

* From section 3.2, description of a minimum of 6 completed non-CRM Salesforce projects.

Step 2: Technical Proposal Score

The TEP will evaluate the extent to which the Proposer's Technical Proposal meets the requirements as specified in this RFP under Section 3.2. TEP members will independently score each Technical Proposal and then meet to discuss the merits and scoring justifications of each Proposer. Evaluators will be allowed to revise scores based on the panel discussions.

Step 3: Cost Proposal Score

Cost Proposals will be evaluated based on the lowest total responsive proposer cost as detailed in Section 3.3. That is, the Proposer's cost that is the lowest will receive the maximum Cost Proposal Score. All other Proposers will receive a lower, scaled cost score based on the difference between their cost and the minimum Proposer's cost.

The Cost Proposal Score will be calculated as $(A/B)*C$ ((A divided by B) times C) where:

- A is total cost of lowest priced cost proposal
- B is total cost of cost proposal being scored
- C is maximum cost points available

The total cost of a proposal will be the sum of the Proposer's fixed cost provided for the *Requirements Definition and Design* phase and a calculated cost for the *Application Development and Implementation* phase that will be determined by applying the Proposer's hourly rates to a fixed level of effort per resource type. The level of effort per resource type will be determined by NYSERDA and applied consistently across all proposals.

Step 4: Total Proposal Score

The Total Proposal Score will be the sum of the Technical Proposal Score and the Cost Proposal Score.

The TEP will rank proposals in descending order from highest to lowest Total Proposal Score. Top-ranked acceptable Proposers will proceed in the evaluation process and be invited to present a solution relevant to this project. NYSERDA may, at its discretion, invite other Proposers to give a presentation.

Step 5: Technical Presentation Score

Proposers selected as described above will be invited to provide a technical presentation to the TEP. Proposers shall not be allowed to change their proposal during or after this presentation, unless responding to a request for clarification from NYSERDA.

TEP members will evaluate and score each presentation and the Technical Presentation Score will be added to the Total Proposal Score to determine a final score for a Proposer.

5. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://nyserda.ny.gov/~/mediaFiles/About/ContactINYSERDARegulations.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

New York Executive Law Article 15-A - NYSERDA is required under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of NYSERDA contracts. The MWBE participation goals and obligations of the selected Contractor are set forth in the Sample Agreement.

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 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 (4) 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.

6. ATTACHMENTS

- Attachment A: Proposal Checklist
- Attachment B: Disclosure of Prior Findings of Non- Responsibility
- Attachment C: Cost Proposal Worksheet
- Attachment D: Sample Agreement
- Attachment E: Electronic Proposal Submission Instructions