



**CHP System Inspection and Re-commissioning**  
Request for Proposal (RFP) 3019

Proposals Due: May 19, 2015 by 5:00 PM Eastern Time\*

The 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 CHP systems. In order to support this program, this RFP invites proposals for technical assistance to conduct site inspection and re-commissioning activities on CHP systems installed under PON 2568.

Proposals to this RFP will not be accepted from CHP vendors currently enrolled under PON/RFI 2568. The contractor selected under this RFP will not be eligible to enroll in PON/RFI 2568. NYSEDA anticipates selecting one proposer for this RFP.

**Proposal Submission:** Electronic submission is preferable. NYSEDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposers must submit the proposal in either PDF or MS Word format with a completed and signed Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility, in PDF format. 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 in the title of the document. Proposals may be submitted electronically by following the link for electronic submissions found on this RFP's webpage, which is 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 located as Attachment G 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 both 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 3019**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Paul Vainauskas at (518) 862-1090, ext. 3554 or [paul.vainauskas@nyserda.ny.gov](mailto:paul.vainauskas@nyserda.ny.gov) . If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or [venice.forbes@nyserda.ny.gov](mailto:venice.forbes@nyserda.ny.gov) .

No communication intended to influence this procurement is permitted except by contacting Paul Vainauskas (Designated Contact) at (518) 862-1090, ext. 3554 or [paul.vainauskas@nyserda.ny.gov](mailto:paul.vainauskas@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 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](http://www.nyserda.ny.gov) .

## **Introduction**

NYSERDA is seeking proposals for contractors to provide CHP system inspection services and re-commissioning services in support of NYSERDA's CHP Acceleration Program ("*Program*") under PON 2568 at <http://www.nyserda.ny.gov/PON2568>. NYSERDA anticipates that approximately 200 CHP installations, currently ranging from 50 kW to 1.3 MW each, will be installed via PON 2568 and some-or-all of these will require system inspection services and/or re-commissioning services across New York State over the course of the next four years. The majority of these installations will be in and around the New York City area. Please note that the number of systems is an estimate and could change depending on economic conditions or State policies. Eligible CHP systems under the Program are listed in NYSERDA's CHP Acceleration Program CHP System Catalog at <http://www.nyserda.ny.gov/PON2568>.

The contractor (selected proposer) will be asked to perform system inspections to verify that CHP systems and their associated monitoring/data logging systems were installed consistent with system specifications, and that the monitoring/data logging system is properly installed and operational. These inspections will be an important component to support NYSERDA's review and approval for payment of invoices associated with the installation of equipment at the project site. A system inspection will generally be conducted promptly upon completion of system installation.

In addition, the contractor will be asked to perform re-commissioning services to verify that the CHP systems installed are performing as originally intended, and to identify opportunities for CHP system improvements and operational refinements. Re-commissioning will generally be conducted during the sophomore year of system operation.

Proposers must be capable and willing to perform both system inspection services and re-commissioning services. Proposals for system inspection services only or re-commissioning services only, will be deemed non-responsive.

Performance monitoring and data collection for installed CHP systems is in accordance with the Monitoring and Data Collection Standard for Distributed Generation/Combined Heat and Power (DG/CHP) Systems at <http://www.nyserda.ny.gov/PON2568>.

## **System Inspection Services Requested**

System inspections will verify that the CHP equipment and monitoring equipment are installed in accordance with Program requirements and specifications. The contractor will work under the direction of, and in coordination with NYSERDA's Project Manager to provide system inspections for CHP systems. System inspection will be conducted upon completion of installation and initial commissioning of the system (the initial commissioning will be performed by the CHP system vendor).

The Contractor will be asked to conduct system inspections at sites throughout New York State. The Contractor will NOT be asked to verify that the CHP equipment was installed according to code. The Contractor may, however, be asked to verify the proper operation of the associated monitoring equipment and report any observations that may be of concern regarding the performance of the CHP system.

The Contractor shall be responsible for coordinating with the site owner/operator to schedule each inspection.

The Contractor will be required to prepare a report for each inspection and provide those to NYSERDA for review and acceptance. The reports will include photographs of installed CHP equipment and must identify any non-compliance with the system specification supplied by NYSERDA for the site. The Contractor will be expected to maintain records of site inspection for a minimum of 5 years following the date of inspection. Items to be verified may include, but are not limited to:

- Site/building name and location
- Name of CHP vendor
- Location of major system components at the site
- Number and rated output of CHP units
- Make, model and serial numbers of all major equipment including cogeneration units, inverters, pump modules, load modules, radiators, and other equipment panels as applicable
- Make and model of data logging device
- Location of sensors and meters with respect to proper measurement of associated system parameters between the CHP System and the site
- Communication support (phone, wifi, Ethernet, etc.) to the data logging device
- Proper configuration of priority loads for load shedding and backup operation

The Contractor is also expected to provide value added services during the system inspection, such as identifying installation peculiarities observed that might negatively impact the operation of the system.

### **Re-commissioning Services Requested**

Re-commissioning will determine if the CHP system and monitoring equipment is operating as intended and in accordance with Program requirements and specifications, and that the system is interfacing properly with building controls and infrastructure. The contractor will work under the direction of, and in coordination with NYSERDA's Project Manager to provide re-commissioning services for CHP systems to seek optimization from an energy efficiency, economic performance, and emissions perspective. In general, a re-commissioning will begin between the first and second year of CHP system operation. The contractor is expected to perform the following tasks:

- Site Assessments – including, but not limited to; reviewing existing CHP system documentation and performance data from NYSERDA's DG/CHP website (<http://chp.nyserda.ny.gov/home/index.cfm>), observing the system in operation, interviewing the building owner, system vendor, and others as needed to review system design, equipment installation and operational intent, reviewing equipment nameplate ratings, condition and calibration, reviewing control and operational problems, as well as operations and maintenance practices. The site assessment will also include looking at building occupancy and use, and identifying any changes since the original commissioning of the system and how those changes might impact CHP system operation.
- System Testing – including, but not limited to; re-calibration of sensors/meters, testing the system for identification of operational deficiencies, and identifying changes that would provide cost effective or operational improvements. This step would include the identification of specific testing (may require the installation of temporary additional instrumentation) to verify that the system is operating as originally intended and may uncover issues or deficiencies in the system operation.
- Prioritize Issues Identified – The contractor will work in consultation with the building owner and system vendor to prioritize issues identified during the re-commissioning. The value of any improvement will depend on many factors and the specific goals of the building owner. However, the primary emphasis will be on straightforward improvements that will be quick to implement and measure and will have meaningful impacts. The priority actions will need to be assessed for ball park costs to implement and benefits, in order to inform the investment consideration.
- Prepare Report – The contractor will prepare a detailed report on each re-commissioning and will review it with the building owner, system vendor, the NYSERDA Project Manager, and others as needed. The contractor will provide recommendations based on the building owner's needs and priorities.

- Implementation – System changes, adjustments, or improvements as a result of recommendations provided above may be conducted by the building owner or system vendor, depending on the complexity. The re-commissioning will not mandate any implementation, but it is anticipated that the coherent information provided by the re-commissioning will inspire rational decision making and accompanying actions by the building owner. Should the building owner decide to make any changes, adjustments, or improvements, the contractor is expected to provide clarification as needed for such implementation.
- Measurement and Verification – Once any changes, adjustments or improvements have been made, the contractor may be required to return to the site at an appropriate time to verify the effectiveness of the changes and to ensure that the desired results are achieved. Additional data collection may be required as needed. The contractor will prepare an addendum to the re-commissioning report identifying the impact of the changes.
- Catalog Lessons Learned, Best Practices and Trends – The contractor will develop a tracking system for compiling lessons learned and best practices for future sharing and dissemination. Information should be stored in a manner that allows users to identify information by keyword such that trends can be identified.
- Annual Report – The contractor will prepare and submit an annual report during the course of the contract that summarizes the findings from the sites re-commissioned over the course of the previous twelve months. The report shall identify all of the sites re-commissioned, trends, lessons learned, issues with particular vendor equipment, and recommendations for similar projects that can benefit from specific lessons shared.
- Dissemination of Lessons Learned, Best Practices and Trends – The contractor will be required to develop a plan for and conduct technology transfer activities, which may include publications, webinars, workshops and/or conferences as appropriate to help inform the marketplace of the lessons learned and the benefits obtained from the re-commissioning activities. This should be done in such a way as to encourage the marketplace that re-commissioning is beneficial and should be considered an integral part of implementing CHP.

### **Anticipated Timing of Workload**

It is possible that there may be some built-up workload for system inspections and re-commissionings, upon contract execution. It is expected that the selected contractor will establish detailed procedures for performing this work soon after contract execution. System inspections are expected to be conducted promptly as installations are completed and rapid execution of the actual inspections and completion of inspection reports will be required. Some systems are already operating and may be ready for re-commissioning at the time the contract is executed.

### **Proposer Qualifications**

- Proposer must demonstrate the ability to provide cost-effective, high-quality services to NYSERDA, and have the capability to coordinate and manage on-site work in a cost effective manner throughout New York State, with the majority of on-site activity taking place in the downstate region (Westchester and New York City), and must be capable of providing extensive services throughout the Con Edison territory while minimizing the cost of travel expenses related to the effort.
- Proposer must have demonstrated experience in CHP in the size range of 50 kW to 1.3 MW and show familiarity with various CHP related technologies such as reciprocating internal combustion engines (RICE), micro turbines and absorption chillers, and in particular, integration with existing building systems, evaluating CHP system performance, operational data analysis, system monitoring and testing, troubleshooting, identifying system improvements and operational refinements, and verification of effectiveness of changes.

- Proposer must have familiarity with New York State and New York City CHP rules and regulations affecting CHP, including utility (electric, gas, and steam), DOB, FDNY, Landmarks, NYC Department of Environmental Protection, and in particular familiarity with relevant certifications (e.g. UL 1741, UL 2200) and approvals required for NYC building permits and interconnection requirements.
- Proposer must demonstrate the capability to collect pertinent data, and compile it electronically so that the data can be organized in such a way so that common issues are detectable and trends can be identified.
- Proposer must have the ability to prepare highly technical written reports in an organized and easily understandable manner and effectively communicate to various stakeholders the content of those reports verbally through various formats such as meetings, webinars and conferences.
- Proposer/proposer team should have familiarity and experience with the following terms, concepts and analyses as they are related to the integration of CHP systems in existing facilities: facility load profiles, generator power output, fuel consumption, useful thermal outputs, parasitic loads (e.g., gas compressors, pumps, dump radiators, etc.) and equipment runtimes, monitoring hardware and instrumentation, energy flows and thermodynamic boundaries, flow of fuel, electricity and thermal energy between the CHP system and the facility, performance characteristics for key equipment and predicted annual power production, annual heat recovery savings, variation of CHP system power output, CHP system efficiency over wide range of annual operating conditions, quantifying the daily, weekly monthly, and annual variation of total facility power use (or power purchased from the utility) so that actual utility costs can be determined, determining the thermal loads imposed on the CHP system by the facility (or the useful thermal output supplied to the facility) to measure the total CHP efficiency of the system on a daily, monthly and annual basis; quantifying the variation of these loads with ambient conditions and operating schedules, quantifying the displaced fuel use on auxiliary equipment and systems to confirm the benefit of heat recovery, quantifying the amount of available thermal energy that is unused or “dumped” by the CHP system in order to demonstrate a system heat balance, determining the impact of generator operation on power quality in the facility (power factor, kVAR, frequency, total harmonic distortion), collecting diagnostic data to confirm the CHP system operates as expected and/or support of maintenance and operation activities, developing performance maps of CHP equipment and components to verify manufacturer specifications, determining environmental emissions from CHP equipment to quantify net emissions impacts of the system, and data logging equipment.

### **Proposer Eligibility**

- Proposers may be organized as single entities or teams, but if the arrangement is a team, one entity must be identified as lead.
- Proposer must not have a real or perceived conflict of interest that might unduly bias them towards or against, and must not be strategically aligned with, any of the CHP vendors in the Program catalog.

### **Contracting**

- NYSERDA anticipates awarding one contract under this solicitation; Attachment E is a Sample Agreement for this contract.
- NYSERDA may select the winning proposer, or proposing team, through review of written proposals, and at NYSERDA’s sole discretion, followed by in-person interviews of a down-selected subset of proposers.
- NYSERDA anticipates executing a 48-month contract, with an option to extend the contract an additional 12 months. NYSERDA will establish a master agreement, with some form of task work order issued for

each site that will undergo inspection/re-commissioning. Strategies will be refined as lessons are learned: it is likely that re-commissioning will be conducted on each-and-every project in a first batch of projects, thereafter it will remain to be seen if re-commissioning is justified for each-and-every subsequent project or if justified for only a subset of subsequent projects, or if a scaled-down version of the service is justified.

### **Annual Metrics Reports**

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

### **Proposal Requirements**

#### ***Summary (2-page limit)***

- Identify the prime (lead) proposer and all entities/team members collaborating in the proposal.
- Summarize your understanding of the requirements of this RFP, the general approach as to how you will fulfill them, and why NYSERDA should select your firm.
- Identify and explain any potential or perceived conflicts of interest or state that there are none to the best of your knowledge.

#### ***Qualifications and Experience (7-page limit)***

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 Eligibility requirements listed above.
- Demonstrate how the proposer meets the Proposer Qualification requirements listed above. Provide specific examples of previous work as it relates to the qualifications required and services requested, with sufficient detail to adequately demonstrate your experience. Please include a sample inspection report and a sample re-commissioning report representative of your team's previous experiences (preferably regarding CHP projects, but surrogates regarding other complex energy technologies will be acceptable). Redacted versions are acceptable, but not encouraged. This sample does not count toward the page limit for this section.

#### ***Statement of Work***

The Attachment D Sample Statement of Work provides a template for defining the work to be conducted under this RFP. Use this template as a basis to create a detailed Statement of Work that accommodates your approach to conducting the services that are requested. This Statement of Work should be submitted as part of your proposal and should include the following:

- Describe, in sufficient detail to adequately demonstrate your qualifications, your approach to conducting the system inspection services requested herein for the purpose of validating compliance in accordance with Program requirements and specifications.
- Describe, in sufficient detail to adequately demonstrate your qualifications, your approach to conducting the re-commissioning services requested herein for the purpose of ensuring that the system is performing as designed, as well as identifying opportunities for system improvements and operational refinements. Identify any value added services/tasks not listed herein that you think should be included in the re-commissioning, especially those that might result in a significant benefit to the site owner if they were to be included.
- Describe your approach for collecting, organizing, and managing system operational data, and identifying lessons learned from the re-commissionings.
- Describe your approach to disseminating pertinent information and sharing lessons learned and best practices with the CHP marketplace including potential CHP customers. The objective is to further raise the competencies of CHP project developers and to build confidence in the marketplace and promote the implementation of CHP. This effort should also include the development of a “guide” which can be available for use by building owners to help them make informed decisions regarding implementation of CHP including the benefits of re-commissioning, as well as improvements to the way CHP systems are initially commissioned by the CHP system vendors.
- It is expected that as more systems are re-commissioned, there will be opportunities to streamline the re-commissioning process, so that it can be performed better, faster and less costly. Describe your approach to streamlining the process to achieve the objectives above.

### ***Cost Estimates for Typical CHP Installations***

Provide detailed cost estimates for the following scenarios described below. Document any additional assumptions as needed to demonstrate a clear understanding of the scope of work requested.

- I. System inspection for a system comprising of an inverter-based CHP system (micro turbine or RICE) and heat recovery package, integrated into an existing electric, space heating and domestic hot water system.
- II. Re-commissioning for a system comprising of an inverter-based CHP system (micro turbine or RICE) and heat recovery package, integrated into an existing electric, space heating and domestic hot water system.

It is expected that as more systems are re-commissioned, the process for re-commissioning will be streamlined. Therefore, you should base your estimate on the first few systems and include a plan for streamlining that could enable subsequent systems to receive these services at reduced costs. Also, since the findings from a re-commissioning can result in additional follow up action which may involve further data analysis and subsequent site visits in order to validate the impact of potential changes implemented to the CHP system, please include in your estimate only the basic tasks that will be performed for every re-commissioning. A separate method of compensation for those additional “post-improvement” follow up services will be addressed accordingly.

### ***Staffing Plan (2-page limit)***

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

### ***Workload Flexibility Plan (2-page limit)***

The workload described in this RFP, particularly related to the re-commissioning activities, has the potential to vary depending on the size and complexity of CHP systems installed, the rate at which CHP systems are completed, the timing of those completions, scheduling constraints, and the findings identified as systems are re-commissioned. NYSERDA supports the notion of test-measure-adjust with regard to the way the program is administered for conducting these services and may choose to modify the quantity and/or frequency of CHP installations requiring re-commissioning. As such, NYSERDA anticipates regularly occurring communication to identify upcoming workload and associated issues. Describe your proposed priority sequence and capabilities for responding to periodic spikes and adjustments 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 supporting documentation to support the multiplier or 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) are approved by an independent organization, such as the federal government, provide a copy of such approval.
- If rate(s) are 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, please provide a Letter of Intent to Participate from the subcontractor, as part of the proposal.

### **Proposal Evaluation**

Proposals that meet proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) using the evaluation criteria below:

- Has the proposer demonstrated the ability to provide cost effective services, adequate staffing and workload flexibility, particularly in the downstate region (Westchester and New York City) while minimizing the cost of travel expenses related to the effort?
- Does the proposer have sufficient technical expertise with the CHP technologies and size range identified herein, including operation, testing, and evaluation?



- Does the proposer have familiarity with the NYS & NYC rules and regulations associated with installation of CHP systems?
- Does the proposer's approach to conducting the system inspections as detailed in the Statement of Work seem reasonable and effective in verifying that CHP systems and their associated monitoring/data logging systems were installed in accordance with Program requirements and specifications?
- Does the proposer's approach to conducting the re-commissioning services as detailed in the Statement of Work seem reasonable and effective in verifying that the CHP systems are performing as intended, and identifying opportunities for system improvements and operational refinements? Does the Statement of Work adequately address all requirements identified herein?
- Does the proposer's approach to collecting, organizing, and managing system operational data, and identifying lessons learned from the re-commissionings, as detailed in the Statement of Work seem reasonable and effective in identifying common issues and trends, and does the proposer's approach to disseminating information to the CHP marketplace seem reasonable and effective?
- Do the proposer's written samples adequately demonstrate their ability to prepare highly technical written reports in an organized and easily understandable manner?
- Is the proposed cost reasonable with respect to the qualifications, proposed effort and other proposers?
- Did the proposal include all required documents including Letter of Intent to participate from subcontractor(s), if applicable?

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](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)).

Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf> .

**Contract Award** - NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately 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 – Sample Statement of Work
- Attachment E – Sample Agreement
- Attachment F – Sample Metrics Reporting Guide
- Attachment G – Instructions for Submitting Electronic Proposals