

Phase I Proposals Due: February 25, 2015 by 5:00 PM Eastern Time *

NYSERDA is seeking proposals from insurance brokerage companies to meet NYSERDA’s property, liability, and certain other insurance requirements and to advise NYSERDA on addressing risk management requirements that are in the best interest of NYSERDA. NYSERDA will use a two-phase process to select an insurance broker and their coverage proposals.

In Phase I, proposers will be evaluated based on their qualifications and experience. Proposals submitted in Phase I must include a list of preferred carriers in order of priority. Proposers may not contact any carriers to obtain pricing until authorized to do so by NYSERDA.

In Phase II, one or more companies will be asked to submit quotes for specified property, liability, and other insurance coverage from one or more insurance carriers designated by NYSERDA.

Proposal Submission: All proposals must be received by NYSERDA by 5 pm on February 25, 2015.

Electronic submission is preferable. NYSERDA will also accept proposals by mail or hand-delivery as set forth below. 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 NYSERDA’s website (<http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are located in that section as Attachment D 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 and 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 3068
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Peter Mahar at (518) 862-1090, ext. 3224 or peter.mahar@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.

No communication intended to influence this procurement is permitted except by contacting Peter Mahar at (518) 862-1090, ext. 3224 or peter.mahar@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 bidder’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 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

The New York State Energy Research and Development Authority (NYSERDA) is a public benefit corporation established pursuant to Title 9 of Article 8 of the Public Authorities Law of the State of New York.

Information on NYSEDA’s programs is contained in the Annual Report available on its website at <http://www.nyserda.ny.gov/-/media/Files/Publications/Annual-Reports-and-Financial-Statements/2014-Annual-Report.pdf>. The most recent audited financial statements for the fiscal year ended March 31, 2014 are available at <http://www.nyserda.ny.gov/-/media/Files/Publications/Annual-Reports-and-Financial-Statements/2014-Audited-Financial-Statements.pdf>, or by written request.

NYSERDA currently maintains insurance policies for property, liability, and umbrella (excess) liability with coverage amounts and terms as summarized in Attachment E.

II. Minimum Qualifications

Proposers must be duly licensed by, and in good standing with, the New York State Insurance Department. Proposers must have experience in providing broker of record services for commercial organizations, and preferably governmental or not-for-profit organizations. Proposers must describe and demonstrate their expertise and experience in placing insurance for each of the policies currently maintained by NYSEDA, included in Attachment E.

III. Program Requirements

The proposer(s) selected after Phase II of this RFP will be responsible for assisting NYSEDA with all aspects of its property and liability insurance coverages, including but not limited to:

1. Identifying issues and exposures and negotiating on NYSEDA’s behalf with insurance carriers and keeping NYSEDA informed of significant developments. The Broker shall be authorized to represent and assist NYSEDA in discussions and transactions with all insurance carriers, provided that the Broker shall not place any insurance on behalf of NYSEDA unless so authorized in writing by NYSEDA.
2. Following up with insurance carriers for timely issuance of policies and endorsements. Following placement, deliver binders prior to expiration of the current policies.
3. Reviewing policies and endorsements for accuracy and conformity to specifications and negotiated coverages.
4. Providing coverage summaries for all new coverages and updates on changes to existing coverages.
5. Processing or facilitating the processing of certificates of insurance, as requested by NYSEDA.
6. All claims will be reported to the Broker who will forward the claim to the insurance carrier. The Broker shall monitor the claim status and assist NYSEDA in obtaining timely resolution of the submitted claim.

IV. Term

It is anticipated the initial term of the insurance policies ultimately awarded will be effective upon the expiration of the current policies: April 30, 2015 for the Commercial Property policies; April 30, 2015 for the Liability/Umbrella policies; and January 1, 2016 for the Long-Term Disability policy. NYSEDA desires for the new policies to be established with an annual policy renewal date of May 1 of each year thereafter. NYSEDA will consider, and prefers, proposals from insurance carriers to provide established renewal pricing for policy periods through April 30, 2020.

V. Phase I Proposal Requirements

Completed proposals must be either electronically submitted (see Attachment D), or proposers must mail or hand-deliver (2) paper copies of their proposal along with a CD or DVD containing both a PDF and MS Word digital copy of the proposal to the attention of Roseanne Viscusi at the address on the front of this RFP. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which must contain an original signature. **Late proposals will be returned, and proposals lacking the appropriate completed and signed Proposal Checklist may be returned.** Faxed or e-mailed copies will not be accepted.

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. NYSERDA may request additional data or material to support proposals.

Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws is available at: <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>). In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

Proposal Format

To facilitate comparison of proposals, proposers must submit proposals in a format that corresponds to the following outline:

Section 1. Introduction: Provide a brief description of the agency/company, its services, and its overall qualifications. Information provided in this section should include, but not be limited to: number of years providing similar services; number of employees; and approximate number of clients. For national or multi-office locations, provide information on both a firm-wide basis as well as the office from which the account will be serviced.

Section 2. Staffing: Identify the proposed account executive and any other staff who will provide regular services to NYSERDA in providing the insurance broker services described herein. For each person identified, include information indicating the length of time with the agency/company, length of service in insurance or risk management, approximate number of clients served, and any professional/associate designations.

Section 3. Qualifications and Relevant Experience: Briefly describe the agency/company’s qualifications and relevant experience in providing insurance programs as described in this RFP and for organizations similar in size and risks to that of NYSERDA. Based upon your review of information about NYSERDA’s programs and services and its existing insurance coverages, provide any comments or suggestions for NYSERDA’s consideration for the specific insurance quotation coverages to be requested under Phase II of the RFP.

Section 4. References: Provide three (3) references from customers currently receiving insurance coverages from the agency/company. For each reference, provide an individual contact person name, address, and telephone number.

Section 5. List of Insurance Carriers: Proposers must list in order of preference the insurance carriers that the insurance brokerage company would prefer to be assigned if selected to provide a quote in Phase II of the RFP. Proposers may not contact any insurance carriers to obtain pricing until authorized to do so by NYSERDA. Following Phase I, one or more proposers will be asked to submit quotes for specified property, liability, and other insurance coverage from one or more insurance carriers designated by NYSERDA. These quotes will be used as the basis for the selection of the insurance brokerage companies and the insurance carrier and coverage.

VI. CONTRACTOR SELECTION AND PROPOSAL EVALUATION

A. Contractor Selection

Following the Phase I evaluation process described below, Proposers will be selected to advance to Phase II. Under Phase II, Proposers will be required to provide quotes for specific insurance coverages summarized in Attachment E. Phase II proposal requirements, instructions, and due date will be provided by NYSERDA at the time of notification.

B. Proposal Evaluation

1. Phase I Evaluation

Proposals received by the due date will be evaluated by an evaluation panel of NYSERDA staff. The panel will evaluate the qualifications and experience of each proposer to provide the insurance brokerage services described herein. The evaluation criteria are listed below:

Proposer Experience and Qualifications

- a. Background of the insurance brokerage company.
- b. Experience in providing insurance services to organizations similar to NYSERDA including public sector clients.
- c. Resources available to the firm, including number of employees, number and location of offices, and affiliated companies.
- d. Past performance of firm and staff.
- e. Background and experience of account executive and other support personnel, including professional qualifications and length of time working with the agency, and length of time working in insurance or risk management services

Responsiveness to the Request for Proposal

- a. Requested information included and thoroughness of response.
- b. Understanding and acceptance of the services requested.
- c. Clarity and conciseness of the response.
- d. Demonstrated understanding of risk management issues facing NYSERDA, including any observations or recommendations on NYSERDA’s current coverages.

The proposer is a NYS-certified minority-owned or women-owned business.

Proposals must meet the Proposal Requirements as articulated in Section V: Proposal Requirements. Proposals that fail to meet one or more of the criteria may be determined to be non-responsive and may be disqualified from further consideration by the evaluation panel.

2. Phase II Evaluation

Proposals submitted under Phase II will be evaluated based upon the proposed insurance policies including policy premiums, rating of the proposed insurance carrier, and coverage provided under the terms and conditions of the policies. NYSERDA requires proposals that include coverage of all NYSERDA insurance requirements as outlined in Attachment E. Proposals that do not meet this requirement will be deemed non responsive.

VII. 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

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 Attachment C.

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 or more awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to

the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. 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 8 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.

VII. Attachments:

- Attachment A - Proposal Checklist
- Attachment B - Disclosure of Prior Findings of Non-Responsibility
- Attachment C - Article 15-A (MWBE) Provisions
- Attachment D - Electronic Proposal Submission Instructions
- Attachment E – Current Insurance limits
- Attachment F - Sample Letter Agreement